

DÁIL ÉIREANN

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Déardaoin, 15 Meitheamh 2006.
Thursday, 15 June 2006.
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Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

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Paidir.
Prayer.
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Order of Business.

The Tánaiste: It is proposed to take No. 13, motion re proposed approval by Dáil Éireann for a Council decision concerning the signing of the agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the member states of the European Union and Iceland and Norway; No. 21, Planning and Development (Strategic Infrastructure) Bill 2006 [*Seanad*] — Second Stage, resumed; No. 24, Health (Nursing Homes) (Amendment) Bill 2006 — Second Stage, resumed; and No. 2, National Oil Reserves Agency Bill 2006 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that No. 13 shall be decided without debate and that parliamentary questions scheduled for Wednesday, 21 June 2006, on the EU Council meeting in Brussels shall not be disallowed as being anticipatory of statements on such Council meeting scheduled to be taken on that day, and shall be moved to be taken first as ordinary oral questions to the Taoiseach on that day.

An Ceann Comhairle: There are two proposals to put to the House. Is the proposal for dealing with No. 13 agreed to? Agreed. Is the proposal for dealing with parliamentary questions on Wednesday, 21 June 2006, agreed to? Agreed.

Mr. Bruton: I welcome the agreement on the social partnership. It would be churlish not to recognise the considerable work that has gone into negotiating an agreement. However, why has the Government not made an effort to address the democratic deficit in the way this agreement is put in place? It contains numerous promises of legislation for the future. Is it not time we had a more transparent and open system for deciding our priorities for ten years into the future? Is it not extraordinary that the Oireachtas has never been consulted about this agreement and was

never consulted about or debated the last agreement?

An agreement has been put in place which purports to set out a framework for legislation over the next ten years and the Oireachtas has no say in it. We are being seriously by-passed. This is not a new topic. The Government was well aware of the concern in the House about this issue before it commenced the process of negotiating the partnership agreement. We are not the only ones who are left out; the views of the public service, consumers, parents——

An Ceann Comhairle: I would prefer that the Deputy did not debate it. A brief comment is allowed.

Mr. Bruton: The point I am making is entirely in order. It refers to the ordering of our business——

An Ceann Comhairle: It is not in order. The Chair is allowing a brief comment this morning but we cannot debate it. The Deputy should confine himself to a brief comment.

Mr. Bruton: It is a brief comment and it would be more brief if I was allowed to complete it. I was coming to a conclusion. However, I contest your attempt to rule that it is out of order——

An Ceann Comhairle: You are welcome to contest it, Deputy, but the Chair has ruled on it.

Mr. Bruton: It is definitely in order because the document contains numerous commitments.

An Ceann Comhairle: It is not in order. If the Deputy reads Standing Order 26, he will see that it is not in order.

Mr. Bruton: This is legislation promised in a Government document. The Government has signed up to it.

An Ceann Comhairle: You should name the legislation and make a brief comment.

Mr. Bruton: There is employment rights legislation, pension services legislation, planning legislation——

An Ceann Comhairle: We cannot have a Second Stage speech on this. I will listen to the Deputy and then I will hear a brief comment from Deputy McManus.

Mr. Stagg: The Chair is making up rules as he goes along.

Mr. M. Ahern: Withdraw that.

Mr. Bruton: Numerous legislative measures are promised. I wish to raise a second issue.

An Ceann Comhairle: I will call you for the second issue. I will hear Deputy McManus on the same issue if she wishes to comment briefly and then call Deputy Sargent.

Ms McManus: On behalf of the Labour Party, I welcome the conclusion of an agreement. However, it is astonishing that an agreement that extends over ten years and covers a swathe of public policy has not at any point been subject to public scrutiny. We still have not seen the agreement. It appears that the media received this information ahead of the public representatives in this House who have been excluded from the process. Is that acceptable to the Tánaiste? Does she believe it produces political accountability? Will she outline what time has been provided to consider the terms of the agreement and how soon we can have this debate? What does she intend to do to remedy this gross deficit in democratic accountability?

Mr. Sargent: Your contribution, a Ceann Comhairle, in which you asked what legislation this is related to makes the point very well. This House has been excluded from the process of negotiating the partnership agreement. If there is a debate on this matter, will we also be allowed to vote on it? Could an Oireachtas committee have a role in engaging with the partnership process so there is democratic accountability? The process has a laudable objective but it lacks the democratic mandate that this House brings to the proceedings. The process is not yet finished as there is no agreement on the agriculture pillar. For the remainder of the process we must ensure we go forward recognising, as is recognised in Sweden, that this partnership agreement does not take account of the elephant in the room, that is, the energy crisis this country is facing, more than any other European country. Will the Tánaiste allow an Oireachtas committee to complete the process which would be helpful in ensuring the plan, if it is for ten years, thinks about aspects that are not apparent in 2006? I do not see the process as having done that. While it is important there is agreement it is equally important that we have sufficient planning to meet the needs of ten years hence rather than the needs of the day.

The Tánaiste: I welcome the successful conclusion to the social partnership negotiations which have been ongoing for a considerable period. Initially it was hoped to have concluded those negotiations before St. Patrick's Day. Three months post St. Patrick's Day they have been concluded with the exception, as Deputy Sargent has acknowledged, of the farming pillar. The agreement has been concluded with three of the four pillars. There are issues around democratic accountability and I have acknowledged that in the House previously. It would be a good thing if the House was to debate, subject to the agree-

ment of the Whips, the agreement which has yet to be ratified by the various pillars. In any negotiations the Government clearly has a majority and, therefore, it negotiates on behalf of the country. On behalf of the majority in the House, I cannot see how one could have negotiations with a whole host of parties seeking to negotiate with the different pillars. It would be a good thing if we were to have a debate in the House before the summer recess on the partnership agreement. It is a ten-year agreement. The pay element is for 27 months but many other aspects of the agreement are for a period of ten years. That is a good thing. We have to think in terms of that period to get perspectives on many issues particularly on many social policy issues.

Mr. Bruton: The Government promised as part of its legislative programme, reflecting commitments in the Progressive Democrats and the Fianna Fáil manifestos, that as part of a general reform of the court systems there would be reform of the various court elements through new legislation to reduce the delay between charging and trial. Today we read there are up to 5,000 drink driving cases at risk of being dismissed because of delays in the court system and delays in bringing forward those cases for trial. Surely this indicates an extraordinary lack of urgency in delivering what was promised five years ago in respect of reforming the way the courts address the delay between charging and trial.

An Ceann Comhairle: We cannot have a debate on the issue. We will hear about the legislation if it is promised.

Mr. Bruton: It is a core objective of Government to improve road safety and to deal with this issue.

An Ceann Comhairle: That may well be but there are other ways it can be raised.

The Tánaiste: Obviously this matter will be adjudicated on in the courts and I, therefore, do not wish to comment on the specific issue. The Transport Bill is coming before the House next week and a courts Bill is promised. My note says it is not possible to indicate at this stage when it will come before the House and I do not know whether it will deal with the specific issue.

Mr. Bruton: That commitment in the programme for Government has completely gone off the radar—

An Ceann Comhairle: That matter does not arise.

Mr. Bruton: —and we are seeing the chickens coming home to roost.

The Tánaiste: I will raise the matter with the Minister for Justice, Equality and Law Reform.

Mr. J. O’Keeffe: It looks as if we are facing into another fiasco.

An Ceann Comhairle: I call Deputy McManus and she is entitled to be heard without interruption.

Ms McManus: I wish to raise two items. There are three weeks remaining in the session. According to the legislative programme, 16 Bills were promised for publication during the session. Four have been published. Does the Tánaiste feel like old mother Hubbard and that there is nothing in the legislative cupboard? Is that the problem? Certainly committees are idle. Legislation that is urgently needed includes the hepatitis C compensation scheme Bill, which the Taoiseach promised every effort would be made to deliver during this session. I cannot think of any issue more important than the effect contaminated blood products had on people’s health.

An Ceann Comhairle: I am sorry Deputy, we cannot have a debate on the issue.

Ms McManus: The second point I wish to raise concerns the Barr tribunal report which was promised in March. The unfortunate John Carty was killed in 2000. The tribunal finished its hearings in 2004. Will the Tánaiste explain, since the tribunal was set up by the House, the reason for the delay? It is a mystery to everybody, certainly to those on this side of the House, as to what is causing the delay. Is it a matter of resources?

An Ceann Comhairle: Will the Deputy allow the Tánaiste to respond?

Ms McManus: I would be grateful if we get some information on this matter because we are not getting answers by way of parliamentary questions.

An Ceann Comhairle: Perhaps the Deputy will allow the Tánaiste to respond.

The Tánaiste: In regard to the 16 pieces of legislation, the commitment is to publish those pieces of legislation before the start of the next session. Specifically in regard to the hepatitis C Bill, I hope to publish it next week. I am not briefed on the Barr report. It is not a legislative matter and I do not know the reason for the delay.

Ms McManus: This is the problem we have. The tribunal was established by the House, it may lead to legislation——

An Ceann Comhairle: Sorry Deputy, we cannot have a debate on it. I suggest the Deputy submits a question to the Minister responsible.

Ms McManus: ——and yet we are not being informed as to the reason for the delay. What is the point of establishing tribunals if we end up with information that is garnered not being made available to the public?

An Ceann Comhairle: I call Deputy Sargent. I ask Deputy McManus not to disrupt the business of the House. Deputy Sargent has been called.

Ms McManus: Report after report is being delayed.

Mr. Sargent: I wish to ask about promised legislation and if it is promised given that approximately 5,000 drink driving cases are likely to be struck out.

An Ceann Comhairle: That question has already been dealt with. I call Deputy Naughten.

Mr. Sargent: The Mr. A debacle highlighted the need for legislation.

An Ceann Comhairle: Deputy, we cannot go back over business that has already been dealt with.

Mr. Sargent: I am not going over business, I am asking for promised legislation on that matter so that in the event of those cases falling——

An Ceann Comhairle: What legislation, Deputy?

Mr. Sargent: ——the place is not overrun with drunk drivers.

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

Mr. Sargent: I also want to ask about the electoral reform Bill.

An Ceann Comhairle: The Tánaiste on the electoral reform Bill.

Mr. Sargent: That first issue needs to be addressed so we do not fall into this trap again.

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

Mr. Sargent: The electoral reform Bill is the second legislation I want to ask about on the basis that it will give prisoners voting rights.

An Ceann Comhairle: The Deputy does not have to debate the Bill now.

Mr. Sargent: I imagine they will choose not to be located in Thornton Hall with the Minister for Justice, Equality, and Law Reform.

An Ceann Comhairle: On promised legislation—

Mr. Stagg: The Deputy should take Thursday morning off. He is very contrary. We would get on very fine without him here without any hassle on a Thursday morning.

Mr. Sargent: We need to get the air conditioning working here, a Cheann Comhairle.

An Ceann Comhairle: Deputy Stagg, I take many of my rulings from comments made on how to conduct the business in the House.

Mr. Sargent: It is becoming a shouting match and I do not want it to be so. The electoral amendment Bill refers to prisoners being given votes. Will that Bill be published before it is decided to build in Thornton Hall?

The Tánaiste: The heads of that Bill were approved by the Government last December and this Bill will be published in this session.

Mr. Naughten: In light of reports this morning that schoolchildren are being used for tasting and evaluating food products without, in some cases, the consent of schools or parents and in light of the battle in the Tánaiste's Department in regard to vaccine trials, without the consent of guardians or parents of children, where is the foster care guardianship Bill? Will she ensure this type of abuse will be addressed in legislation?

The Tánaiste: The child care amendment Bill will be published this session.

Mr. Naughten: Is that before the start of the next session?

The Tánaiste: That is what it means, before the start of the next session.

Mr. Costello: May I ask the Tánaiste about two items of promised legislation? Today we were supposed to debate the Defence (Amendment) Bill but it has not been published. I understand it has not been brought to Cabinet. Can the Tánaiste give us any idea as to when we can expect it?

I wish to ask about two conflicting responses on promised legislation. Last week the Tánaiste told me here that we would have a Bill to facilitate the new children's hospital. I am glad the Cabinet has made a decision on that. The Taoiseach told me yesterday no legislation was needed. The Tánaiste might clarify if new legislation is going to be necessary to implement the

new dispensation, or whether the Taoiseach has been telling the truth.

The Tánaiste: With regard to the Defence Amendment Bill, I understand the Minister for Defence, Deputy O'Dea, is in Kosovo this week, so he will bring the Bill to the Cabinet next week.

Mr. Naughten: Is anyone protecting the country while he is away?

The Tánaiste: In response to Deputy Costello, the children's hospital will require legislation.

Mr. Costello: So the Taoiseach was wrong.

Mr. Naughten: Someone might inform him.

The Tánaiste: There may be some confusion. The legislation has to do with the governance of the institution. This will be a State hospital.

Mr. Costello: Will the project be able to proceed without legislation?

The Tánaiste: Yes. The legislation relates merely to the governing structure we will put in place when the hospital is in existence. My Department will start drafting that legislation so the project can proceed without it. I do not know how quickly we can get the legislation prepared, but it will only be necessary for the governance of the hospital when it is in place.

Ms C. Murphy: The cancer control strategy recently published as part of the framework for quality cancer control looks for mandatory notification of cancer to be put in place through appropriate legislation. Is it envisaged that legislation will be in place in the lifetime of this Government?

The Tánaiste: Some of the issues dealt with in the cancer forum report will be dealt with in the HIQA or Health Information and Quality Authority legislation, which relates to standards, quality assurance and information. The heads of the Bill were published for consultation, and the consultation process concluded at the end of May. I hope to have the legislation later this year.

Mr. Durkan: When the Tánaiste was on this side of the House she was, correctly, a strong advocate for accountability and transparency. Now that she is on the other side of the House, for however long, how does she address questions put down for her for answer in the House being transferred to an outside agency?

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

Mr. Durkan: The legislation concerned is the eligibility for health and personal social services

Bill, wherever it has gone. I remind the Tánaiste that accountability goes across the House.

An Ceann Comhairle: We cannot discuss what the Deputy might like to say when the Bill comes before the House.

Mr. Durkan: The fact the Tánaiste refuses repeatedly to answer questions on the record in the House is an abomination.

The Tánaiste: We answer more questions in our area, the health area, than does any other Department.

Mr. Durkan: There are more questions to be asked. There will be more asked next year.

An Ceann Comhairle: The Deputy should confine himself to the Order of Business.

Mr. Stagg: The Department of Health and Children took over questions on nuclear energy.

The Tánaiste: The Deputy is a bit of a nuclear challenge himself.

Ms Burton: At the time of the budget, the Minister for Finance promised us a social investment fund to which the banks promised €25 million in lieu of the €100 million annual levy. The Minister indicated this would require legislation. Can the Tánaiste say if the Attorney General examined this issue? This fund is badly needed. Many community groups do not qualify for commercial lending from banks because the risk profile is too high. Apparently the banks have given their miserable €25 million contribution in return for dropping the €100 million levy—

An Ceann Comhairle: The Deputy must allow the Tánaiste to answer with regard to the legislation.

Ms Burton: We have only three weeks left, and the Minister for Finance promised us this in the budget.

An Ceann Comhairle: The three weeks will be gone if we do not move on with the business.

The Tánaiste: I am not aware of the specific commitment. The issue of legislation has not yet come before the Government.

Ms Burton: So it will just lie there.

Mr. McEntee: It was finally acknowledged yesterday that the north-eastern part of the country has the worst health services. It was also announced that a hospital centre of excellence will be built in the area, which I and Fine Gael have welcomed. However, it was also put clearly to us yesterday by the chief executive of the HSE

that it will be on other people's heads if we do not accept their recommendations. Will the Tánaiste and Minister for Health say if during the nine years during which the hospital will be built, the hospitals already in Meath, Louth, Monaghan and Cavan will continue to be improved and have a standard as high as others in the country?

An Ceann Comhairle: That does not arise on the Order of Business. I suggest the Deputy submits a question to the Minister for Health and Children.

Mr. Gogarty: Given today's revelations of the scandalous and exploitative practices of carrying out market research in schools for commercial companies, as well the creeping commercialisation in our education system—

An Ceann Comhairle: Has the Deputy a question on education legislation? What legislation is the Deputy talking about?

Mr. Gogarty: This is a preamble. I am getting to that, but must put the matter in context.

An Ceann Comhairle: I do not want to know the context. I want to know what legislation the Deputy is referring to.

Mr. Gogarty: It is in light of an issue I raised last week regarding the protection of children from sexual predators and the Education Act 1998. Is legislation promised to amend this Act to stop commercialisation in our schools? Schools are being used for propaganda.

The Tánaiste: The Deputy should raise that issue with the Minister for Education and Science.

Mr. Gogarty: I raised the matter of sexual predators with the Tánaiste last week. This is a bit of a cop-out.

An Ceann Comhairle: The Deputy may ask only about promised legislation.

Mr. Stanton: The Department of Community, Rural and Gaeltacht Affairs has not got much on the legislative programme. It only has one Bill, the Údarás na Gaeltachta Bill. Instead of answering my questions in the Dáil, the Department refers me to the website. Is this a new practice in the Department?

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

Mr. Stanton: The Bill does. When will the Bill be published?

The Tánaiste: Next year.

Mr. Durkan: Mañana.

Mr. J. O’Keeffe: I want to raise the issue of the number of persons arrested, charged or awaiting trial under sections 1 or 2 of the Criminal Law Amendment Act 1935. On Wednesday of last week in the Dáil, the Taoiseach indicated he thought the figure was 20, and said he would write to Deputy Kenny to give him the exact figure. The issue was again raised with the Minister for Finance, Deputy Cowen, when he was taking the Order of Business. He confirmed it was his understanding that the Taoiseach would write to Deputy Kenny.

Yesterday, in the House, I had a question on that issue for the Minister for Justice, Equality and Law Reform, and even at that stage, his response was that the information requested was not available. When in the name of goodness are we to have the answer?

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

Mr. J. O’Keeffe: It arises out of this Act, and that this information was promised to the House.

An Ceann Comhairle: The Deputy should find another way of raising the matter.

Mr. J. O’Keeffe: Can I ask the Tánaiste when we will have this essential information?

The Tánaiste: I do not know. I am sorry. I will raise the matter before the end of the session.

Mr. Durkan: Does anyone know?

Mr. J. O’Keeffe: This is a fair indication of why we have a real problem here.

Mr. Broughan: Last month the Taoiseach said that this month we would have the electronic communications Bill. Yesterday, at the Oireachtas Committee on Communications, Marine and Natural Resources, we were far from idle and spent about 12 hours talking to the broadband industry representatives, who remain desperately unhappy.

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

Mr. Broughan: Will we have the Bill before the end of the session?

The Tánaiste: We will certainly have it by then.

Ms McManus: May I ask—

An Ceann Comhairle: The Deputy has already spoken.

Ms McManus: I appreciate that.

An Ceann Comhairle: There is no provision for this.

Ms McManus: I did not ask to come in twice. The Ceann Comhairle offered me the opportunity. I appreciate the Tánaiste was not able to answer the question this morning about the report of the Barr tribunal. Would she please furnish the Opposition parties with the information?

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

Ms McManus: I thank the Ceann Comhairle for his co-operation.

National Pensions Reserve Fund (Ethical Investment) (Amendment) Bill 2006: First Stage.

Mr. Boyle: I move:

That leave be granted to introduce a Bill entitled an Act to amend the law relating to the National Pensions Reserve Fund.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Mr. Kitt): No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members’ Bill, Second Stage must, under Standing Orders, be taken in Private Members’ time.

Mr. Boyle: I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

European Arrest Warrant: Motion.

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

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

a proposal for a Council Decision concerning the signing of the agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the member states of the European Union and Iceland and Norway,

a copy of which proposed measure was laid before Dáil Éireann on 12 May 2006.

Question put and agreed to.

Message from Select Committee.

An Ceann Comhairle: The Select Committee on Justice, Equality, Defence and Women's Rights has concluded its consideration of the Criminal Justice Bill 2004 and has made amendments thereto.

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

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

Mr. Deenihan: Like the previous 54 or so speakers, I welcome the opportunity to speak on this Bill. Planning has become a significant issue.

As the economy continues to expand, it will become a greater challenge. The Minister will agree that there has been a major absence of real planning, especially in recent times. All parties in the House can take credit for our economic growth. The party that founded the State can take most credit for it.

The Fine Gael Party agrees with the general principles of the Bill. However, as outlined by our spokesperson, Deputy O'Dowd, some issues must be addressed on Committee Stage. There is a concern about local councillors' input into major decisions that will affect their areas. If the Bill's provisions are not amended, a deficit in accountability will arise.

The Bill's main provision is to create a strategic infrastructure division in An Bord Pleanála to deal exclusively with national infrastructure projects. This is an important departure and will facilitate the development of such projects. Some of the provisions will impact on the Kerry North constituency. The construction of a liquefied natural gas, LNG, receiving terminal in the Shannon Estuary was recently proposed. The Bill will impact on the planning process for this project and the final decision on whether it will receive planning permission.

The amending section to the Schedule to the principal Act outlines various infrastructure categories of national significance such as energy, environmental and transport. It includes an installation for the onshore extraction of petroleum or natural gas. The provision also includes an onshore terminal, building or installation, whether above or below ground, associated with an LNG facility. This is precisely what is being proposed for the Shannon Estuary. One would believe the Bill was specially drafted to accommodate the Shannon project.

The environmental infrastructure provision includes incinerators and landfills, two vital infrastructure components that will be decided not by a local council but the new division in An Bord Pleanála. Major concerns are emerging over this provision among local communities and local authorities. It is a contentious issue because no

one wants an incinerator or landfill in their back yard. If local people cannot have an input into the planning process, they will see their local councillors as being irrelevant. I accept that, under the Bill, local councillors can, within ten weeks of an application being launched, make a submission to the special division of An Bord Pleanála. However, that is just a submission. Apart from that, a local authority will have little input into the final decision whether approval is given for an incinerator or landfill. This will result in a deficit of accountability from which problems will arise.

I welcome the inclusion of coastal works to combat erosion and maritime works capable of altering the coast through the construction of dykes, moles, jetties and other sea defence works, where in each case the length of coastline on which the works would take place would exceed 1 km. Vital coastal works have been held up before because of frivolous objections. The community gain aspect provision must also be welcomed. Where developers carry out major infrastructural works such as roads, for example, a small provision of 1% is made for the arts. The community gain aspect is an extension of that provision. For example, where landfills are provided, the community in which it is based should be entitled to better roads. As most landfills are provided in scenic areas, the developer should provide walkways and picnic areas. Under this provision, the developer can also make contributions to community centres and local sporting organisations.

The Bill will fast-track the planning process for major infrastructural projects, which is a positive aspect. Shannon LNG, an Irish subsidiary of Hess LNG Limited, has entered the initial stages of providing a major development which will help secure Ireland's long-term supply of natural gas. The company has entered into an option-to-purchase agreement with Shannon Development for 281 acres of the 600-acre agency-owned land bank between Tarbert and Ballylongford, County Kerry. Subject to feasibility studies, technical assessments and planning and other approvals, the project will become a €400 million LNG receiving terminal. I welcome the provisions contained in the Bill that will facilitate and fast-track this proposal, as there was concern locally that it could take five years from the announcement of the project to its completion. I hope the Bill will help to fast-track the process.

Liquid natural gas, LNG, is natural gas that has been cooled to a very low temperature, -160° centigrade, at which point it becomes a liquid. It is stored and transported in insulated tanks at normal atmospheric pressure like a cold drink in a Thermos flask. Liquefying natural gas reduces its volume by more than 600 times which makes it manageable for storage and transportation. LNG is produced primarily in places where large gas reserves have been discovered but where the location is often too distant from markets to economically transport the gas by pipeline.

[Mr. Deenihan.]

Natural gas is liquified at these locations and loaded on LNG tankers. LNG export sources include Algeria, Australia, Egypt, Indonesia, Malaysia, Nigeria, Oman and Trinidad. LNG exports are also planned from a number of other countries, including Norway, Russia and Venezuela.

As natural gas is the most environmentally friendly fossil fuel, over the past two decades it has become a global fuel of choice for electricity generation, other industrial energy consumption, home heating and cooking. For many years the Kinsale Head gas field was Ireland's only source of natural gas. However, this field is nearly exhausted. In recent years the UK North Sea was the primary supply source but its supply too is rapidly becoming depleted. Some industry forecasts predict the UK will be importing over half of its natural gas needs by 2011 from remote fields in Russia, Algeria, Norway and elsewhere. Because Ireland imports 85% of its natural gas requirements from the UK and given that the UK source is under pressure, I hope we will be able to provide our own source of natural gas in the Shannon Estuary and that the Bill will facilitate this process.

The promoters of the project were unaware of this proposed legislation and they anticipated it would take a number of years to go through the planning process in Kerry County Council. In his reply, I would appreciate if the Minister would refer to this development which is the most exciting for some time in this country. In one sense, it justifies the Bill.

Port development is another matter to which I wish to refer. A number of alarming conclusions emerged in the recent survey by Indecon International Economic Consultants of a number of Irish ports. Due to recent developments in shipping and the increase in the size of ships we need a bigger draught in our harbours to facilitate the new super liners. In the previous national development plan, a total of €80 million was spent on ports although the required amount was €330 million. That spend was totally inadequate. Not one Irish port can handle a ship requiring an 11 m draught.

I hope this Bill will expedite port development when proposals on strategic infrastructural development in our ports come before the special division of An Bord Pleanála. Exporters have expressed major concern at the lack of proper port facilities. It is important to be mindful of ports in terms of strategic infrastructure.

I am sure Deputy Ring will also refer to local planning. I have heard him express concern in the House on several occasions about this issue. While the Bill does not refer to structures for planning at local level it does touch on the role of local planners and councillors. Most politicians hold the view that the local planning system does not measure up to the expectations of applicants, local councillors and the community in general.

In rural areas especially there is major concern and disillusionment with the planning process. That has manifested itself in various ways. For example, next Monday an emergency motion will be considered by Kerry County Council which calls for an emergency meeting to discuss planning in the county. It was not unusual for in the region of 60 sections 140 to be discussed by Kerry County Council on Mondays. A moratorium was imposed on sections 140 and councillors tried to be as practical, reasonable and responsible as possible. However, councillors are now becoming frustrated and we could well be faced with a proliferation of sections 140 yet again.

The system appears to be breaking down due to a lack of proper pre-planning and consistency. Up to seven area planners can operate in the county and each gives planning permission for a different type and standard of house. In one area, two-storey houses will not be allowed while in another area, dormer houses are not allowed. In spite of that, one can see new two-storey houses built in scenic areas on elevated ground in parts of the county. There is total inconsistency among planners in County Kerry. When one drives to Dublin one can see houses on elevated sites on the N21, the main road from Abbeyfeale to Limerick. Examples of this approach to planning can also be seen elsewhere around the country.

I recall one planner who took the approach that if a house could be seen from any angle within a one or two mile radius, he would not give planning for it. He used the posts of the house as an indicator and if he could see them through his binoculars from any part of the landscape within two miles he did not grant planning permission. However, the opposite view could be taken in another county. The planning system is in a shambles.

When the Fianna Fáil Party had its summer get-together a few years ago at a time when this matter was topical, the Taoiseach announced that guidelines would be introduced to resolve rural planning. These guidelines have not had the desired impact. General standards should be set down for house planning that take different local landscapes and amenity areas into account. If that does not happen we will continue to have a problem with planning. It is becoming a major issue in counties Meath and Kildare that are on the periphery of Dublin and are taking the population overspill from the city. It is also an issue in scenic counties such as Kerry and Mayo.

Local people whose families have lived in a village or community for three or four generations are being forced to move elsewhere because they cannot get planning permission to build homes on their own land. This point has been made by various Members in the debate. This Bill is not concerned solely with local planning and some further legislation is required to address the number of planning application refusals in rural areas. This causes great frustration and puts enormous pressure on young families in particular.

Some young couples with small children are obliged to live with their parents or in rented accommodation because they cannot get planning permission to build a house on their parents' land. There are many stresses involved in modern family life, with both parents often obliged to work to meet large mortgage payments and the costs of their children's education. The inability to secure planning permission is an added stress.

A new system should be established whereby local authorities would adopt a pre-planning function, with increased accessibility to planners and greater consultation between the applicant, planner and agent. There should be a central role for councillors, who are currently effectively excluded from the process because they cannot access information.

I welcome the general thrust of the Bill because its provisions will be of assistance to certain persons in my constituency and others in similar situations elsewhere. However, I am concerned that it may give rise to a democratic deficit given that local councillors will no longer have any significant role to play in regard to some major issues. They will be able to make comments and observations but will have no effective influence. The Bill serves to centralise planning of major projects at a time when we are concerned with decentralisation. In terms of the power of local councils, however, we are moving in the opposite direction. The legislation will have some positive effects but the question of a potential democratic deficit must be addressed by the Minister.

Mr. Ring: I do not support this dangerous Bill, which provides evidence that the State is becoming a dictatorship. The time has come for people to march in the streets in protest at the denial of their rights in a range of areas. I am reminded of a disagreement I had with the Mayo county manager in regard to the provision of halting sites. I told the manager I would welcome a halting site beside my home as soon as he did the same. It goes without saying that such a site has never been and never will be constructed beside a county manager's house. The same principle applies to this legislation. Everybody is eager to support infrastructural development so long as it does not happen close to their homes.

This is the most dangerous legislation that has ever come before the House because it seeks to deprive people of the power to make observations and objections in regard to planning matters. We are told its provisions relate only to critical infrastructure but we can be certain it will only be critical for developers. Evidence from successive tribunals indicates who this Bill will ultimately benefit. In time, another Minister will introduce additional legislation that will further expand the provisions of this Bill to ensure developers are making enough money and paying enough of it to politicians. Developers may eventually be given such extensive powers that they will no longer require planning permission

for building projects. This is dangerous legislation and it should be opposed. I hope my party will join me in opposing it because the public does not support its provisions. The time has come for us to stand up and be counted.

With each Bill we pass in this House it seems we are taking power from the people, in the person of the Minister, and handing it to faceless people who have never stood for election. Members of An Bord Pleanála and departmental officials were not elected and are not accountable to the people in the same way as politicians. We will ask the public to re-elect us next year but we must ask ourselves what function we serve. This House is only a talking shop and its Members no longer have any power. The same applies to local authorities. The public, however, wants us to reclaim that power even though it has undoubtedly been abused by Ministers and others in the past. Instead of making heroes out of such people, we must deal with them effectively. I am sickened by what goes on every day.

I am pro-planning in that I am generally supportive of development. However, I will give an example from my constituency to illustrate the problems with the planning system. Last year, a major garage in Westport successfully applied to Mayo County Council for planning permission to construct a new premises on a national primary road. At the same time, a young couple was refused planning permission to build a house some 100 yd. away. I raised this issue repeatedly until the council eventually agreed that a second application by the couple would be successful. After securing the approval of the council for this second application, however, the young couple was then faced with an objection from the National Roads Authority, NRA, lodged at 4 p.m. on the last day. I telephoned the authority and asked how it could object to this application when it had no difficulty with the construction of a garage on the same road. I received no satisfactory response.

It seems certain that somebody was corrupt in this process. There is no consistency in regard to such decisions. It makes no sense that the NRA should find a house accessed regularly by one or two cars more objectionable than a garage accessed by perhaps 200 vehicles. I support the construction of that garage but I also insist on consistency in the planning process. Will the Minister contact the NRA and ask it to withdraw the objection to this young couple's planning application? This may be their only opportunity to acquire their own home because they cannot afford to buy a site in Westport. The Minister must challenge the NRA on its inconsistency in this matter.

It is important that we discover why this happened. Why were the interests of big business accommodated while those of a young couple were thwarted? There must have been corruption. If there is a genuine reason, I would like to know what it is.

An Ceann Comhairle: The Chair would prefer if Deputy Ring did not use the word “corruption”.

Mr. Ring: I have to use it. Can the Ceann Comhairle explain why the NRA objected to the planning application of this young couple but granted permission to the garage? That must be corruption and I will name it as such. Why did it happen?

An Ceann Comhairle: It is not appropriate to make such a charge in the House.

Mr. Ring: I will not withdraw it until I have been given a valid reason. When an answer is provided I will come into the House——

An Ceann Comhairle: I ask the Deputy to listen to the Chair. It is not appropriate to use the word “corruption” in this House unless it can be substantiated, just as is the case outside the House.

Mr. Ring: I will come into the House and withdraw the charge when the NRA explains why it objected to this young couple’s application but had no difficulty with that of the garage. If the NRA can provide a reasonable justification, I will offer an apology in this Chamber. I will not retract my statement now, however, because what took place is wrong and I want to know why it was done.

It is to be hoped the Bill may be useful in regard to the development of quarries. I am aware of situations in Ballina and Swinford where the best the Minister could tell people who objected to such developments was to get independent legal advice. How can we expect an individual to take on big business and why should they have to do so? A system should be in place to accommodate objections and observations in such cases. Every local authority is supposed to have an enforcement section. I do not see it working. The Ombudsman, a number of years ago, pointed out that enforcement was very much needed but the only people who local authorities attack are small individuals who perhaps add a small extension to their houses. When such people are caught, they are threatened with court proceedings. However, local authorities do not deal in the same way with big businesses or quarry operations. This must be dealt with in legislation if we are serious about this Bill. We must also deal with existing legislation in this area.

The Government and the Minister have spoken about the need to get crucial infrastructure through the planning process. However, we already have what is probably the greatest piece of infrastructure in this country, namely our railways. Despite this, Iarnród Éireann, which runs the rail network on behalf of the State, has not managed to maintain its contract with the Guin-

ness group and is losing much of the business it has. The Guinness barrels that were once transported by rail are now transported throughout the country by road, despite the fact that the roads are already in crisis because of congestion. Members of the Government lecture us about the importance of fast-tracking critical infrastructure while at the same time we have crucial infrastructure in place that is not being used. No Minister is taking this issue on board and I do not understand that.

Deputy Deenihan, who spoke about local authorities and planning, was quite correct when he said that people were frustrated with the planning process. Two years ago Fianna Fáil and the Minister for the Environment, Heritage and Local Government sent instructions to local authorities which have not been obeyed. The time has now come to give elected representatives an input into the planning process. It is not right that locally elected representatives are blamed for the planning process even though they have no say in it. It is the managers and staff in the planning offices who decide on planning applications.

If we are serious about planning, local authorities and giving power to local government, it is time to put some mechanism in place to give locally elected representatives an opportunity at least to express a view on a planning application submitted to a council. Whether permission will be refused or granted, local representatives should be able to make observations on the application. The situation has gone from one extreme to the other. Power has been taken from local authority members and given to officials with the result that nobody has a say in the process. Something must be done to address this.

I meet people daily who are frustrated with the process. As with the National Roads Authority, they are frustrated with the inconsistency of local authorities. In my constituency, a large house has been built along the shore. Other people have applied for planning permission to build along the shore but have been refused. When they see the house that has been built there, they ask how the owner obtained planning permission. They wonder at the reason for that. I will not put the details on the record of the House because the Ceann Comhairle will stop me, but I can tell anyone, privately, who wants to know why the planning permission was obtained. I can tell people where the owner worked and how he obtained the permission. It is wrong. The same planning rules should apply to everybody. If Joe Soap cannot build on the shore, nobody else should be allowed to either.

Inconsistency is the main problem with the planning process. A person applies for planning permission but is refused. Six months later, another person applies for permission for a nearby site and is granted permission. That is what creates problems. This Government will have to examine the area of one-off houses and do something with the planning system.

People who had to leave this country when times were hard are coming home and seeking permission to build a house on their own land but are being refused. If farmers want to sell a site to educate their children, they should be given permission to do so. They should be able to sell an asset if they so wish. The Government and the European Union have destroyed farming and pushed people, including farmers, off the land. The only asset farmers have is their land but they cannot even sell sites to others to build a number of houses to educate their families or provide themselves with a few euro to live, given that the agriculture sector in this country has been destroyed. Increasing numbers of people are leaving the land because they cannot make a living from it.

We must have clear instructions on who can build in this country. Young people are not asking the State for something for nothing. They are not asking the State to buy a site or build a house for them. All they ask for is an assurance that if they buy a site, they will obtain planning permission easily.

I spoke to a lady a number of days ago who was very frustrated with the system. She has three children and is expecting a fourth. Her planner had two pre-planning meetings with the local council and submitted a planning application. The council sought further information and by the time all of the required work was done, the process had cost the woman €10,500. Last week planning permission was refused, despite the fact that two pre-planning meetings were held and €10,500 was spent. She was not asking the State for anything. All she wanted was to build a house for her family. She is from the local area and did not come from elsewhere. She is frustrated and upset but she does not blame the planners. She blames the politicians because they are the people who are elected and expected to do something for local people. She was not looking for something for nothing or for favours. All she wanted was to build a house on her own land. It is wrong that she cannot do so and something will have to be done with this issue.

Deputy Deenihan referred to section 4 motions. I was a member of a local authority for many years. I do not like section 4 motions and I do not want to see their use returning. However, today's councillors are becoming increasingly frustrated and will start tabling section 4 motions which will result in bad planning. Powerful people will again be able to exert pressure on councillors to table such motions. I would prefer to see a situation where councillors work with planners and local authorities to develop a fairer system so that people are given an opportunity to build and find it easy to obtain planning permission.

People are getting frustrated and upset. I assure the Minister that they will become more vocal between now and May of next year. Two years ago, people filled halls throughout my con-

stituency and I can see that happening again soon. People are frustrated with the planning process. They want to see something done to make the procedure easier. I am not saying that we should allow people to destroy the countryside by building in every corner and scenic spot. However, I have seen planning permission being refused for sites that one would wonder at anybody wanting to live on. Nonetheless, that is their business and perhaps it is the only land they have or can afford. The site might be their only opportunity to build a house and it is wrong that they are pushed aside and not given a chance to set up a home for their families.

We must strengthen the existing planning laws rather than introducing this Bill, which will bring about more development. Of course, we are all in favour of development and of badly needed roads, but we do not want a situation where people who have genuine concerns are not given an opportunity to object. We cannot expect the ordinary citizen to be able to take on the State, local authorities, the National Roads Authority or the Government, to hire lawyers and to go court. However, that will happen because people will be forced to do so to protect their land, themselves, their families and their homes.

We want to see the development of critical infrastructure in a timely manner. We have seen road projects been held up by snails. In my constituency, a development at Moore Hall is being held up because of the discovery of a species of bat that has not been seen for approximately 100 years. The bat is holding up the entire development process. That kind of ridiculous situation must be dealt with. There must be a way of protecting an animal without halting an entire development.

We do not want a situation where people who have genuine concerns or complaints are left feeling that they cannot raise objections or do anything to halt a development. We cannot allow the Government to decide that a development is critical infrastructure and then ensure that developers, builders or landowners get planning permission and get paid quickly while people who are concerned about their own rights, homes and families have no way to object or do not have the resources to do so. We must be careful how we deal with this legislation, it would be wrong if we did nothing to ensure these people are protected. The planning laws are creating problems and people are frustrated. We are taking powers from elected representatives and handing them to managers and now to An Bord Pleanála. Responsibility has been handed over to bodies like the National Roads Authority and the Health Service Executive and now An Bord Pleanála will be responsible and elected representatives will not be able to observe, object or support. That is wrong. What now happens when we table a parliamentary question? The Minister tells us he or she has no responsibility. We have a responsibility because we are elected to this House; we

[Mr. Ring.]

are the legislators. The Minister of the day is responsible. If we ask a question it should be answered in the House.

We should not be frustrated as we are now by the system. The time has come to give power back to elected representatives. Power comes with responsibility and if elected representatives break the law they should be dealt with, without tribunals going on for years, costing a fortune. We are no further along with them than we were five years ago. We must legislate to ensure elected representatives who break the law are dealt with swiftly. I am not happy about the removal of powers from elected representatives by the nanny State and the dictatorship in this country. The powers are being taken away from the people and the dictators are dictating on a daily basis. That is dangerous and the people will respond next May. They are waiting to speak and they will do so loudly and clearly at the next general election.

Something must be done about the planning process because people are sick and tired of what is going on. People work hard, they do not ask the State for anything, they apply for planning permission and they are frustrated for nine or ten weeks. After going through that process to find that they might be refused is even more frustrating and costs people money. Something must be done.

Mr. Wall: My constituency may not be affected by this legislation, given that the county has been bypassed in so many directions, with bypasses to the north, along the N7 in the centre and now in the south along the N9 and N10. That is almost every road that can go through the constituency.

Many towns have been bypassed but the effect on those towns was not considered. There have been huge increases in traffic but the NRA left the local authorities to develop the internal infrastructure. Leixlip, Celbridge, Naas, Newbridge, Athy, and Kilcullen are all totally frustrated due to the lack of proper infrastructure and the Government must look at this. The local authorities are not in a position to provide the funding necessary for the infrastructure to allow these towns to develop in response to the huge recent increases in population.

Kildare has the fastest growing population outside Dublin and nothing has been done to provide proper infrastructure. Local authorities must provide funding for this. Often we depend on developers to kick start growth as part of their planning and through the levies they must pay. The Government must look at this. Where major planning and development takes place, we must look at the effect it has on the towns and villages being bypassed. They have major problems as a result of bypasses. It may be better for the town or the village but it must be examined and the local authorities must be given funding to ensure proper infrastructure is provided.

In Athy a link road was provided as part of the development of the new M9 and M10. Despite numerous meetings with the NRA, where we said the road was in the wrong place and did not take account of the traffic problems in Athy, we could not convince the NRA to terminate the road south of the town, where it would have linked with the roads to Carlow, Kilkenny and Castledermot, relieving the town of its traffic problems. Amazingly, not only was the road not terminated where local representatives wanted, it was put through the one area zoned for industrial development. It was unbelievable. The local development plan was not consulted to determine where that land was. One of the engineers involved had the audacity to tell me that not alone was it a great decision to put the road through the zoned land but that in time it will be a dual carriageway, intimating that the land is of no industrial benefit. Nothing will happen because the land around the link road is protected to provide for a dual carriageway.

We can see what happens in instances like this. The overall picture is almost always of benefit to the towns being bypassed, but with more thought and investigation, it could be of far greater benefit. The NRA should consider that instead of drawing a line from A to B and saying the road must go there. That is what happened in the example I gave. No one with a logical mind would have finished that road where it was terminated given the problems of the town and the opportunity this presented to alleviate traffic volumes. There has been ongoing argument regarding whether there should be an inner relief road or an outer one. That was not the determination in this case, since there was total support from local businesspeople, the town council and everyone else that the road should terminate outside the town. That would also have had the effect of getting people to use the road.

The amazing thing regarding the site of the link road is that one has two choices approaching that roundabout. Either one goes straight to Dublin, joining the dual carriageway to Kilcullen, or one takes a circuitous route covering an added distance of some miles to reach the carriageway. The ridiculous nature of the situation compounds the lack of investigation into this matter by the NRA. It had an ideal opportunity to help the town and community, but it simply acted without any investigation. I maintain that it did not even examine the land zoned for development. If it had done so, it would certainly not have put a road right through it.

We have had a great deal of discussion on planning issues in general too, and a largescale debate is ongoing regarding rural housing. In local newspapers in recent days there has been controversy, and several councillors raised a motion at council that a review of rural housing policy should be undertaken, despite the fact that those same councillors had voted for it within the last few months. They did so with absolute sincerity,

believing the new regulations would address the problems of rural housing. They had everyone's full support, some 24 councillors voting in favour and one against. Now, after a short period, they have had to reopen the debate owing to the lack of consistency in how rural housing policy as determined by the planning section of Kildare County Council is being addressed.

It is unbelievable that, in such a short period, the integrity that they felt would be achieved regarding the planning process has been undermined. In the same report, practically every councillor made the point that it was not what they had voted for. At the same time, the director of planning services in Kildare said the plan was working well. Regarding those divergent views, it is unthinkable that 24 councillors could vote for something and, within a short period, feel it necessary to change it, while the man dealing with the files could maintain there was consistency and that the plan was working well.

Someone is wrong, and I doubt if it is the councillors in this case. We must re-examine and reframe rural housing policy, since councillors have not received the goodwill that they thought they would when they made the original decision. There is no doubt about that, since there were counter-motions at the time, but the council decided on this framework. Moving forward with it, every planner thought that he had made the best decision for the people of south Kildare and those aiming to provide rural housing in the area for themselves. That did not happen, and now we see councillors trying to change the policy's format.

We also see the frustrations that have developed as a result. In south Kildare there is a haemorrhaging of industrial employment. We have seen that recently and will do so again in the next few days. One of the stalwarts of the agriculture industry, Minch Norton, is now proposing to make workers redundant. We have also seen it with the sugar companies. The entire south Kildare area is suffering a loss of industrial employment, a process that has continued for some time. I could go on at length regarding industries lost to south Kildare over the period without anything being replaced. A factory that the IDA brought in to replace one whose employees were made redundant has itself closed.

Despite all that and the fact the IDA has not brought a group to south Kildare in three years, those who seek a rural house are penalised owing to their having to work in Dublin. When people write that on their application, it rings a death-knell. The planning section in Kildare County Council believes that such people should buy houses in Dublin and abandon their commitment to the local community.

In that regard, we see the justifiable frustration that has developed, and I fully support the changes being sought. It is a catch-22, since industrial employment has fallen in south Kildare, although there may be more service jobs, hence

the need to seek employment in the city. That has been IDA policy for a long time. It adopted it from America, where it is irrelevant if one has to travel an hour and a half to one's employment. That theory is blown out of the water when decent, honourable people owing to circumstances must travel to Dublin to seek employment. The moment they write on their applications that they are employed in Dublin, the opinion is advanced that they should be able to buy there too.

One can see how ridiculous that is. Many of the villages in south Kildare are now being developed, and people from Dublin are coming to live in them. They are more than welcome to do so, since they have helped develop communities. I have been involved in and seen that happen everywhere. Having purchased houses, they commute to Dublin without any problems, but people in rural parts of the county are punished as a result.

The fee is not the most important thing, rather it is the thought that public representatives must pay to represent those who have elected them. It is crazy to think we have taken that route. This is a further mechanism, and the efforts of local authorities will be reduced overall. That is the source of the frustration. I doubt if anyone in the House would say to those attending that they must pay €20. It is degrading to the person involved that when he or she visits the council offices, there is a €20 fee. They represent those who elected them, but they must pay to do so. It really gets up my nose that such a system is in place, although the level of the fee itself is irrelevant.

I will examine section 37E, which states that members of local authorities may make a submission on any proposal that comes before the board. Subsection (6) reads as follows:

The members of the planning authority may, by resolution, decide to attach recommendations specified in the resolution to the report of the authority; where the members so decide those recommendations shall be attached to the report submitted to the Board under *subsection (4)*.

The next part is what worries me, although I may have misinterpreted it:

In addition to the report referred to in *subsection (4)*, the Board may, where it considers it necessary to do so, require the planning authority or authorities referred to in that subsection or any planning authority or authorities on whose area or areas it would have a significant effect to furnish to the Board such information in relation to the effects of the proposed development on the proper planning and sustainable development of the area concerned and on the environment as the Board may specify.

[Mr. Wall.]

Does this refer to the executive of the planning authority or its members? It is important to clarify this because we are talking about two different aspects of submissions.

If one reflects upon what I have said about the present development plan and where there is a diversity of opinion among the members — 24 members as opposed to the director of services — it is likely that the same could happen in respect of submissions made by members of the planning authority as opposed to those of the executive members of the planning authority. This would have a significant bearing on what the representatives could say to members of their own party, chambers of commerce and the public, who would have an interest in this. If this were to happen, it would undermine the report they put together and voted on. Perhaps when the Minister of State sums up, he will clarify whether section 7 deals with the executive of the planning authority or additions made by its members to their submissions to the original proposal.

Development in respect of toll roads will result in major problems in respect of existing roads which will now be changed. The introduction of a toll road will bring about a rat run on the road from Kilcullen to Athy in south Kildare. This road will change from a national primary road to a county road when the new road comes into operation. The cost of maintaining it will remain the same because it will take years before the toll road comes into operation and, if a toll appears on the other road, people from south Kilkenny, north Laois and south Kildare will continue to use existing means of accessing the dual carriageway rather than the link road that has been provided owing to the original mistake. This was an infrastructural mistake because the determination of the road was not positioned south of Athy.

One wonders about the design of such a road. The original plan involved three options but one wonders whether they really existed. It appears that the other two designs had no bearing on what happened, that the National Roads Authority had one opinion from the outset and the other opinions did not reflect any political input and ideas that other towns in south Kildare would benefit from the proximity of the road. The link road was built as an alternative. I have spoken about the problems caused by this road. It will not equate with the value the NRA has put on it because it will ensure in future that people must travel further to get on to the dual carriageway. I am concerned by the input that submissions by local authority members will have. Perhaps the Minister of State will clarify this when he sums up.

Aengus Ó Snodaigh: Níor shíl mé go mbeadh an deis agam labhairt ar an mBille seo, agus mé

chomh gnóthach sin le rudaí eile sa Teach. Tá sé go hiontach go bhfuil an deis agam.

Ba chóir go n-aistarraingfí an Bille seo sa chéad dul síos toisc go bhfuil sé i gcoinne an daonlathais. Is minic sa Teach seo agus lasmuigh de a thugtar léachtanna dúinne i Sinn Féin mar gheall ar dhaonlathas, amhail is go dtuigfeadh Fianna Fáil, nó an Páirtí Daonlathach ach go háirithe cad atá i gceist. Bunaithe ar an mBille seo agus roinnt de na cinn eile atá curtha chun cinn ag an Rialtas ó toghadh mé, ní thuigeann siad daonlathas. Seans go dtuigeann siad é ach go bhfuil siad go huile is go hiomlán ina choinne. Tá an Rialtas ag cur na mBillí seo chun cinn le fáil réidh le guth daonlathach an phobail i gcásanna mar seo. In áit cur leis an daonlathas agus le guth an phobail, tá an Rialtas á bhaint uathu.

This Bill aims to facilitate the ramming through of unwanted infrastructural projects that have been continually opposed by communities. The Bill has the potential to allow a nuclear power station to be built if the Government so wishes. A Government spokesperson has claimed that this is scaremongering.

Mr. B. O’Keeffe: It is scaremongering because the Bill specifically states that it is not Government policy to introduce nuclear power.

Aengus Ó Snodaigh: I did not say it was Government policy.

Mr. B. O’Keeffe: It is written in law.

Aengus Ó Snodaigh: I said that this Bill would allow for it.

Mr. B. O’Keeffe: How can this happen if the legislation specifically states that it is not Government policy to introduce nuclear power?

Aengus Ó Snodaigh: The Minister of State should relax. The Government wishes to see this Bill passed because it allows for this particular size of generating station. The Government will be forced to change another law but this is not beyond the realms of possibility. This Bill allows for this. I am not scaremongering or alleging that nuclear power will be introduced in the morning. I am merely arguing that there is a plan of action. Certain people are making plans for the future. My opinion is that these are still bad plans. We need only remember the attempt by the founder of Fianna Fáil’s partner in Government, Des O’Malley, when he was a Fianna Fáil Minister to ram through a nuclear power station at Carnsore Point in Wexford. It was only because of the democratic voice of the people of Ireland who took to the streets in protest that this action was prevented.

Mr. B. O’Keeffe: Deputy Ó Snodaigh is being mischievous.

Aengus Ó Snodaigh: I am not being mischievous. I am merely saying that this is a potential result of this Bill. It will allow for infrastructural developments to be fast-tracked. The Bill talks about an industrial installation for the production of electricity, steam or hot water with a heat output of 300 MW or more. What could produce such an output but a facility such as that mentioned by me?

Mr. B. O’Keeffe: Twice in his speech, the Minister stated categorically that nuclear power would not be introduced in Ireland.

Aengus Ó Snodaigh: We will park this issue and agree to differ.

Mr. B. O’Keeffe: We will not.

Aengus Ó Snodaigh: The Minister of State is free not to agree to differ with me if he wishes. The Bill contains the provision to which I referred and allows facilities that are far beyond anything else bar facilities to which I have referred.

Critical infrastructure, which is now referred to as strategic infrastructure, would allow incinerators — they are called thermal power stations — landfills and other major developments, such as motorways, daft pipelines and the like. We must examine the history of planning and the abuse thereof in this State to determine what is behind this. As the Government has not got its way, it has decided to bypass a system that, while flawed, at least gave the public a voice and an opportunity to prevent developments detrimental to their communities, the environment and good planning for the future.

Without getting into specifics at this stage, it would have been sufficient to build most current motorway developments as dual carriageways. Motorways cost more and the companies employed to build them are obviously friends of the Government, because these developments have been rammed through time and again without proving their value for money. If the same amount was spent on bringing our rail network up to scratch and investing in public transport as has been spent on motorways, we would have a better transport system.

This Bill is meant to bypass communities and allow for such motorways to be built at a quicker pace. Other than bringing cars into the traffic jams in Dublin, Cork or other cities now suffering the consequences of our motorcar culture, why would one want to build motorways at a quicker pace? They are facilitated because most of the plans are for toll roads run by the private sector. This says it all. I will return to the issue of motorways agus an damáiste a dhéantar don trédhearcaht agus don oidhreacht.

Another issue covered by the Bill is that of vital gas or oil pipelines. We have no control over our natural resources now that Fianna Fáil has

sold them to the highest bidder. Actually, there were no bids and nothing, bar the money for the licence, was given. We facilitated the likes of Shell by giving it our gas and ramming a pipeline through County Mayo and the rest of the country to the detriment and endangerment of communities. The Rossport five and other campaigners highlighted all of the dangers.

The Government is facilitating the private sector again so we can buy back at market value gas that is already on our shores. The Government threw away our right to our natural resources. This is a bizarre infrastructural decision that will probably occur more often, as there are a number of wells other than that off Rossport that will land gas and oil. I call on the Government to address the licensing issue and ensure the people control our wealth and natural resources. Pipelines are vital in terms of infrastructure, but a pipeline can move, be put where it is appropriate and made safer. We could ensure that communities are not at risk and receive most of the benefits of these gas and oil finds. They are on the west coast where successive Governments have never made proper investments.

The motorway issue clearly shows the dangers of this type of legislation which would, in many ways, bypass opportunities for communities and individuals to raise concerns about developments by speeding up the process. It would bypass the ability to put together a proper case in connection with, for example, Tara, the M3 and Carrickmines, where areas of archaeological and historical value were and are being destroyed in favour of progress.

Communities suggested alternatives to the Government’s planned motorway that cost the same or were cheaper than it. When someone produces a cheaper or more logical alternative and it is rejected, the underlying reason for the plan is always called into question. When alternative routes were produced for the M3, why were they not taken on board in the interest of saving money and preserving our heritage for future generations? There is a hint of corruption when such occurs. We need only examine what has emerged at tribunals in recent years to see the culture underlying many planning decisions.

For this reason, any Bill that lessens democratic accountability and the opportunity for communities to make complaints, raise issues and increase awareness about their cases concerns me. In most cases, communities do so at a disadvantage. They do not have the funds, planners and architects that the Government or big developers have. They are already hampered, but the Government is trying to hamper them even further through this Bill.

There has always been bad planning on this island. We do not have a proper plan for the future, as the national development plan has not worked properly and the national spatial strategy is being ignored lock, stock and barrel by local authorities and the Government, according to its

[Aengus Ó Snodaigh.]

decentralisation plan. We need proper planning so we can plan installations for the future, the democratic shift and how to deal with traffic. We cannot continue to put more cars on the road and build more motorways to get those cars to traffic jams. We need to plan for our schools and, in particular, to ensure estates are completed to the satisfaction of buyers, residents and the local authorities that must service them.

In terms of transport, bad planning is obvious in the closure of railway lines during the past decade. Investment in the railways rather than in motorways to serve Dublin would have served us much better. A mess has been made of planning on this island but strategic infrastructure legislation offering so-called solutions is now being rushed through. This Bill has the potential to create bigger problems for us into the future.

Caithfidh muinín a bheith ag an bpobal sa phróiseas pleanála. Faoi láthair, tá an muinín sin ag maolú de shíor. Diaidh ar ndiaidh, tá an pobal ag éirí tinn tuirseach de troid de shíor i gcoinne rachmasóirí agus lucht forbairt gur cuma sa tsíoc leo faoin bpobal. An rud atá i gceist acu ná an méid is mó airgid agus is féidir a bhaint as an talamh atá acu. Tá cead acu é sin a dhéanamh, dar ndóigh. Is é sin an chóras atá againn. Ba chóir go mbeadh an Stáit agus na húdaráis áitiúla ag seasamh leis an bpobal agus ag déanamh cinnte de go bhfuil plean maith i gceist. Níor chóir dúinn a bheith ag pleanáil le hárásáin de shíor mar atáimid faoi láthair i mo cheantair. Tá bloc 47 stór ar airde le tógáil ar Shráid Thomáis. A building of 47 storeys in one of the most historical parts of this city is being planned at the moment. It is not a community facility but a business facility, a 360-bed hotel. We do not need to go to the skies to facilitate housing in this city. Níl mise ná an pobal áitiúil sásta le bloc 47 stór ar airde.

Mar a dúirt mé, níl an muinín ceart ag an bpobal sa phróiseas pleanála. Ní gá ach dul siar tríd na blianta ar cad a tharla nuair a chuaigh na ndaoine ar na sráideanna ar picéid nó ag máirseáil i gcás Cé an Adhmaid, nó Wood Quay. Creid nó ná creid, is cuimhin liom an máirseáil sin. Is cuimhin liom chomh maith an máirseáil nuair a bhí Teach Frascati á ghabháil, roimh an máirseáil maidir le Cé an Adhmaid. Bhrúigh siad bóthar tríd an cheantar ina raibh teach mór tábhachtach ó thaobh stair na hÉireann de. Bhí ceangal idir an teach agus imeachtaí 1798 agus imeachtaí eile roimhe sin. Cad a tharla i gCarraig Mhaighin? Cad atá ag tarlú i dTeamhair? Cad atá ag tarlú thar na blianta sa chathair seo, áit ina scriosadh tithe Seirseacha in ionad iad a chaomhnú? Ba chóir iad a thabhairt do dhaoine a bhí sásta aire a thabhairt dóibh, nó do theaghlach a bhí sásta fanacht iontu agus cónaí i lár na cathrach.

Caithfidh a bheith cúramach i gcónaí ó thaobh pleanáil de. Measaim gurb iad na binsí fiosrúcháin, agus an méad atá á nochtú iontu lá i ndiaidh lae, an léiriú is mó den fáth go bhfuil gá

orainn a bheith cúramach ó thaobh an chóras pleanála de. Tá mé ag caint mar gheall ar an tslí ina ghlac iad siúd a bhí i gceannas ar an gcóras breabanna ar son na rachmasóirí. Tá teipthe ar an chóras sin. Ní féidir le daoine clúdaigh donna a fháil mar a dhein siad roimhe seo. Tá siad ag casadh an chóras ar bealach eile, áfach, chun a dhéanamh cinnte de go bhfuil na rachmasóirí is fearr leo, nó an lucht forbairt is fearr leo, in ann an méad airgead is mó a dhéanamh as talamh na hÉireann chomh tapaidh agus is féidir leo. Is é sin an fáth go bhfuil deifir ar an mBille seo.

Ní thaitníonn cinnithe an phobail leis an Rialtas. Buaitear ar an Rialtas i gcás nó dhó anois is arís. Is fíor-annamh go mbuann an pobal i gcásanna pleanála. Ní gá go bhfuil an pobal mícheart, áfach. Ba chóir don Rialtas glacadh leis gur minic a bhíonn an pobal i gceart — níos minicí ná mar a bhíonn an Rialtas i gceart. Má tá an Rialtas daonlathach, ba chóir leis seasamh leis an bpobal agus déanamh cinnte de go bhfuil sé ag glacadh leis an aidhm atá aige.

Aontaím le roinnt daoine eile a labhair faoi na NIMBYs. Ní aontaím i gcónaí le NIMBYs, ach tá go leor dóibh sa Rialtas. Ní gá ach díriú isteach ar na hAí, na Teachtaí McDowell agus Roche, i leith an incinerator. Ní aontaím le incinerators, thermal power stations, thermal treatment plants nó pé rud a glaofar orthu. Ní chóir go mbeimid á thógáil, ach má tá siad maith go leor do cheantar amháin, ba chóir go mbeidís maith go leor do gach cheantar i shlí amháin. Tá go leor NIMBYs ann. Tá an ceart ag na NIMBYs sa chás sin. Deirim “not in my backyard and not in my country” ó thaobh incinerators nó thermal waste management de.

Tá mé go huile is go hiomlán i gcoinne an Bhille seo. In ionad ár am a chaitheamh ag déileáil lena leithéidí seo, ba chóir go mbeadh infheistíocht níos mó ann chun níos mó deontas a thabhairt dóibh siúd atá sásta cur leis an timpeallacht agus cur le húsáid chumhacht athnuacha — a leithéidí solar power agus mar sin de.

Mr. McEntee: I have never been involved in a council so find it difficult to get a grasp of planning procedures. In the past ten or 20 years, we have gone from being an island that for 80 or 90 years had a small business outlook and a narrow approach to an island with a big economy, which is welcome. Only when one visits other places like London or Paris does one recognise that we are still in our infancy in terms of development. We must plan well into the future and, whether Fianna Fáil and the Progressive Democrats are in Government or Fine Gael, we must co-operate so that we continue to develop and can be proud of the facilities we have, be they hospitals, roads, schools, playgrounds etc. While we might differ in some ways, we must ensure that infrastructure is put in place without an unduly lengthy planning process.

Whether it be in Meath, Dublin or any other county, we seem to build everything on top of

everything else. The opening of the Ashbourne bypass has created problems in Slane. It is now easy to get through Ashbourne but traffic jams at the cemetery in Slane cause delays that add an hour to the rest of the journey. Nobody could have envisaged that this country would progress in the way it has, but it is a fact and it is crucial that it continues to progress. For the sake of the people and their families who have invested in expensive houses, everybody should work as a team to ensure it does not come to an end.

We must adopt a broader approach and provide the country with an adequate road structure that enables drivers to get to and from destinations quickly. I can drive from some parts of Meath, such as Slane, to the Dáil in an hour and a half, but if I drove in from Navan through Dunshaughlin, I might not arrive until the next day. It is unfortunate that the planning process seems to have come to a halt. The two projects were begun at the same time and one, which was opened by the Taoiseach last week, has been completed with €30 million to spare. We sincerely hope that money will be put toward a bypass of Slane.

In every other county we appear to have to build everything in corners. With farming in decline, there is a considerable amount of land to be developed. In Boston in the US, workplaces seem to have migrated to the country and people drive to work. No one is to blame because nobody could have envisaged the country's economic growth, with emigration turning to immigration and an extra 1 million people predicted to be living here by 2015. To prepare for those future developments, however, we must be ruthless in our thinking. When I was first elected to the Dáil I was told that I would have no input into planning, which is true because Members of the Oireachtas cannot serve as councillors. Nonetheless, one can make phone calls to inquire and most of our work is taken up with planning. Every Sunday morning I spend two or three hours looking at different sites in the county for young people who are seeking planning permission. Deputies represent the people so they should be able to determine what kind of a country we want through the planning process by making representations for someone who wishes to build a house or a factory. What annoys me most, however — I have no doubt it is the same in other counties — is that if one does it the right way by having a pre-planning meeting with the planners and going through the normal funding structures, by the time it comes to submitting the planning application the person one has dealt with may have moved on. This must be examined, particularly in County Meath where there is a massive amount of planning. Unfortunately, personnel changes mean nobody knows who they are dealing with or they cannot get to deal with anyone because people have moved on and their successor will need three or four months to study what has happened.

New factories should be located in the countryside so that more jobs will be located where new roads are being built. There are vast tracts of land on both sides of the M1. It may not happen in my lifetime but I have no doubt that at some stage Dublin and Dundalk will be joined up. Rather than having housing in country areas, work should be created by locating factories there. The new port will be ready and we will have new railway links to Drogheda, Navan and Kingscourt. The Navan-Kingscourt line is intact and was previously used to transport gypsum. For some unknown reason, whether it was a strike in Iarnród Éireann or whatever happened, that line has been lying idle. Infrastructural planning in these areas, using such transport links, will ensure that the building industry will continue to flourish. Construction is our number one industry and one in every three men is employed in that sector. If anything happened to that industry, the emigrant ships would be sailing again, whether Fianna Fáil, Fine Gael, Sinn Féin or Labour were in charge. If that happened, immigrants would return home and Irish people who have taken out large mortgages would have to consider their options. For those reasons, this Bill is probably the most important to come before the House concerning the development of the country. Ireland is still small and Dublin is only a village compared to other capital cities, so we need not say the city is big enough and has developed as much as it can.

I would like to see realistic plans being put in place, unlike those for the new hospital they are talking about in the north east. I do not understand why it should take nine years to build such a hospital. If one has planning permission on a suitable site, one can build straight away. In nine years' time, however, it will be too late for all the people in the north-east. As it is, we are downgrading the existing hospitals in that area and no money will be invested in them. Many people who could have benefited from a new hospital will be dead in ten years. It could be any of us. Whatever measures are being taken, they should ensure that the proper development strategy is put in place.

Planning and development should be the primary aspect of the legislation. Sometimes, one is better off with a local person who has a better idea on how things should be done than with a top-class planner sitting in an office all day who dictates how it should be done. When the latter method is used nobody knows where they are going.

I welcome some aspects of the Bill. Everyone talks about his own county when it comes to planning issues. On the east coast, nearly 25,000 people are living in the Bettystown, Laytown, Donnycarney and Duleek areas where we have had nothing but houses. There are absolutely no sports facilities and the schools resemble West Bank settlements with nothing but prefabs. I do not wish to be critical of that but money is being

[Mr. McEntee.]

spent in bits and pieces. On budget day we are told that all the money we have in the bank is still there, yet people only want simple things such as a proper school for their children and a proper health service. They also want to get from A to B in the shortest time. I do not see much point in holding on to money from one budget to the next. If the money is there it should be spent on the people.

The sooner we broaden the horizons of our education system the better. We all heard the statistics this morning showing that class sizes are exceeding 30 pupils and many classes are held in prefabs. If we can build 300 houses in Laytown, Nobber or Moynalty, new schools should be built nearby together with sports facilities.

Yesterday, the chief executive of the FAI said that sports facilities must be built for men and women to use. Girls must have the same opportunities as boys. I was disgusted by the conditions children have to put up with in some schools. I visited one school in Julianstown which has a 25-year-old prefabricated building. The windows and safety exit are blocked and it is rat infested. I will not start blaming anyone but the Taoiseach or some of his Ministers should be aware of what is going on. Expenditure should not be in bits and pieces. We have the best economy in the world but we should have the best public services also. We built the roads in England and ran America through John F. Kennedy. When we have money in the bank here at home we should not be afraid to spend it on building schools, roads and hospitals. At the end of the day, that is all people want.

The wheeling and dealing that goes on at council level is a funny system. I am glad that I was never involved in it and I do not want to become involved. One just wonders about it at times. Every road must be treated in the same way. People are being killed on all roads. Some 30% of all those accidentally killed die because of poor roads and bad road signs. At the next election, Fine Gael will make this an issue and will seek to make county councils responsible for roads in their areas. An independent audit of roads must be undertaken so that dangerous bends and other hazards can be dealt with. Crossroads must be properly signposted.

I live near the N52 and after doing a bit of work at night in the pub, I find that, come snow or frost, the road is lit up on both sides with yellow markings and in the centre. One can never get lost on that road. Investing in road markings can reduce accidents. More than 740 people were killed in the past six years because of bad roads. There is a great deal of trouble with drink driving, which we can see every day. Travelling to Roscommon last weekend, I saw motorcyclists passing me at high speed. Speeding and drink driving must be curtailed. Regardless of who is in charge, that is the responsibility of the Government. Local councils of whatever political compo-

sition must first put in place proper roads. Roads in every county must be properly sign-posted and crossroads must be properly maintained, especially at this time of year. I know a man who is due in court today for cutting grass on a roadside after being asked to do so by his parish priest. It is crucial that grass around signs at crossroads is cut at this time of year because many accidents have occurred in recent weeks.

Given the funding available, we must work together to ensure a road structure is put in place and that more factories are not located in Dublin. To enter Dublin, one must follow lorry after lorry. We must be like Boston and like other cities. We must locate new factories and employment in the countryside — on the M1, the M3, when it is built, and in Cork and Kerry — but not in the cities. The cities should be places where people can visit, with offices and Government buildings.

Some wonder why people are not going to Croke Park at present. It was the biggest mistake ever made by the GAA — I am a GAA man myself — because people can no longer afford to go to Croke Park. It is usually empty and the only time it will be full is for concerts and for the two all-Ireland days when it will be filled with GAA people. This is because it was built in the middle of a city, where parking is not available, when it should have been built on the outskirts of a city, close to a major road, as was done in Paris. People could then get in and out of the ground in ten minutes.

These factors must be considered. It is never too late. We still have the resources, the jobs and a Government. Please God, we will have a different Government next year. Between us all, we will build a country in the same way our people built London, America and other countries. We will have the finest country in the world, with a proper structure of roads, schools and sports facilities for all our children. It is sports facilities that keep children away from the drugs and crime that have been a problem over the years.

Mr. J. Higgins: The Bill involves a severe diminution of the input by ordinary people — citizens of this State — to the planning process and a diminution of their ability to influence the planning process in a democratic way. The various subsections of section 37A onwards, dealt with in section 3 of the Bill, change An Bord Pleanála from a court of appeal, as it were, to a court of first instance. By any standards, that is a major change in planning legislation in this State. This point needs to be hammered home and highlighted for individuals who are interested in the future development of their communities, neighbourhoods and counties in terms of infrastructural developments.

It is not that I am particularly enamoured of much of the current planning process. However, when a project, especially an important infrastructural project, goes first to a local authority for

thorough scrutiny and decision, that very fact brings the decision closer to the communities in the local authority area. While the planning officials make the decision and, indeed, sometimes fly in the face of genuine community interest, nevertheless, when a local authority is making a decision, the community can exercise significant influence through their councillors and also directly on the local authority. The officials of the local authority making the decision are well acquainted with the views of the community and organisations which might be, for example, objecting to or seeking modifications of a major infrastructural project. It is a huge step to remove the first decision on significant projects from the local authority and give it to An Bord Pleanála, which, for ordinary people, is a faceless institution.

Section 37E(4) and (5) provides for a certain input by the local authority, including the elected members, even to the extent of passing a resolution and having that submitted as part of the planning process to An Bord Pleanála. That in no way makes up for the diminution of the input of the community. A resolution by a local authority or remarks made by the elected members in the local council will just be a slip of paper, a few pages at most, in what will be an otherwise massive submission with an enormous amount of detail. In no way will that input by the local authority be of a similar weight to what it otherwise would be if the local authority were the court of first instance for important issues such as this.

We are dealing with major infrastructure — power stations, oil and gas infrastructure, transport terminals, incinerators and other waste disposal facilities. By any standards, these developments will have a major impact on neighbouring communities as well as communities far afield. It is correct that those communities should have a major say in the planning process that applies to them. The Bill removes, weakens and significantly dilutes the influence of local communities with regard to these issues.

The provision for consultation with the infrastructure providers will be read with suspicion by communities and those who have a genuine interest in protecting our environment and in good planning. Those provisions which provide for an infrastructure provider to have discussions with An Bord Pleanála before making an application will be interpreted as allowing for cosy chats behind closed doors between An Bord Pleanála and those who have most to gain from the proposed project. From my reading of the Bill, other groups, such as community groups, environmental groups or good planning groups, could be similarly provided for but undoubtedly those who will in the main have access to An Bord Pleanála for pre-application discussions will be those who seek to develop a major infrastructural project.

Currently, local authorities, even as courts of first instance, can be quite autocratic and bullying

in the way they deal with local communities. Last night I debated with the Minister for the Environment, Heritage and Local Government the situation in Pallaskenry-Kildimo where the council is attempting to impose a water supply from a polluted source, the River Deal, on a community which at present has a perfect supply of pure spring water from Bleach Lough. It is an inexplicable decision that is not required for planning reasons. We have not yet discovered the real agenda or the reason for the decision.

This morning I was stunned when it came to light that the contractor employed by Limerick County Council to bring this pipe to Pallaskenry is in flagrant dereliction of the construction industry registered employment agreement pension assurance and sick pay fund. It is not registered in the fund as it is legally obliged to be. The Minister will be aware that it is a requirement of the public tendering process, which this local authority had to go through to award this contract, that every contractor employed by the local authority must be compliant with this agreement. This is a flagrant illegality.

This is the same council that had decent residents on the rack because they were peacefully protesting against the invasion of their community with water they do not want. It brought them before the High Court and required them to obey the law, yet the council is in flagrant breach of the law. I submitted parliamentary questions about this to the Minister's office this morning. I urge the Minister, to whom local authorities are responsible, to conduct an urgent and immediate investigation into how Cro-Bar Construction Limited could be employed by Limerick County Council in flagrant breach of the public tendering process. I look forward to the Minister replying to me on that point and seeking an immediate explanation from Limerick County Council. I am not speaking off the top of my head. This fact was established this morning by those who are at the coalface of the pension scheme in construction.

Diminishing the rights and influence of communities over planning is adding insult to injury. In the greater Dublin area, for example, the corruption scandals in local authorities in the 1980s and 1990s had already diminished the democratic rights of ordinary people by giving them planning decisions that were detrimental to the community. In Dublin west, communities I represent are still suffering from the planning decisions which, as we now know, were made by councillors among whom a significant number were rotten to the core. Communities are stuck with those decisions. It is not a good time, while the tribunals are still sitting, to provide for a further diminution of community input and influence. Cé mhéad ama atá fágtha agam?

Acting Chairman (Mr. McGinley): Ocht mbomaite.

Mr. J. Higgins: Dhá nóiméad, go raibh míle maith agat.

I am not impressed by the provision for community gain. I recall fighting bad planning applications and rezonings in the 1990s where the landowner or developer, to secure a rezoning, would include a community centre or some other type of what I call a poisoned carrot.

The possibility of communities or individuals securing a judicial review with regard to projects is severely restricted by the requirements that before a judicial review is granted the judge must be satisfied, at a preliminary hearing before granting a judicial review, that there are substantial grounds for it and that the applicant has a substantial interest. What is a substantial interest? Will a community that might fear some detrimental effects, environmental or otherwise, be interpreted as having a substantial interest? It is left wide open.

In addition, they might have to give undertakings as to damages. That is a huge blow to the rights or ability of ordinary people to use the court in a last instance situation. This is my last point, a Chathaoirleach.

Acting Chairman: Seans nár thuig an Teachta mé. Tá sé nóiméad fágtha aige.

Mr. J. Higgins: Ba é canúint Dhún na nGall nár thuig mé i gceart.

Acting Chairman: Tá mé ciontach, mar sin.

Mr. J. Higgins: Níl an Cathaoirleach ciontach in aon chor. Tá gach canúint chomh maith leis an chéad chanúint eile, chomh fada agus a bhainneann sé le muintir Mumhan.

An undertaking that damages for the delay of a project, which is what is involved here, should be underwritten by an ordinary person or community organisation is a crippling blow to people's option of resorting to the courts. Litigation in this country is strictly for the rich. Two and a half years ago a county council brought me before the High Court. On the Wednesday morning the council had a senior counsel on his feet for far less than three hours in the course of rather ordinary injunction proceedings. The council paid the senior counsel €7,500. That was his fee for the morning. His junior, who studiously studied the back of his senior for the less than three hours, was paid €5,000.

Two days later, I was again before the High Court and the same senior and junior counsels represented the council. The senior counsel was on his feet for less than three hours and was paid another €7,500. His junior counsel, who by this stage must have known every contour of his senior's back from sitting and staring at it throughout this time, was paid another €5,000. A total of €25,000 was the barristers' fee for less than six hours work and one or two hours in the background preparing fairly routine papers. How

can ordinary, working people give an undertaking to bear the costs of the opposition, let alone the damages that might be assessed? This provision must be removed from the Bill.

The Bill also narrows the appeal possibilities to the Supreme Court. That is another severe diminution of people's rights. Of course, nobody approaches the Supreme Court with anything less than trepidation about the costs. Nevertheless, individuals and organisations have found that, as a court of last resort, on occasion they have been able to find justice in some decisions that have been made. The case involving Merck, Sharpe and Dohme in Tipperary comes to mind in that regard.

There are severe problems with this Bill. Communities are dealing with enough problems in planning; there has been enough diminution of people's democratic rights. Mobile telephone companies can put masts virtually where they wish, even beside children in primary schools. This has happened in Huntstown, west Dublin, and is a source of great agony for the community because we do not know what will be the health effects of these. That is a huge diminution of the democratic rights of communities.

Management companies are being imposed on communities. The Taoiseach condemned them outright in the Dáil yesterday, saying they were unfair and unnecessary. However, they are being imposed and constituents of mine from Tyrellstown in Dublin West are being dragged into the courts next Wednesday, on foot of bills sent to them by management companies.

Dá bhrí sin, deirtear gur "Acht do dhéanamh socrú, ar mhaithe le leas an phobail, maidir le harratais ar chead pleanála a dhéanamh go díreach chuig an mBord Pleanála i leith forbairtí beartaithe áirithe a bhfuil tábhacht straitéiseach leo i dtaca leis an Stát" é an Bille um Pleanáil agus Forbairt (Bonneagar Straitéiseach) 2006. Ní chreidim go bhfuil an Bille seo "ar mhaithe le leas an phobail". Laghdaíonn sé an chumhacht dhaonlathach atá ag gnáthdhaoinne a ladhar a chaitheamh isteach sa chóras pleanála. Aon rud a laghdaíonn an tionchar ar féidir le gnáthdhaoinne, eagraíochtaí pobail agus a leithéid a bheith acu ar an chóras pleanála, níl sé "ar mhaithe le leas an phobail" ach ina choinne.

Dá bhrí sin, nílím ceadmhach an Bille seo a chur chun cinn. Táim chun cur ina aghaidh, agus tá súil agam go ndéanfaidh daoine eile an rud céanna agus go dtógfar amach as an Bhille na haltanna a laghdaíonn cumhacht na ngnáthdhaoinne, a gcearta agus cearta an phobail an tionchar is mó a bheith acu ar an chóras pleanála agus ar cén saghas pleanála a chuirfear isteach ina gcontae, a réigiún, nó pé áit atá i gceist.

Mr. Neville: I welcome the opportunity to discuss the Bill which is one of the most important to be debated in the House for some time. It will have serious and far-reaching effects as indicated

by the level of interest and the contributions from all sides.

As my party spokesman, Deputy O'Dowd, stated Ireland has a first world economy with a Third World infrastructure. Commuters spend hours commuting to and from work. Many of our roads are Third World roads. While we welcome the Bill in principle, some of the proposed changes, especially the new powers being granted to An Bord Pleánála which are counter-productive, will lead to litigation and a loss of public confidence in the planning process.

In preparing my contribution, I looked at the needs of my constituency and the urgent need for development. I was disappointed when the Minister's predecessor launched Transport 21 in November 2005 with a budget of €34.4 billion that there was no mention of west Limerick and its urgent need for national primary and secondary road development. There is an urgent need for three bypasses to facilitate traffic from most parts of Ireland to Kerry through the N7.

One of the main bottlenecks on the N7 is Adare. While we have been given encouraging news from the Department, through Limerick County Council, there is no indication when the bypass will be put in place. There are considerable delays through the village during peak hours. The village, which is very attractive, would be enhanced immensely if commercial traffic could bypass it and it was not clogged up. Adare is an excellent tourism product but it is spoiled by heavy traffic driving through it, especially commercial traffic. I appeal to the Minister to examine this issue as a matter of urgency. It is a small project in the context of national roads development and would enhance the area. It would facilitate the many commuters who travel from Rathkeale, Newcastle West, Abbeyfeale and the hinterland to Limerick and would improve the time factor involved.

The other two bypasses I wish to refer to are Newcastle West and Abbeyfeale. There are regular bottlenecks in Abbeyfeale. A bypass would improve the commercial life of the town and enhance the enjoyment of the people there. If the Minister has information on the Newcastle West and Abbeyfeale bypasses, perhaps he would forward it to me. The last information we had was that the Department was considering appointing consultants to examine the lines for the bypasses. The most recent information is that the matter has been suspended and that no progress has been made. If the Minister does not have that information when replying, perhaps he would forward it to me.

In Newcastle West there is a build up of traffic at peak hours but, thankfully, the centre of town is a little removed from it. Certainly a bypass would enhance the area. Much development is taking place in Newcastle West, including a new supermarket at that side of the town. Due to commercial activity and through traffic to west Limerick and Kerry, there are road traffic prob-

lems. Apart from the hold-ups, there are road traffic dangers as people access the new supermarket by a pedestrian crossing. The speed limit is being adhered to but, given the volume of traffic and many hold-ups, drivers' attention may not always be what it should, in which case I am concerned for the safety of pedestrians in the area.

The N69, the coast road to Tarbert in north Kerry, has long been a bone of contention and this issue has been raised many times. This is an opportunity to facilitate tourist and commercial developments on the south side of the Shannon Estuary. I refer specifically to the opportunity to develop a marine-type industry in Foynes. Foynes has developed as part of the Foynes-Shannon port authority. We always promoted the idea of a port of such significance at Foynes with land available for development. This should be attractive for marine-type industry to invest in that area. Repeatedly, however, we are informed that once an investor travels from Limerick and spends most of the travelling time behind commercial traffic for the entire distance, he finds that is a turn-off. There is a problem of accessibility to the city from places like Foynes. The 200-acre industrial park in Askeaton, which has been there for some 15 or 20 years, which is owned by the IDA and is fully serviced, does not attract industry. One of the inhibiting factors is that the access road, the N69, is not being upgraded to the level any national route with such potential should have.

During the rainbow coalition government, a committee was set up to promote that area but unfortunately that was allowed lapse on the change of government. I urge the Minister for the Environment, Heritage and Local Government to look at the potential for development of the Shannon estuary in the area. The Minister's colleagues should also look at it, because the Departments of Transport, Enterprise, Trade and Employment and Communications, Marine and Natural Resources all have a role to play.

There have been a number of fatalities on the Croom-Charleville national primary road. The Croom bypass has been most beneficial, not alone for commuters from the area to the city but to the town of Croom. The bypass has eliminated some serious accident black spots, but there are other such black spots where fatalities have been involved, between the Benogue side of Croom and Charleville. Cork County Council launched the plan for the Mallow-Croom road, including the bypass of Charleville, and we urge that the black spots be dealt with as well. This work will probably not proceed before 2010 under the Transport 21 programme, so plans should be made to have the work commence immediately to deal with these problems.

In all rural areas, including Limerick, there is increasing pressure against one-off houses.

Mr. Roche: This is a little outside the remit of the Bill, but the Deputy is right.

Mr. Neville: The Minister expressed concern in this area. When local authorities now see a planning application, they look for a means of refusing it rather than granting it. They look negatively at any rural housing situation and the criteria for granting such permission are being tightened. In my constituency, in terms of T-values, in the percolation test, a value of more than 90-T now means a planning application will be refused, whereas in some years ago, the figure was 240. Not even proprietary systems are now accepted.

There are other restrictions too. In a recent situation, a farmer's house was some distance away from his farm. He had a pre-planning discussion to build a house on his farm as his own house, though habitable, was sub-standard. He was informed by the planner that he would get permission to build a house on his farm provided he knocked the house he was in, because he would then have a need. Because he had no need, he would not get planning permission. The house was probably valued at a little more than €100,000 and he wanted to improve his housing conditions as well as live on his farm. That is the attitude we experience.

There is merit in the suggestion that planning permission and housing development proposals should be dealt with in our towns and villages. We support that laudable proposal, but in our area we have a serious problem, as that cannot happen because our towns and villages are not serviced, especially with sewerage schemes. I raised this issue in the Dáil before. We are regularly being informed by Limerick County Council that when it submits information to the Department of the Environment, Heritage and Local Government, further information is asked for repeatedly.

The Minister allocated €11.5 million this year for rural water programmes in County Limerick, which we welcome. There are 19 group water schemes to be upgraded. This works well because Limerick County Council has control of how it allocates that money. That approach works very efficiently in decisions being made at local level on how to spend monies on infrastructural development. However, there is a problem when we come to the larger projects, the development of sewerage schemes in our towns and villages. In west Limerick I refer in particular to Askeaton, Shanagolden, Foynes, Athea, Pallaskenry, Dromcolligher, Adare, Patrickswell, Bruff and Kilmallock. Limerick County Council has to deal with various hurdles and hoops in order to progress such projects with the Department of the Environment, Heritage and Local Government.

Much has been said about relaxing controls on local authorities, but the level of control operated by the Department on the development of the schemes to which I referred is so inhibiting that it is almost like a formula not to progress these

schemes. It is as if the Department has a formula whereby it can frustrate the schemes being developed, rather than allowing the local authorities to get on with what they know best, how to develop the infrastructure and sewerage schemes in the county.

I ask the Minister to allocate funds in the same way he does for the rural water programme, and allocate sufficient monies, through the councils and with their agreement, to develop the schemes, leaving the councils more control rather than this demand for further information and putting councils through hoops.

Mr. Roche: This is done for schemes costing less than €5 million.

Mr. Neville: None of the schemes of which I am talking cost less than that figure. What is also happening is that schemes are being grouped to ensure their cost is more than €5 million. Schemes for Askeaton, Shanagolden, Foynes and Athea are grouped, which brings the cost to more than €5 million. Can those schemes be addressed individually?

Mr. Roche: It is the council that suggests the bundling, for good and cogent reasons. I am not faulting it.

Mr. Neville: I am quite happy to debate the issue with the Minister. The Minister is developing the point that councils are bundling schemes under €5 million. Perhaps we should look at dividing up these schemes.

If that bundling is decided, it does not take ten years to bring the other schemes to fruition. People are frustrated with the delays. The Government should trust local authorities to do what is best for their areas. Local authorities are entrusted with responsibility to run rural water schemes. As these work well, they should be trusted with the responsibility for the other schemes I have outlined.

In Limerick there is an urgent need for development in Patrickswell, Adare and Croom. When I put down a parliamentary question on this matter, I received the answer I got some years ago. These three areas are close to Limerick city. It is proposed to increase the population of Patrickswell by 6,000 people. However, such development will be inhibited by the lack of water and sewerage schemes in the area. While there are plans to build these schemes, will the Minister ensure no delays occur in their provision?

Mr. Roche: The Deputy did not refer to Pallaskenry-Kildimo.

Mr. O'Connor: I was sorry to hear of the impending retirement of the Acting Chairman, Deputy McGinley. My parish priest in the Spring-

field estate, Fr. Frank Herron, and other Donegal people would want me to pay tribute to you.

Acting Chairman: Thank you, Deputy.

Mr. O'Connor: As Deputy Neville referred to almost every village in County Limerick, I am sure I will be allowed to refer to Tallaght. I represent Tallaght, Firhouse, Templeogue, Greenhills, Brittas and Bohernabreena. This important Bill gives me an opportunity to pay tribute to my good friend, the Minister for the Environment, Heritage and Local Government, Deputy Roche, who once lived in Tallaght. The Minister and I have much contact on many issues. Today, I raised the challenge presented by management companies, particularly in Tallaght. I welcome the Minister's announcement in conjunction with the Minister for Justice, Equality and Law Reform for a €3 million anti-graffiti initiative for Tallaght. In any debate on infrastructure, it is good that such an issue is raised because graffiti affects many communities.

The purpose of the Bill is to amend the Planning and Development Act 2000 to provide for the introduction of a streamlined planning consent procedure for strategic infrastructure developments, which will be determined by a new strategic infrastructure division to be established within An Bord Pleanála, and to make consequential and other changes to the 2000 Act. The Bill also provides for a specialised planning consent procedure for major electricity transmission lines.

Some weeks ago the Minister was kind enough to facilitate me when St. Paul's secondary school, Greenhills, had a euroteens project. I, along with the pupils, was impressed by the Minister's grasp of the environmental brief. I am confident the Minister is the right man to deal with this Bill. The Bill embraces all aspects of community.

I have often spoken in the House about Tallaght, the third largest population centre in the State, describing it as having the population of a city but the status of a village. I have often spoken on the progress of infrastructural development in Tallaght. It started on 23 October 1990 when the Square was opened in Tallaght by Charles J. Haughey. As we speak I note thousands of my fellow Dubliners are in Donnycarney paying tribute to him. While people are entitled to make political points, unfortunately some have been made in recent days. The fact remains that the former Taoiseach was involved in many of our communities. In today's *The Tallaght Echo* I stated he always supported the growth of Tallaght.

In the past 16 years since the Square opened, other facilities one would expect in a major population centre have come on stream. Before the Acting Chairman retires, I invite him to come with me to Tallaght on the Luas, a key part of the area's infrastructure. Tallaght has its council headquarters, a civic theatre, a hospital and an

institute of technology. It has many of the facilities one would expect for a major population centre. There is still much development taking place in Tallaght with 20 cranes in the town centre.

Mr. Roche: The figure is actually 24.

Mr. O'Connor: It could be 24 because I blinked on the way through the Square this morning. I left Tallaght very early this morning.

Mr. Perry: The Minister is very well-briefed.

Mr. O'Connor: I hope Deputy Perry is not suggesting I am not briefed.

Mr. Perry: Deputy O'Connor is losing his touch.

Mr. Roche: I have an old interest in Tallaght.

Mr. O'Connor: There are good infrastructure projects in Tallaght, particularly the Luas. I am delighted the Minister for Transport, Deputy Cullen, has announced the Luas extension through west Tallaght with strategic stops. I am campaigning for the extension of the Tallaght bypass beyond Jobstown to Brittas. Not only could the people of south-west Dublin use it, but people from Wicklow could take a short cut home through Tallaght.

Deputy Ring spoke about pre-planning consultations where people get an expectation of an application but it changes. I have often raised this issue concerning planning applications in Brittas, Saggart and Bohernabreena. If the planners — I am not just picking on south-west Dublin — feel there should be no housing in certain areas, they should be allowed to make that decision and explain why. While we might not be happy about it, we would at least understand it. Due to my long experience as a public representative many people expect me to be able to inform them what action the local authority may take on a planning application. One cannot do so because, not only in South Dublin County Council but throughout the country, there is considerable inconsistency in planning decisions. One would not have a clue what the planning authorities are thinking.

One-off housing can be difficult for people wanting to build a house in a quiet spot. The Minister, Deputy Roche, is no doubt aware of this from his area, as is the Acting Chairman, Deputy McGinley, from his experience in County Donegal. There is an inconsistency in how decisions are taken, not just in Tallaght but elsewhere, and this matter must be examined. I hope the Minister will take account of what has been said.

This brings me to the issue of consultation. I have exchanged correspondence with the Minister on many occasions and he has been kind enough to answer me directly about what is taking place in Tallaght. I have already stated what

[Mr. O'Connor.]

a positive place it is. However, recent developments in Tallaght are upsetting the community, namely, the sudden emphasis on the building of apartment complexes. The population in the area has risen sharply in the past 30 years as many new houses were built there. In the general Tallaght area, a considerable number of apartment buildings have been developed, which brings its own challenges.

I previously raised the subject of management companies in a Private Members' debate and in parliamentary questions and I am aware the Minister is examining this issue. It is a source of concern to my constituents and many others. The Minister must take on board this problem and find a resolution. Many community activists, especially in the Tallaght area, have exercised themselves in recent times and written to the Minister about their concerns. *The Tallaght Echo* is always a good read and this morning's edition contains an article by the county manager, Joe Horan, giving the council's view on the matter. This is an attempt to balance what has been written recently by community groups and others.

I often joke that I am not really from Tallaght. Someone said that to me during the previous general election and it is true that I am not from there originally, but I have lived there for 36 years. He did not think that was a long time. I hope I will live in Tallaght forever. I feel strongly about my town and I spend as much time in it as I can. I mostly only leave it to attend the Dáil. I am concerned about its development.

The sudden explosion of apartment buildings has had a major impact on the population density and this gives rise to concerns about transport and parking. It is impossible to get parking in the Tallaght area in the mornings. I go to Tallaght village every morning and it is always a challenge to get a car parking space. Given the recent development that has taken place, it is important that provision is made for schools, health care and all the other facilities that are required. Tallaght has done well and the infrastructural development there has been impressive. However, 16 years after the opening of The Square, the area is experiencing difficulty in coping with the extra pressures that will be faced due to the higher density of building projects.

I apologise for referring to Deputy Ring again but I must return to the issue of local planning. I have had a great deal of contact this week with South Dublin County Council on foot of complaints from residents that planning regulations are not being enforced and that builders on a site adjacent to The Square facing Virginia Heights and in the village at Greenhills Road are not complying with planning permission and are not working within the hours to which they are restricted within the terms of the planning permission. They are raising dust and not dealing with environmental issues relating to cleaning and so on. In the case of one site on the

Greenhills Road in Tallaght, a danger was created for the local resident in Court Cottage by not restricting the use of a crane.

It is important that we all fight for proper development and that we campaign for good facilities to ensure our communities are well served. At the same time, we must understand that people, especially those in a settled community, can get very upset and intimidated by the building work going on around them. I wish to be as positive as possible about development but we must be mindful of issues that require attention. It is important that we put pressure on local authorities in this regard. I accept that South Dublin County Council is not unique in its approach.

It is important to make the point that communities expect the planning authority to uphold its regulations and, when that does not happen, people get very unhappy and look to the political system to resolve the issue. In some cases, people blame the political system for the problem in the first place. That is fair enough because one is entitled to look to one's politicians for a solution. In the next 300 days or so before the next general election, the vulnerability of local politicians will be exposed as people will hear all sorts of promises from the new kids on the block. People will raise these issues, which is as it should be in a democracy, and I have no problem with that.

I was not born into a political dynasty but came to politics through getting involved in local issues in my community and campaigning about the lack of planning on infrastructure and facilities in the area. People encouraged me at that level, as was the case with many colleagues around the House, and we became involved in politics. We have a responsibility to represent what people say. I will not discuss the dual mandate in detail except to say that sometimes I am concerned about the strength of representation at local level, especially in the period following a local election when many new people are elected. I wonder how the councils operate without the experience of members who were also Members of the Oireachtas. I say this on a cross-party basis. A gap has developed in that regard.

I do not wish to say too much of a party political nature on this quiet Thursday but it sometimes amuses me, as I know it will amuse the Minister, that colleagues throughout the country blame the Government for everything in terms of infrastructural development and planning. That is predictable enough and happens in every democracy. One can always blame the Government and say it did not do enough, more resources should have been provided and more should have been done. However, we should not forget that devolution has been successful and councils are now more autonomous and responsible for planning in their areas.

The majority of councils are now controlled by the Labour Party, the Fine Gael Party and the Green Party. That is certainly the case in South Dublin County Council and these parties should

take some responsibility. It is easy to blame the Government for everything. Whenever I hear complaints about planning, such as the matters to which I referred concerning Tallaght, it is said that it is the fault of the Government or the Minister, Deputy Roche, and he should sort out the problems. The fact is that we have devolved this authority to the council.

I was a member of Dublin County Council since 1991 and South Dublin County Council since its formation in 1994 until after the previous general election. Local authorities must take on board their responsibilities and do the job allocated to them. I call on the controlling groups in the council, including South Dublin County Council, to fulfil their responsibility in that regard. If the job is not being done by officialdom, let us apply pressure and ensure the issue is tackled. Unfortunately, it sometimes happens that a proposed development which will benefit communities through the provision of infrastructure and new facilities gets bogged down in criticism about builders not sweeping the roads and so on. We must take action in this regard.

It is important to support this Bill. The significance of the Minister's objectives and achievements in this area has been well signalled by the major interest in the Bill. It seems to have caught Members' imagination and Deputies from all parties have spoken on the various issues. It has been a good exercise and I am sure the Minister, who already has a major reservoir of information on environmental matters, has found it useful. I understand it must be difficult for him to absorb all the information as he listens to the successive contributions from Members representing the case for Roscommon, Cork, Mayo, Carlow, Tallaght and so on. I wish him well and am pleased to offer my support for this legislation.

Mr. Perry: I am glad of the opportunity to speak on this important Bill. Ireland is a First World economy with what is in many respects a Third World infrastructure. This is evident in our overcrowded public transport and in the significant underfunding in the BMW region. The review of the national development plan was forensic in its identification of those areas in which less money was spent. In regard to the new tranche of funding, I understand it is now proposed that the level of accountability by region will be diminished. This is a negative development.

It is also regrettable that the public accounts of local authorities are not subjected to scrutiny by an Oireachtas committee. Perhaps this is an issue the Minister has already considered. Given the significant amounts of taxpayers' money being spent by local authorities throughout the State, it is regrettable the Comptroller and Auditor General, Mr. Purcell, should not have a critical role in examining the details of that spending. Has the Minister any plans to change the level of accountability demanded with regard to how money is spent by local authorities?

Even after a decade of prosperity, up to €50 billion is collected annually from taxpayers through stealth taxes and indirect taxes, including capital gains tax, corporation tax and so on. The Comptroller and Auditor General has consistently identified evidence of a lack of accountability and a disregard for ensuring value for money in the manner in which taxpayers' money is spent. The most critical overspend related to the roads development programme, which is administered by the National Roads Authority. Before the introduction of fixed-price contracts in recent times, it seems there was little or no control over moneys spent. In some cases where it was necessary to amend a contract, the additional cost was greater than that associated with the original contract.

A significant penalty has been paid by the public for these instances of financial mismanagement. Somebody must suffer when such amounts of money are wasted. The Transport 21 initiative includes scant detail on the development of the critical Atlantic corridor from Donegal along the west coast. In my constituency of Sligo-Leitrim, for example, it is appalling, in the context of the underspend in the region, to consider the condition of the N17 from Sligo to Charlestown. This is a treacherous stretch of road, incorporating the towns of Ballinacarrow, Achonry, Tubbercurry and Charlestown. It is one of the busiest routes in the State and is used by many heavy goods vehicles.

There is a clear necessity for a bypass of Ballinacarrow and Tubbercurry. It has been planned and debated at length and the route has been selected by the county council. There is, however, no timescale for the commencement of this work and no indication as to when the money will be made available. This is disappointing when one considers the billions of euro being spent elsewhere. People in the area feel neglected. Will the Minister indicate what funding has been allocated to Sligo County Council for the progression of this critical project?

The N4 is a fantastic road but there is dissatisfaction among those who use it for the transportation of heavy goods that there is a hefty toll charge of up to €7 per transaction. The bypass of Kinnegad is particularly welcome.

Mr. Roche: The Deputy is correct that it is a fabulous road.

Mr. Perry: Yes. However, problems remain in regard to the lower end of the N4. Travelling from Mullingar to Sligo there are occasional good stretches of road but the section in contention runs from the Curlews in Boyle. The route has already been selected for bypassing Castlebaldwin and Collooney. Traffic volumes on this road are high and there have been several accidents. Work must begin urgently but there is still no commencement date. Motorists who can avail of a motorway for some one third of their journey

[Mr. Perry.]

from Dublin to Sligo experience great difficulty when they reach Carrick-on-Shannon and Boyle, particularly the stretch of road from the Curlews in Boyle to Collooney, before reaching the bypass of Sligo which was long overdue but very much welcomed. It has achieved the objective of establishing Sligo as a gateway city.

I hope the infrastructural deficits evident throughout the Sligo-Leitrim region will be examined. I appeal to the Minister to provide a timescale for the development of this section of the N4. The route has been selected and the resources are there so there is no reason that a timescale cannot be provided. I am disappointed that Members for the Sligo-Leitrim constituency have not exerted their political influence to ensure there is a start date. We are not interested in a date after the election which is intended only to fob us off.

I am equally disappointed with Transport 21 and its reference to the rail link from Claremorris to Collooney. Billions of euro will be spent under that plan, while in excess of €1 billion has already been spent on the Luas and a similar amount on the Dublin Port tunnel. An underground central station is planned for the Phoenix Park. All of those developments are welcome but there is a question mark over the amount of capital expenditure on the east coast.

There are 46 miles between Claremorris and Collooney but the Minister has not indicated any time scale for the completion of the rail link. The State owns the land on which the rail line is situated, so there are no planning difficulties in that regard. There have been no objections to the development of the rail line from anyone but the Government has not given any indication of when or if it will be completed. It has referred to 2014 as the date for the rail line to Claremorris from Ennis to be completed. There is no commitment to a date for the line to be completed from Claremorris to Collooney. There is enormous development potential in the area, which includes the growing villages of Coolaney, Tubbercurry and Charlestown, especially given that up to 1 million passengers are expected to pass through Knock Airport in the near future. The Government's attitude is regrettable in light of the value for money that could be obtained from developing 46 miles of track at an estimated cost of €193 million.

The rail infrastructure body can lay one kilometre of track per week but the Government plan estimates that it will take until 2014 to open the rail line from Ennis to Claremorris. There is no commitment to extend the track from Claremorris to Collooney. If this is an indication of the Government's commitment to addressing the infrastructural deficits in the west of Ireland, it is a poor show. It is astounding when one considers the potential value for money and development opportunities provided by a rail line that would open up the entire Sligo to Limerick area. We

have had experience of a good rail connection from Sligo to Dublin, which has opened up enormous potential in that region.

I read an appalling article in *The Irish Times* last week that suggested that the rail plan should be abandoned and the money spent on the roads. I appeal to the Minister to give a commitment that the line from Claremorris to Sligo will be opened. It is very——

Mr. Roche: That is not the responsibility of my Department.

Mr. Perry: The Minister works in a critical area, in that he gives an enormous amount of direction to local authorities. He also sits at the Cabinet table every week. The Government is spending billions euros of taxpayers' money and words of encouragement from the Minister for the Environment, Heritage and Local Government to the Minister of Transport would help the latter to allocate the money needed to complete this project.

When the Minister for Transport launched Transport 21 no one mentioned the north west. A big deal was made of the fact that the line would be fenced off from Claremorris to Collooney. That was the only commitment given by the Government — to provide fencing wire and posts, at an estimated cost of €4 million or €5 million. Does the Government expect people to walk from Claremorris to Collooney? Perhaps it is intended that people would take a scenic walking route across State-owned land from Collooney to Claremorris.

There will be a general election in the not too distant future, as the Minister well knows and this will be a critical election issue. Deputy Kenny has given a clear commitment that when he is sitting on the other side of the House as Taoiseach, there will be no ambiguity at all about this rail line. It will be delivered.

Mr. Roche: Fine Gael only spent €1 million per year on rail when it was in power.

Mr. Perry: The Minister must remember that the State was only taking in approximately €20 billion in taxes at that time ——

Mr. Roche: In 1996 Deputy Kenny was talking about the brilliant state of the economy.

Mr. Perry: In 1997, the Government was taking approximately €25 billion but now it is taking in excess of €54 billion out of the economy through taxation. There is no point going back to——

Mr. Roche: That is the difference between good and bad Government. The economy booms.

Mr. Perry: That is the difference, Minister, between——

An Leas-Cheann Comhairle: I ask the Deputy to address his remarks to the Chair.

Mr. Perry: I am sorry, but the Minister is trying to provoke me. The Government is taking stealth taxes from the people by the day, if not the hour. While personal taxation has been reduced, everything that one buys, even down to a glass of water, is taxed. This Government would tax the air that we breathe if it could. That is how bad the situation is, with tax on absolutely everything.

The Minister must remember that the Government parties have been in power for nine years.

Mr. Roche: Nine good years.

Mr. Perry: They inherited a very successful economy. However, in terms of investment in critical constituencies in the west of Ireland and what has been delivered, the Government has failed. Under the current national development plan, millions of euros have been under spent and money that was earmarked for transport was diverted to other areas.

In the context of this Bill, it is important that critical infrastructure is developed, whether by the State or private enterprise. The latter has been the main accelerator of this successful economy. However, the level of investment by the State and the critical delays within An Bord Pleanála concerning certain developments are regrettable. Under the terms of this Bill, the funding to be provided for An Bord Pleanála is a paltry sum of €251,000. This is an extraordinarily low figure when one considers the amount of time it currently takes the board to make a decision. Time limits should also be put in place somewhat similar to those which apply under current planning regulations. At present, if there are a number of objections to a project or a number of people who have conflicting opinions on its impact, the board can take a considerable amount of time to make a decision.

Under the current national development plan an enormous amount of money has been wasted, as highlighted in various reports from the Comptroller and Auditor General. The report on the roads programme found that costs had risen by €8 billion, which explains why the Government cannot find €193 million to deliver the West on track. With the money that has been wasted, the Government could have laid rail track all over the country. There should be no question surrounding the provision of this essential rail service.

This Bill refers to critical infrastructure, including the provision of water and sewerage services in towns and villages. When one considers the amount of money the State receives in taxes from every house built and the services it is providing in return, the imbalance is clear. The Government is cleaning up in every town and village in County Sligo in terms of value added tax, capital gains tax and

property tax but the critical services being provided in return are abysmal. There are no services, particularly in terms of playground amenities, child care facilities and so forth. Such services are vital, given the increased population of the county and the increased density of the housing being developed. Sporting amenities are also badly needed. There are celebrations when the sports capital grants are announced, as if the Government were giving out something that did not already belong to the people. Taxation has already left the region and they are getting a paltry €200,000 back to tap into community development.

Connecting with the voluntary sector is the best way to overcome the infrastructural deficit, but this Government does not recognise that to any great extent. People who work tirelessly and appeal for a paltry grant feel they have won the national lottery when they get €200,000, but it is small change. That is why the critical infrastructural deficit affects schools, sports amenities and child care facilities. That is where the State has failed. In the next 12 months, people will adjudicate on how taxpayers' money was spent. Not everyone has benefitted from economic success to the same extent. Those who have seen cut-backs are the most vulnerable in society: single parents, those rearing large families and those living on the margins.

The Minister has a major responsibility and I welcome this Bill. It is important, however, that he recognises the enterprising nature of those working in the voluntary and private sectors. Accountability and value for money are vital. We will not be fobbed off with promises about the infrastructural deficits in Sligo I mentioned. We need action and a timescale for delivery. I will continue to pursue that issue in this House.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I thank all 64 Deputies who spoke on this Bill. This has been one of the longest debates in this Dáil and it has been intriguing and interesting. A number of Deputies believed in my admonition on waste recycling because much of this debate was recycled.

We all recognise, however, the significance of this legislation. Deputy O'Dowd made the point, and I agree with him, that this is one of the most significant Bills in the lifetime of this Dáil. There can be no doubt that it will have implications in terms of infrastructural development.

There has been debate about whether we are moving in the right direction and I sincerely believe we are. There have been a number of outrageous abuses of the planning processes that have delayed vital infrastructure because of the relative ease of access to our courts. Many Deputies said that we are a first world country with Third World infrastructure. That is a clever but untruthful assertion. We are a first world

[Mr. Roche.]

country and we should have a first world infrastructure with the sort of planning process and public administration system that is capable of meeting the challenges of rolling out first class infrastructure.

Deficiencies in the process have been highlighted by the sheer pressure on the administrative and planning systems given the volumes of money this Government is willing to invest in resources, especially the development of infrastructure. Deputy Perry, in what can best be regarded as a tangential contribution on the Bill, made great play of issues in his constituency. He recognised, however, the astronomical amounts of money we will spend in the next few years in areas such as public transport and the pressures that arise as a result.

The Bill merits close attention from all sides and I have listened carefully to the debate. The Bill is a well balanced response to a challenging situation, an attempt to take competing demands and deal with them in a manner whereby we can make progress without trespassing on areas we regarded as important in the past.

Within the democratic process we should allow people the right to object and to express opinions which are clearly inaccurate or baseless, but I do not agree with Deputy Gogarty's contention that we should allow that irrespective of the cost. We are all stewards of the public purse. It is the job of the Oireachtas to ensure we get value for money. The idea that a resident of another country should have the right to object to any planning issue in any forum at any cost is fundamentally wrong. That demonstrates a difference between the practical Members of this House who want to see progress and the Members who could not give a toss about progress, public welfare or the public purse.

Mr. Morgan: It depends on how we define "progress".

Mr. Roche: The Green Party's contributions were generally poor, but they missed the concept of the public good entirely. That was a fundamental difference between the contributions of the main Opposition parties and some others.

This Government has shown a credible commitment to an efficient and effective planning system. We have a good system in place which is significantly different from many European Union member states. It is more open and democratic and, unfortunately, occasionally more open to abuse. I would like to be in the same position as other Ministers with responsibility for infrastructure in other member states where projects can move ahead rapidly. Contributors from all sides referred to infrastructural development in other countries. I have experience of France and

the difference between the two systems is extraordinary.

There is a cost in this; it is not just a game. The abuse of planning system means that people are gridlocked on the roads and are waiting for basic infrastructure. We should not lose sight of that. My constituents in Arklow have been waiting for a sewerage system for 13 years. Successive Governments have provided funding for it but a small group of people exercising their rights have used every device to delay that process. Nowhere in this debate has the issue of where the greater public interest lies been weighed up. The Government has consistently shown a commitment to maintaining an efficient, effective and equitable planning system, but the balance at this stage must be redressed.

First and foremost, our emphasis has been on enhancing the efficiency of the systems already in place, for which I am full of praise. However, many Deputies, particularly over the last two days, have made contributions that touch on the deficiencies in the current system, whose prescriptiveness is unwelcome. The planning system should have within it an element of humanity. It is very hard to legislate for that, or for common sense. However, listening to the last three contributions from the Fine Gael benches, one sees that they address a lack of common sense and humanity. From time to time, they mentioned a failure by administrators to see that there is a common good. Sometimes that common good is dealt with when one delivers a one-off house, and sometimes when one delivers a large piece of infrastructure. The former is not addressed in this Bill, but the latter is.

Second, our emphasis has been on streamlining the various stages in the process to prevent unnecessary delay. This Bill is about removing it from the system. We should be honest enough in our political debates to accept that there has been a great deal of unnecessary delay in the delivery of key infrastructure in this country over the years. Two Fine Gael Deputies today and yesterday made the point when talking about the delays on the M3. Deputy O'Dowd referred to it too in his contribution.

This legislation would help overcome the kinds of difficulties suffered by people in Navan, who are waiting for infrastructure. It will not trespass on the right to good planning. It will not deny that, but it will help speed it up and focus it. Deputies who have engaged in a by-election, as I did at the time, know that one of the key players among opponents who took the issue to court announced that it did not matter what decisions came through, since the person concerned would appeal to this and that body so that there was a delay. There is something inherently wrong in that. The idea that we should streamline the stages to prevent unnecessary delay and abuse is in the public interest.

We have also examined safeguarding the hard-earned virtues of transparency and impartiality, and we have retained them in the Bill. Although not everyone might agree with me, I suggest we have a record of solid and unmatched achievement in the delivery of key infrastructure over the last nine years. That backs up the commitment that we have made. I acknowledge there have been cases of over-runs and delays. I am most familiar with the delay on the N11 through the Glen of the Downs, which was utterly scandalous, and I challenge anyone in this House to approve of what happened there. Completely false and utterly mendacious claims were made regarding what would happen if the road went ahead.

That road was delayed for over two years, and the cost escalated by the best part of €40 million. What could we have done with that? It was a clear and absolute abuse of the planning system. Ultimately, the road was built, and any one of us who is honest and objective driving up and down that road would say the current situation is not only safer and better but an environmental improvement. We can deal with that reality. Public representatives, including those who were encouraging people to hang out of trees, have some responsibility in this matter.

Several Deputies remarked that our current prosperity means we face quite exceptional challenges. They have been faced by no other Government since the foundation of the State. The Government is in the happy position that it has resources and a thriving economy. We claim some credit for that, and no doubt others do too. However, the reality is that we have one of the most progressive economies and must establish the legislative base that will help it to continue.

Previous Administrations did not have the benefit of such resources. Challenges regarding the capacity of our planning and public administration processes to deliver did not arise. If we are honest with ourselves, we will admit that many of the administrative procedures and structures in place today were very clearly put in place as much to delay matters as to advance them. We must deal with that too.

When all this has changed, sustained and prudent management of the public finances by this Government will mean the money required to address infrastructure needs is available. As I said, other Governments can make claims in that direction too. Inaction on the process of infrastructure delivery is no longer an option.

I will take up some specific points, beginning with the very positive contribution made by Deputy O'Dowd and many of the Fine Gael speakers. I am very grateful for the broad support for the intent of the Bill and the proposed changes in it. I accept there are certain issues to discuss. There will be constructive debate on Committee Stage. Deputy O'Dowd asked some-

thing reflected in several queries, namely, whether profit-only projects such as offices or retail parks could possibly be included. It is certainly not my intention or the aim of the legislation to cover such speculative developments, which were also raised on the Labour benches. They are not critical infrastructure, and if the Deputy feels any further assurances are necessary, we can discuss that, since it is not intended. Whatever they are to be used for, whether a decentralised Department or pure speculative development, it is not intended that offices or apartment blocks be included in the Bill. If, on Committee Stage, the Deputy feels further assurances are necessary, we can discuss that.

The Deputy also referred to the practice in the Netherlands of publishing strategic plans and seeking the views of the public. We in Ireland do that too. We publish national and regional strategic development plans for consultation, in which we engage on a massive scale. Sometimes we may do it too much, to the point where we fail to make the progress we should. On balance, we have one of the most open planning systems in the world. It is certainly far more open than the vast majority of those in other EU member states.

Deputy O'Dowd also mentioned the UCC conference, which was a classic of its kind. I come from an academic background, so I can poke some fun at academics from time to time, but this was a typical example of academic lawyers dismantling a law, distrustful of any legislation being put forward by mere legislators. With any kind of innovative thinking, the reality was that they would be much more comfortable debating at length, and no doubt eloquently, how many angels might dance on the head of a pin. We have a more practical purpose.

I was disappointed by the IPI's extraordinary reform-averse views regarding the Bill. As it felt free to comment, I should feel free to do the same. It was somewhat bizarre for a body known as the Irish Planning Institute to wait until after the Bill had passed through the Seanad and its Second Stage in the Dáil had almost finished before letting us have the benefit of its pearls of wisdom.

I welcome its support for the principle of more effective and streamlined planning in the interests of the common good. However, some of the more negative views expressed represent a worst-case scenario rather than reality. In the light of new demands being placed on our planning process, we must be prepared to adopt innovative ways of delivering infrastructure where necessary. Otherwise we will fall further behind. We cannot luxuriate in a process that allows the planning of infrastructure to be delayed for years, something we have seen in one or two cases, simply because someone somewhere decides to exercise his or her rights to the nth degree.

[Mr. Roche.]

It must be acknowledged that national monuments legislation must be reviewed to equip our archaeological system to deal with modern circumstances. The comments made about this legislation were valid, but it would not have been appropriate to deal with these concerns in this Bill, which is a large piece of legislation.

A number of Deputies, including Deputy Perry, referred to whether sufficient resources are being allocated to An Bord Pleanála. Additional funds and 24 additional staff are being made available to the board to ensure it can cope with the additional workload, reorganisation requirements and obligations in respect of this Bill. The board appears to be comfortable with these allocations. One point might have been lost in some of the contributions. The board will not be forced to double-job. Most infrastructural projects have come before the board in recent years and will come in the first instance rather than the second. The board's earlier involvement means that it can handle the issues. The board has not made any negative comments but, if the issue arises, the matter of resources can be reviewed.

I was very disappointed by Deputy Gilmore's contribution.

Mr. Gilmore: I am heartbroken.

Mr. O'Dowd: The sun has gone in.

Mr. Roche: It was not one of his most scintillating performances. His basic thesis was that the Bill would not speed things up. If all strategic infrastructure developments managed to get through local authorities in 12 or 18 weeks, it would be marvellous, but Deputy Gilmore and I know they do not. Developments are delayed, extensions and further information are sought and applications are possibly poorly presented in the first instance. Deputy Gilmore and other speakers made the latter point. Once the decision is made, it is usually appealed to An Bord Pleanála.

In 2003, as many as 93% of applications requiring an environmental impact statement, EIS, at planning authority level were appealed to An Bord Pleanála. This is an astonishing figure. When I asked for the figure, I assumed it would be—

Mr. Gilmore: The Minister should examine the EIS system.

Mr. Roche: There is no need to examine the system. That is not a fair analysis. By any standard, a figure of 93% denotes something fundamental. People have a well established propensity to take any large case to An Bord Pleanála and delay it for as long as possible. This represents an abuse of the planning system and lies at the core of many of our difficulties in infrastructure.

The Bill provides for a six-week public consultation period followed by the standard 18-week

decision-making period, leading to a total period of 24 weeks, or six months

Mr. Gilmore: If Deputy Roche were Minister for Justice, Equality and Law Reform, he would send every case to the Central Criminal Court.

Mr. Roche: Fine Gael argued that we could tighten up this period. I am not sure if we could but it was interesting that both Deputies took a diverse view on this. The Bill allows this timescale to be achieved, which is not possible in the majority of cases at the moment. The majority of infrastructural projects cannot proceed through the planning process in six months. Deputy O'Dowd and Fine Gael Senators argued that it would be good if this timescale could be tightened up and some weeks shaved off it. I do not believe this is possible but we will no doubt discuss it in detail on Committee Stage.

It was also suggested by Labour Party Deputies that the Bill represented a radical alteration of the role and function of An Bord Pleanála, which is simply untrue. An Bord Pleanála has been making these types of decisions since the 2000 Act was introduced. It assumed the Minister for the Environment, Heritage and Local Government's role in approving local authority developments. This direct access has been available since then. The Bill will extend this access to other pieces of key infrastructure. To be fair, I do not believe there has been any protracted or detailed analysis to suggest that the procedures which have operated in the local authority cases since 2000 have produced unfair or negative responses.

Deputy Gilmore quoted extensively but selectively from a report produced by the Institute of Engineers of Ireland, IEI. He omitted one or two telling details. For example, pages 13 and 26 of the report called for the Bill to be enacted as a matter of urgency. The report suggested that the establishment of a single planning authority to deal with strategic infrastructure would be a positive step and called for the involvement of developers or contractors at the earliest possible stage in the planning process. In its March submission to the Department of Finance on the national development programme, the IEI welcomed the Bill as published and called for its urgent enactment. I am sure Deputy Gilmore read the IEI report as carefully as I did so it simply shows that the old adage that the devil can quote scripture as selectively as he or she wishes is true. As a fan of the IEI, I am sure Deputy Gilmore will now support getting the Bill through the Houses of the Oireachtas as quickly as possible, which the IEI recommended.

Another point raised was the meaning of strategic infrastructure. I already mentioned that matters like speculative development are not included in this Bill. It has been suggested that any number of developments could be included in the strategic consent process and people called for eligibility on that. The Bill is very specific in

respect of what types of projects are included and gives a right to An Bord Pleanála to decide whether a project is in or out of the process.

A number of Deputies complained about extensions from telecommunications masts. I will not be overtly partisan and point out what took place in these areas before but we should remember that another Government introduced legislation that dealt with telecommunications masts and the roll-out of telecommunications. Sin lá eile. It was proposed to amend or remove the exemption of such developments on Committee Stage. There is no such general exemption for telecommunications masts, so the most charitable interpretation is that this argument appears to arise from a misreading of the legislation.

A number of Deputies suggested that changes should be made in the courts structure. Deputies should know that we cannot make such changes in the courts structure in this Bill. Every Deputy made a very good point about judicial review. I concede that Labour Party Deputies made a very significant point when they mentioned queries about judicial review being *ex parte* or on notice,

which I will examine. They pointed out that some ambiguities could be used to delay it.

I agree with a number of Deputies who argued that community gain is valuable and substantial. A point which was repeatedly made was whether the Bill encompasses the building of nuclear power stations. I am glad Deputy Morgan is here to listen to me address this point. He can rest assured that it does not.

Mr. Morgan: Some of the Minister's colleagues would like to apply it.

Mr. Roche: Local democracy was also discussed. The Bill will fundamentally change every planning Act passed since 1963 in that it provides a very specific role for councillors. This point has been generously recognised by a number of contributors.

The Bill does not threaten local democracy. I thank everyone who contributed to the debate on this Bill even though I did not agree with all of them.

Question put.

The Dáil divided: Tá, 63; Níl, 29.

Tá

Ahern, Michael.
 Andrews, Barry.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Johnny.
 Brady, Martin.
 Breen, James.
 Brennan, Seamus.
 Browne, John.
 Bruton, Richard.
 Callanan, Joe.
 Carey, Pat.
 Carty, John.
 Cassidy, Donie.
 Cregan, John.
 Cullen, Martin.
 Curran, John.
 de Valera, Síle.
 Dempsey, Tony.
 Dennehy, John.
 Devins, Jimmy.
 Durkan, Bernard J.
 Enright, Olwyn.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Hanafin, Mary.
 Hayes, Tom.
 Hogan, Phil.
 Jacob, Joe.
 Keaveney, Cecilia.

Kehoe, Paul.
 Kelleher, Billy.
 Kelly, Peter.
 Kirk, Seamus.
 Kitt, Tom.
 McEllistram, Thomas.
 Mitchell, Olivia.
 Moynihan, Michael.
 Mulcahy, Michael.
 Neville, Dan.
 Nolan, M. J.
 Noonan, Michael.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Donoghue, John.
 O'Donovan, Denis.
 O'Dowd, Fergus.
 O'Keeffe, Batt.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Stanton, David.
 Wallace, Mary.
 Wilkinson, Ollie.
 Woods, Michael.

Níl

Boyle, Dan.
 Broughan, Thomas P.
 Burton, Joan.
 Connolly, Paudge.
 Crowe, Seán.
 Ferris, Martin.
 Gilmore, Eamon.
 Gogarty, Paul.
 Gormley, John.

Gregory, Tony.
 Healy, Seamus.
 Higgins, Joe.
 Howlin, Brendan.
 McGrath, Finian.
 McHugh, Paddy.
 McManus, Liz.
 Morgan, Arthur.
 Murphy, Catherine.

Níl—*continued*

Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Sullivan, Jan.
Penrose, Willie.
Ring, Michael.
Ryan, Eamon.

Sargent, Trevor.
Shortall, Róisín.
Stagg, Emmet.
Upton, Mary.
Wall, Jack.

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

Question declared carried.

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

Question put and agreed to.

Planning and Development (Strategic Infrastructure) Bill 2006 [*Seanad*]: Referral to Select Committee.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I move:

The Dáil adjourned at 2.45 p.m. until 2.30 p.m. on Tuesday, 20 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].

Cross-Border Co-operation.

1. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children the amount of co-operation, activity and engagement as regards health and most especially as regards the helicopter emergency medical service in the context of north south arrangement and on the back of the Good Friday Agreement; and if she will make a statement on the matter. [23164/06]

Tánaiste and Minister for Health and Children (Ms Harney): North/South co-operation takes place in the health area at three levels viz:

1. North South Ministerial Council (NSMC)
2. Co-operation And Working Together (CAWT)
3. Other co-operation areas

1. NSMC

The five areas in health identified for co-operation are:

- Accident and Emergency Services
- Planning for Major Emergencies
- High Technology
- Cancer Research
- Health Promotion

While the NSMC remains suspended, progress continues to be made in some of these co-operation areas.

2. CAWT

CAWT was established in 1992 and is representative of the health authorities, North and South, along the border area together with a number of the Northern Ireland Trusts. Its aim is to improve the health and social well-being of the approximate one million resident population of the area. In addition to its day to day work which includes needs assessment, service developments, networking, piloting projects and strengthening partnerships, CAWT plays a role in delivering several

co-operative ventures initiated by the NSMC Health Sector decisions. CAWT has also been successful in securing funding under the EU Interreg 111A Programme for approximately 35 projects across the health sector at local level.

3. Other Areas

In addition to the above, other areas of co-operation being explored include:

- Radiotherapy Services
- Child Protection
- Suicide Prevention
- Public Health Emergency Planning
- Specialist Paediatric Services
- Medical Registration and Indemnity Issues

All these give rise to current contact at official level and have potential for greater cross border co-operation.

Helicopter Emergency Medical Service

My Department and the Department of Health Social Services and Public Safety (DHSSPS), Belfast, commissioned a consultancy study on the costs and benefits associated with the introduction of a dedicated Helicopter Emergency Medical Services (HEMS) for the island of Ireland. The resulting report was published in April 2004. In considering the report, the DHSSPS advised that its priority at present is the need for further investment to improve the ground ambulance service. On foot of the report, a Service Level Agreement has been entered into with the Department of Defence for the provision of air ambulance services by the Air Corps. The signatories to the agreement are the Department of Defence, the Department of Health and Children, the Health Service Executive, the Defence Forces and the Air Corps.

Hospital Services.

2. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children when the Comhairle na

[Mr. Kenny.]

nOspidéal and the Health Service Executive report, commissioned in 2000, to review neuro-surgical services with emphasis on capacity and geographical location will be published; the reason for the delay in this report; and if she will make a statement on the matter. [23165/06]

Tánaiste and Minister for Health and Children (Ms Harney): In 2002, a committee was established by Comhairle na nOspidéal, to review the existing arrangements for the provision of neuro-surgical services and consultant staffing nationally, and following consultation with the interests concerned, to make recommendations on the future organisation and development of neurosurgical services. My Department has been informed that the report will be published by the Health Service Executive in the coming weeks.

Public Health Issues.

3. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children the level of mosquito bites suffered by people here; if she is satisfied that adequate measures are being taken to prevent the mosquitos breeding thus avoiding public health issues (details supplied); and if she will make a statement on the matter. [23166/06]

Tánaiste and Minister for Health and Children (Ms Harney): The level of mosquito bites suffered by people here is not recorded and I have no function in relation to the matters raised in the Deputy's question. However, if a person is bitten by a mosquito, they should follow the normal procedures if it causes a health problem i.e. visit their General Practitioner.

Health Services.

4. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children the entitlements of children to dental treatment under present arrangements; and if she has plans to extend that cover. [23167/06]

Tánaiste and Minister for Health and Children (Ms Harney): The statutory position governing the eligibility of children to dental treatment under the Health Service Executive (HSE) service is Section 66 of the Health Act, 1970, the Health (Amendment) Act 1994 and the Health (Dental Services for Children) Regulations, 2000 (S.I. No. 248 of 2000). Responsibility for delivery of health services is a matter for the Health Service Executive.

Children in specific classes in national school, usually second, fourth and sixth class, are targeted for preventive measures under the school based approach; the children in these classes are screened and referred for treatment as necessary; the programme has been specifically designed to ensure that children are dentally fit before they leave national school. The screening provided in second, fourth and sixth classes ensures that fol-

low up appointments for examination, treatment or orthodontic review are made, as necessary, with the Dental Surgeon in the clinic designated for the particular school(s). Children who have attended national school retain eligibility to dental treatment up to their 16th birthday.

The Irish Medicines Board (Miscellaneous Provisions) Act, 2006, which was recently adopted by the Oireachtas, contains provision for the amendment of section 66 of the Health Act 1970 and the Health (Amendment) Act, 1994. The amendments provide for dental health examinations for all primary school children whether they are educated in national primary schools, private primary or Montessori schools or who are home taught. It is intended that the Irish Medicines Board (Miscellaneous Provisions) Act, 2006, will be commenced in the near future.

Hospital Services.

5. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children if there is a universal newborn hearing screening programme available in the paediatric and maternity department at the Midlands Regional Hospital, Mullingar and the Midlands Regional Hospital, Portlaoise; if there is not such a programme, if she intends to introduce one; the timeframe for same; and if she will make a statement on the matter. [23170/06]

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.

The report of the Universal Neonatal Hearing Screening Group commissioned by the former Health Boards was received in the Public Health Division of my Department on 3 April 2006 and is being assessed. My Department is also in discussion with the Health Service Executive in relation to its implementation.

Health Services.

6. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children if there is a diagnostic attention deficit hyperactivity disorder centre located in County Westmeath and County Longford; if there are no such centres, if she intends to establish these centres; the timeframe for same; and if she will make a statement on the matter. [23171/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's questions relate to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive

under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to have these matters investigated and to have a reply issued directly to the Deputy.

Medical Aids and Appliances.

7. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children if defibrillators are available in every fire station in County Westmeath and County Longford; if not, if she intends to make this possible; the timeframe for same; and if she will make a statement on the matter. [23172/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Task Force on Sudden Cardiac Death, whose report “*Reducing the Risk: A Strategic Approach*” was published in March 2006, recognises the need for early cardiopulmonary resuscitation. Overall responsibility for implementation of the report’s recommendations has been assigned to the Health Service Executive. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

8. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children if she will examine the possibility of making defibrillators available to second level schools; and if she will make a statement on the matter. [23173/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Task Force on Sudden Cardiac Death, whose report “*Reducing the Risk: A Strategic Approach*” was published in March 2006, recognises the need for early cardiopulmonary resuscitation. Overall responsibility for implementation of the report’s recommendations has been assigned to the Health Service Executive. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

9. **Mr. Neville** asked the Tánaiste and Minister for Health and Children when orthodontic treatment will be provided for a person (details supplied) in County Limerick. [23186/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter

investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

10. **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 a hospital; and if she will make a statement on the matter. [23187/06]

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.

Health Services.

11. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if home help can or will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [23209/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

12. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when a medical card will be awarded to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [23210/06]

13. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when optical benefit will be awarded to a person (details supplied) in County Kildare on foot of a medical card; and if she will make a statement on the matter. [23212/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 12 and 13 together.

The Deputy’s questions 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.

14. **Ms Shortall** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the lack of information regarding entitlement to public nursing homes; if she will make this information available; the steps she will take to ensure that it is freely available to the public; and if she will make a statement on the matter. [23237/06]

Minister of State at the Department of Health and Children (Mr. S. Power): Access to public nursing home care is based on the capacity of the Health Service Executive to deliver such care. This is itself subject to the resources available to the Executive having regard to all its responsibilities for the delivering of health services generally. Entitlement to public nursing home care is subject to resources and capacity.

In regard to information to clients on public nursing homes this is an operational matter and 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.

15. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the reason for the delay in the introduction of hearing screening for all newborn babies, especially in view of the fact that this screening programme uses relatively cheap technology and would pay for itself in less than four years by reducing the future costs of deafness to the State; and if she will make a statement on the matter. [23238/06]

Tánaiste and Minister for Health and Children (Ms Harney): The report of the Universal Neonatal Hearing Screening Group commissioned by the former Health Boards was received in the Public Health Division of my Department on 3 April 2006 and is being assessed. My Department is also in discussion with the Health Service Executive in relation to its implementation.

Patient Confidentiality.

16. **Mr. J. Higgins** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the practice at Bantry General Hospital whereby patients' personal files are retrieved and moved by employees of an outside private security firm; and her views regarding the confidentiality and privacy of patients' files. [23246/06]

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.

Disabled Drivers.

17. **Mr. Perry** asked the Minister for Finance if he will ensure that a decision is made on the disabled drivers application for tax relief for a person (details supplied) in County Sligo; and if he will make a statement on the matter. [23193/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners, that based on the information supplied they have been unable to trace any claim by the named person under the Disabled Drivers and the Disabled Passengers [Tax Concessions] Regulations 1994.

It is a fundamental requirement for admission to the scheme that the person with the disability meets the specified medical criteria and is in possession of a Primary Medical Certificate to that effect issued by the Senior Area Medical Officer of the appropriate local Health Service Executive administrative area. Where an application is unsuccessful, this decision may be appealed to the Disabled Drivers Medical Board of Appeal, c/o National Rehabilitation Hospital, Rochestown Avenue, Dun Laoghaire, Co. Dublin, an independent body whose decision is final.

It is regretted that the Revenue Commissioners are unable to consider an application for tax relief under the scheme without the issue of a Primary Medical Certificate. On receipt of an original Primary Medical Certificate, this certificate together with the completed original application form [DD1] should be submitted to the Office of the Revenue Commissioners, Disabled Drivers Section, Coolshannagh, Co. Monaghan, at which time a claim for relief of taxes under the above regulations will be processed.

The Revenue Commissioners have forwarded to the named person an information booklet (VRT 7) which outlines the scope of the scheme, the reliefs available and the application procedures.

Aquaculture Industry.

18. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources the actions his Department made to prepare for the entry into force of the recommendation concerning farmed fish of the Council of Europe's Standing Committee on the European Convention for the Protection of Animals Kept for Farming Purposes; the action he is taking now that said recommendation has entered into force to ensure that Ireland's regulatory and enforcement environment is such that it is entirely consistent with the content of the recommendation; if he has identified the shortfalls in said environment *vis-à-vis* its consistency with the recommendation;

and if so, the steps she will be taking to ensure the recommendation is honoured. [23150/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The Recommendation concerning farmed fish adopted by the Standing Committee of the European Convention for the protection of animals kept for farming purposes was adopted at the Council of Europe on 5 December 2005 and came into force on 5 June 2006. The Recommendation is general in nature and is due to be completed by detailed, technical appendices. We have not yet received notification of when these appendices will be produced, however, their consideration would include consultation with the aquaculture industry here to establish what implications there might be for fish farming practices.

It may be noted that European Community is a contracting party to the Convention for the protection of animals kept for farming purposes, and therefore it was the Community that voted in favour of the Convention on behalf of EU Member States. Concurrent with this Recommendation, a new EU Directive updating requirements for fish health has been brought forward and is now close to adoption. This Directive will be required to be implemented in accordance with Regulation (EC) 882 of 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

In addition, the Department, in conjunction with the Marine Institute, has been involved in facilitating an initiative led by the Irish aquaculture industry to develop a Code of Best Practice for the farming of finfish, highlighting the international standards to be adhered to with regard to the welfare of farmed fish.

Aquaculture Licences.

19. **Mr. J. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that a person (details supplied) in County Cork has been seeking an aquaculture licence since 2004 to cultivate blue mussels at a site at Ardgroom Harbour; and if this application will be completed and the licence granted. [23168/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The application was received in November 2004 and was assessed in the normal way. It was decided that, pending the resolution of compliance issues relating to density, configuration and maintenance of existing licensed areas within the harbour, the application could not be progressed further.

In January 2005 the applicant was advised that until the situation at Ardgroom had been resolved his application could not be determined.

Efforts to resolve the overall situation are ongoing.

Harbours and Piers.

20. **Mr. J. Breen** asked the Minister for Communications, Marine and Natural Resources if he will provide further funding towards the redevelopment of Doonbeg pier which is expected to cost €1 million, three quarters of which has to be raised locally; and if he will make a statement on the matter. [23195/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Doonbeg Pier is owned by Clare County Council and responsibility for its repair and maintenance and development rests with the local authority in the first instance. The Department, on behalf of the County Council, is currently undertaking a study to evaluate options for the development of Doonbeg Pier. The report is substantially complete and will be available in the near future. Initial indications are that the development will cost in the region of €1 million. This proposal comes under the Fishery Harbour Development Programme and funding under this measure is provided on a 75% grant aid with a 25% contribution from the Local Authority. The question of providing funding for the proposed development of Doonbeg Pier will be considered in the context of the amount of Exchequer funding available for works at fishery harbours generally and overall national priorities.

Fishing Industry Development.

21. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if he will make a statement on the sea fisheries output including the tonnage and the main species caught for each of the years 2005, 2004, 2003, 2002 and 2001 for harbours (details supplied). [23196/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The information sought by the Deputy is being compiled and will be transmitted directly to him at an early date.

22. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the percentage of the European catch Ireland’s TACs for demersal, pelagic and shellfish represent from 2001 to 2005; and if he will make a statement on the matter. [23197/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Details of the EU Total Allowable Catch (TAC) and Ireland’s quota as a % of this TAC for the years 2001-2005 are provided in the following table.

Common Name	Area	2001			2002			2003			2004			2005		
		ECTAC	IRL Quota	IRL % of TAC	ECTAC	IRL Quota	IRL % of TAC	ECTAC	IRL Quota	IRL % of TAC	ECTAC	IRL Quota	IRL % of TAC	ECTAC	IRL Quota	IRL % of TAC
Anglerfish	Vb (I), VI, XII, XIV	8,000	800	10	4,770	477	10	3,180	318	10	3,180	318	10	4,686	469	10
Anglerfish	VII	23,000	1,740	8	18,600	1,410	8	15,810	1,198	8	20,902	1,584	8	25,082	1,901	8
Blue whiting	Vb (I), VI, VII, XII, XIV	163,000	26,080	16	107,281	17,165	16	433,000	17,165	4	209,653	62,174	30	474,333	75,893	16
Cod	I, II	16,150	242	1	16,355	245	1	16,353	245	1	19,800	293	1	19,499	292	1
Cod	Vb (I), VI, XII, XIV	3,700	833	23	4,600	1,035	23	1,808	407	23	848	191	23	721	162	22
Cod	VIIa	2,100	1,385	66	3,200	2,017	63	1,950	1,284	66	2,150	1,416	66	2,150	1,416	66
Cod	VIIb-k, VIII, IX, X	10,500	1,070	10	8,700	977	11	6,700	875	13	5,700	824	14	6,200	849	14
Haddock	Vb (I), VI, XII, XIV	19,000	1,730	9	14,100	1,535	11									
Haddock	VIIa							7,973	1,214	15	6,503	1,010	16	7,600	598	8
Haddock	VIIb							702	107	15	702	55	8	702	55	8
Haddock	VII, VIII, IX, X	13,200	2,930	22	9,300	2,067	22	8,185	1,819	22	9,600	2,133	22	11,520	2,560	22
Hake	Vb (I), VI, VII, XII, XIV	23,600	1,300	6	15,118	834	6	16,823	1,114	7	21,926	1,209	6	23,888	1,318	6
Herring	I, II	73,840	6,670	9	73,840	6,670	9	48,493	4,377	9	72,804	6,458	9	89,537	7,942	9
Herring	Vb (I), VIIaN, VIIb	35,700	5,390	15	35,700	5,393	15	29,340	4,432	15	29,340	4,432	15	29,440	4,447	15
Herring	VIIaS, VIIbC	13,900	12,640	91	14,000	12,727	91	14,000	12,727	91	14,000	12,727	91	14,000	12,727	91
Herring	VIIa	6,900	1,800	26	4,800	1,250	26	4,800	1,250	26	4,800	1,250	26	4,800	1,250	26
Herring	VIIghjk	20,000	17,290	86	8,000	6,914	86	13,000	11,235	86	13,000	11,235	86	13,000	11,236	86
Horse mackerel	IIa (I), North Sea (I)	49,400	1,950	4	49,400	1,950	4	41,667	1,641	4	46,788	1,846	4	40,616	1,599	4
Horse mackerel	Vb (I), VI, VII, VIII, XII, XIV	233,000	55,010	24	143,000	33,763	24	130,000	30,693	24	131,879	31,137	24	133,223	31,454	24
Mackerel	II, Vb (I), VI, VII, VIII, XII, XIV	329,410	70,270	21	345,012	73,597	21	317,869	67,807	21	296,349	63,216	21	217,477	46,149	21
Megrims	Vb (I), VI, XII, XIV	4,840	630	13	4,360	565	13	4,360	565	13	3,600	466	13	2,880	373	13
Megrims	VII	17,920	2,970	17	13,350	2,210	17	14,336	2,373	17	18,099	2,996	17	19,263	3,189	17

Common Name	Area	2001			2002			2003			2004			2005		
		ECTAC	IRL Quota	IRL % of TAC	ECTAC	IRL Quota	IRL % of TAC	ECTAC	IRL Quota	IRL % of TAC	ECTAC	IRL Quota	IRL % of TAC	ECTAC	IRL Quota	IRL % of TAC
Norway lobster	Vb (I), VI	12,600	170	1	11,340	153	1	11,340	153	1	11,300	153	1	12,700	172	1
Norway lobster	VII	21,000	7,750	37	17,790	6,561	37	17,790	6,561	37	17,450	6,436	37	19,544	7,207	37
Plaice	Vb (I), VI, XII, XIV	2,400	880	37	1,728	630	36	1,534	559	36	1,227	447	36	982	358	36
Plaice	VIIa	2,400	1,365	57	2,400	1,364	57	1,675	1,173	70	1,340	876	65	1,608	1,051	65
Plaice	VIIbc	300	240	80	180	144	80	160	128	80	160	144	90	160	128	80
Plaice	VIIfg	800	80	10	680	209	31	660	46	7	560	39	7	476	202	42
Plaice	VIIhjk	1,350	590	44	970	424	44	582	255	44	466	203	44	466	204	44
Pollack	Vb (I), VI, XII, XIV	1,100	150	14	1,100	155	14	880	124	14	704	99	14	563	79	14
Pollack	VII	17,000	1,300	8	17,000	1,298	8	17,000	1,298	8	17,000	1,298	8	17,000	1,298	8
Saithe	Vb (I), VI, XII, XIV	7,000	395	6	14,000	425	3	17,119	415	2	19,713	478	2	15,044	494	3
Saithe	VII, VIII, IX, X	6,500	1,960	30	8,710	2,450	28	8,710	2,450	28	6,968	1,960	28	5,574	1,568	28
Sole	Vb (I), VI, XII, XIV	155	125	81	125	100	80	106	85	80	85	68	80	68	54	79
Sole	VIIa	1,080	130	12	1,100	134	12	1,010	123	12	800	98	12	960	117	12
Sole	VIIbc	100	85	85	80	65	81	80	65	81	65	55	85	65	55	85
Sole	VIIfg	1,160	35	3	1,070	33	3	1,240	39	3	1,050	33	3	1,000	31	3
Sole	VIIhjk	720	325	45	650	293	45	390	176	45	390	176	45	650	293	45
Whiting	Vb (I), VI, XII, XIV	4,300	1,250	29	3,500	1,029	29	2,000	582	29	1,600	466	29	1,600	478	30
Whiting	VIIa	2,640	1,525	58	1,000	576	58	500	288	58	514	296	58	514	296	58
Whiting	VIIb-k	22,500	6,260	28	31,700	8,814	28	31,700	8,814	28	27,000	7,507	28	21,600	6,006	28

23. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the number of people who are employed in the seafood processing industry for the years 2001 to 2005; the value of seafood exports for each of the years 2001 to 2005; the percentage increase or decrease in the seafood processing industry between 2001 and 2005; and if he will make a statement on the matter. [23198/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The number of people employed in the seafood processing industry for the years 2000 and 2005 are set out in table 1. Employment figures are not available for the intervening years. The value of seafood exports for the years 2001 to 2005 inclusive are set out in table 2. There has been an 9% decrease in the number of processing companies between 2001 and 2005 while employment in the processing industry decreased by 20% during this period.

Table 1

Employment — Seafood Processing Industry

Sector	2000	2005
Processing	4,207	3,507

Table 2

Irish Seafood Exports

	2001	2002	2003	2004	2005
(€ Million)	433.4	428	381.3	380.7	354

24. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the information he has received from the sea fisheries sector on the impact of rising fuel prices during the past two years; and the steps he will take to alleviate this problem for the fishing industry. [23199/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The issue of rising fuel prices has been raised by the fishing industry on numerous occasions over the past two years, including at the meeting with EU Commissioner Borg last November and at the meeting with Minister Dempsey and myself on 8 May. It has also been discussed at Council level on a number of occasions, most recently in April 2006 when the Council discussed a Communication from the Commission to the Council and the European Parliament on improving the economic situation in the fishing industry. This Communication considered both short and longer term options to

improve the economic situation of the fishing fleet, including the restructuring of fleets to bring the fleet into line with available resources and the introduction of more fuel efficient fishing gear and engines.

I am fully supportive of the application of such measures to the Irish fleet particularly as it is probable that fuel prices are unlikely to revert to their previous lower levels. I have supported proposals that provide for grant aiding the introduction of the most energy-efficient engines under the new European Fisheries Fund, which is currently being negotiated and I am hoping that agreement will be secured at next week's Fisheries Council. I also consider that considerable research activity is required in order to identify the most fuel efficient equipment and practices and I have pressed strongly at Council for this area to be prioritised under the EU's Seventh Framework Programme for Research (2007-2013).

I believe that there is a clear economic imperative, in addition to an environmental dividend, to support measures that improve the economic competitiveness of the Irish fleet.

Fisheries Protection.

25. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the position with regard to alleged illegal fishing activity at Killybegs Harbour; and the steps which may be taken by himself, An Garda Síochána or the Director of Public Prosecutions. [23200/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): When this matter was brought to the attention of Ministers, the matter was formally referred to An Garda Síochána with a request for an investigation. I understand that the Gardaí are conducting an investigation into the matter. That investigation is solely a matter for An Garda Síochána and I have no role in that investigation.

As the timeframe and conduct of the investigation are matters solely for the Gardaí, I consider that it would be inappropriate for me to comment further or make a statement on the matter.

Fishing Industry Development.

26. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the position with regard to alleged illegal fishing activity in Irish waters or ports; and the estimates his Department has made of block fish catches for the years 2005, 2004, 2003, 2002 and 2001. [23201/06]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Browne): Where illegal fishing activity is detected by the Department or the Naval Service, the case is referred to the Attorney General's Office for consideration and appropriate action. Details of all landings known to the Department are reported to the EU Commission, as required by EU legislation.

In relation to wide ranging allegations brought to the attention of the Ministers in the summer of 2004 and subsequent wide ranging allegations, taking account of the matters raised and the potential seriousness of the allegations, the matters were formally referred to An Garda Síochána for investigation. Those investigations are solely a matter for An Garda Síochána and I have no role in these investigations. Any findings of illegal landings determined in such investigations and reported to the Department will, in accordance with legal advice, be reported to the EU Commission.

Acquaculture Development.

27. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the tonnage produced by the aquaculture industry here for each of the years 2005, 2004, 2003,

2002 and 2001; the tonnage produced in each of these years for the six main species grown; the size of the workforce directly involved in aquaculture here for each of the years since 2001; and the numbers of processing and ancillary workers in the industry. [23203/06]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Browne): The Irish aquaculture industry has grown since the early 1970's to become an important contributor to the national economy. BIM supplied the following information using the data they collate on an annual basis in relation to employment figures and production volumes.

The total tonnage produced by the aquaculture industry from 2000 to 2005 is 302,007 tonnes. The breakdown per year for each of the years is as follows:

*2005 — 59,218,
2004 — 58,354,
2003 — 62,516,
2002 — 60,984
2001 — 60,935

The following table sets out the tonnage produced in each of these years for the six main species grown:

Production in the Irish Aquaculture Industry 2001 to 2005

Six Main Species:	2001 Tonnes	2002 Tonnes	2003 Tonnes	2004 Tonnes	2005* Tonnes	Total 2001 to 2005 Tonnes
Salmon	23,312	21,423	16,347	14,067	11,945	87,094.00
Bottom Mussels	22,793	24,000	29,976	28,560	30,600	135,929.00
Rope Mussels	7,580	7,699	9,313	8,755	9,200	42,547.00
Gigas Oysters	4,909	5,444	4,830	5,103	5,500	25,786.00
Fresh Water Trout	730	915	1,081	889	950	4,565.00
Sea-reared Trout	977	888	370	282	417	2,934.00
Total six species	60,301	60,369	61,917	57,656	58,612	298,855.00

* Note: 2005 data is a provisional estimate.

The following table sets out the size of the workforce directly involved in aquaculture here for each of the years since 2001.

Workforce directly involved in aquaculture

	2001	2002	2003	2004	2005
Full Time	952	904	953	718	Not Available
Part Time	821	758	1,119	744	Not Available
Casual	1,190	720	564	474	Not Available
Total	2,963	2,382	2,636	1,936	Not Available
Full Time equivalent	1,553	1,398	1,603	1,166	Not Available

The numbers of processing and ancillary workers in the aquaculture industry is not available as employment data in seafish and aquaculture pro-

cessing is combined and not generated separately. There are currently 130 fish processing companies in Ireland, employing a total of 3,500 people.

[Mr. Browne.]

These companies handle all seafish and a considerable amount of aquaculture produce, especially salmon and mussels.

Fisheries Budget.

28. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the yearly budgets and the number of personnel employed by An Bord Iascaigh Mhara for 2005, 2004, 2003, 2002 and 2001; and the role which BIM is playing in the sea fisheries strategy currently being drawn up. [23205/06]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Browne): The following table gives a breakdown of the yearly budgets and the number of personnel employed by An Bord Iascaigh Mhara for the years in question.

Year	Yearly Budget €000s	No. of Personnel Employed
2001	25.364	148.0
2002	28.388	156.6
2003	25.006	156.6
2004	28.475	156.6
2005	29.882	153.0

Following detailed talks with representatives of the Irish fishing industry and the Marine Minister plans were announced in May 2006 for the development of a comprehensive Seafood Development Strategy. Terms of Reference for the Strategy are currently being finalised. BIM will provide the secretariat and support for the process.

Fishing Vessel Licences.

29. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the size of Ireland's licensed sea fishery fleets for 2005, 2004, 2003, 2002 and 2001; and the impact of the decommissioning scheme for the whitefish and shellfish fleets on the number of boat licences in these sectors since October 2005. [23206/06]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Browne): The number of vessels registered in the Irish Fishing Fleet at 31 December for the years 2001-2005 by segment are contained in the following tables. The impact of the decommissioning scheme is that currently Ireland's Fishing Fleet has been reduced by 30 vessels, of which 21 were from the Polyvalent segment and 9 from the Specific segment. The total capacity of these 30 vessels was 4152 GT and 13461 Kws.

2001

Segment	No. of vessels
Pelagic	23
Beamer	8
Polyvalent	1,391
Specific/Aquaculture	166
Total	1,588

2002

Segment	No. of vessels
Pelagic	23
Beamer	10
Polyvalent	1,380
Specific/Aquaculture	183
Total	1,596

2003

Segment	No. of vessels
Pelagic	21
Beamer	10
Polyvalent	1,319
Specific/Aquaculture	170
Total	1,520

2004

Segment	No. of vessels
Pelagic	23
Beamer	12
Polyvalent	1,254
Specific/Aquaculture	148
Total	1,437

2005

Segment	No. of vessels
Pelagic	23
Beamer	13
Polyvalent	1,230
Specific/Aquaculture	150
Total	1,416

Postal Codes.

30. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the cost of introduction of post codes; and if he will make a statement on the matter. [23207/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Following from the recommendations of the Working Group report on postcodes, I asked the Commission for Communications Regulation (ComReg) to appoint consultants to support the postcode project by providing technical and economic advice including assessing the costs and benefits of the introduction of a postcode.

A National Postcode Project Board, comprising representatives of Government departments, together with public and private sector organisations was appointed last year to oversee the process.

It is expected that the consultants will shortly present a proposal to the National Postcode Project Board that describes in sufficient detail, the most appropriate postcode system for Ireland along with a detailed implementation plan including the associated expected costs and benefits. The board will then present its recommendation to me for my consideration.

Fishing Industry Development.

31. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the tonnage produced by the commercial sea fishery sector here for the years 2005, 2004, 2003, 2002 and 2001; the tonnage produced for each of these years for the ten most important species in terms of productivity and including demersal, pelagic and shell fish; the value of sea fishery production here for each of the years; and the estimated workforce involved in sea fisheries throughout that period including fishing boat crews, processing workers ashore, ancillary support businesses and fisheries distribution both wholesale and retail. [23220/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):

The information sought by the Deputy regarding the tonnage produced by the commercial sea fishery sector for the years 2001-2005 plus the breakdown for the ten most important species is being compiled and will be forwarded to the Deputy at a later date. The vast bulk of sea fishery production in Ireland is exported and the value of exports for the years 2001-2005 is set out in Table 1. Bord Iascaigh Mhara has collected data on employment and has advised that the number of people employed in the Seafood sector for the years 2000 and 2005 are as set out in Table 2. Employment figures are not available for the intervening years.

Table 1: Irish Seafood Exports

	2001	2002	2003	2004	2005
(€ million)	433.4	428	381.3	380.7	354

Table 2: Employment — Seafood Sector

Sector	2000	2005
Fisheries	6,200	5,037
Aquaculture	2,905	1,936
Processing (includes wholesalers)	4,207	3,507
Ancillary	1,500	1,185
Total	14,812	11,665

Territorial Waters.

32. **Mr. Broughan** asked the Minister for Foreign Affairs the proportion of EU waters which belonged to the Irish State before May 2004, the EU of 15 member states; and the proportion since May 2004, the EU of 25 member states. [23221/06]

Minister for Foreign Affairs (Mr. D. Ahern):

On the basis of information supplied to my Department by the Department of Communications, the Marine and Natural Resources, I can inform the Deputy that Ireland's waters extend to approximately 125,000 square nautical miles. Figures for the European Union as a whole, either before or after enlargement on 1 May 2004, are unfortunately not available from the European Commission. It is therefore not possible, at the present time, to say what proportion of EU waters belonged to the Irish State either before 1 May 2004 or subsequently.

The Deputy may wish to be aware that Ireland's waters consist of a territorial sea and, beyond the limits of the territorial sea, two distinct legal zones or jurisdictions, known as the "contiguous zone" and the "exclusive economic zone". These legal zones partly overlap each other physically.

Foreign Conflicts.

33. **Mr. Gormley** asked the Minister for Foreign Affairs the steps Ireland will take to ensure Israel's compliance with international law, in view of the fact that the Israeli Government has chosen calls by the Quartet to freeze settlement expansion and the construction of the separation barrier; the role the Irish Government is playing in mobilising the Quartet to give meaning to the vision of two viable States of Israel and Palestine, recognising that actions on both sides have contributed to the situation of insecurity and poverty and that without international impartiality peace will be elusive; if the Irish Govern-

[Mr. Gormley.]

ment will commit to providing the aid that had been ear-marked to the Palestinian Authority and call for a full resumption of EU assistance in view of the deepening poverty levels among the Palestinian population; and if he will make a statement on the matter. [23286/06]

Minister for Foreign Affairs (Mr. D. Ahern): I refer the Deputy to my replies to Questions on this matter on 17, 24 and 30 May 2006.

The Government shares the widespread concern about the situation in the Palestinian Territories. Recent events serve to underline the urgent need for the Israeli Government and the Palestinian Authority to recognise and act on their obligations under the Quartet Roadmap and under international law. The Government has continued to raise directly with the Israeli authorities our concerns about the serious humanitarian and economic impact of policies and activities in the Occupied Territories. We have also worked with our partners in the EU to ensure that the Union maintains its clear position that Israel must end all activities in the Territories which are contrary to international law and which threaten the viability of a solution based on the co-existence of two States. These include the continued expansion of settlements, the construction of the separation barrier on occupied land and the demolition of Palestinian homes.

We have been consistently active within the EU and the UN in promoting a lasting, peaceful and just settlement of the Israeli-Palestinian conflict, and remain convinced that the only way forward is through negotiations between the parties leading to a viable two-State solution. Within the Union, the Government continues to pursue a policy approach aimed at ensuring that the EU remains fully engaged in the process, with a clear and balanced message for the parties. The EU is playing a vital role in the work of the Quartet to create an environment for the earliest possible return to negotiations.

The EU has been the strongest supporter of the Palestinian people internationally. It is also the largest donor. Overall EU assistance, including bilateral assistance from Member States, averages €500 million annually. This has covered humanitarian assistance and support for Palestinian institutions, NGOs and civil society, as well as contributions to the UN and other international organisations. In February, the Council approved the urgent release by the Commission of €121 million in humanitarian assistance to the Palestinian people, and a further allocation will be made shortly. Since April, the EU has been reviewing its assistance against the Hamas Government's commitment to the principles set out by the Quartet and the EU since 30 January. These entail renunciation of violence, recognition of Israel's right to exist, and adher-

ence to agreements already negotiated by the Authority and the PLO.

I regret that Hamas has not yet demonstrated any significant movement towards acceptance of the peace process. While we understand the difficulty of the transition Hamas must now make, I believe it would be unreasonable to expect the EU to continue its capacity-building support for the Government irrespective of its willingness to commit to the basic rules of the peace process. I also strongly believe that the Palestinian people should not have to face a humanitarian crisis because of the reluctance of their Government to meet its responsibilities.

In early April, the Commission temporarily suspended direct assistance to the Palestinian Authority. However, the EU has made it clear that it is committed to continuing necessary assistance to meet the basic needs of the Palestinian population. Ireland has argued for the widest possible definition of those needs. Following the meeting of the Quartet on 9 May and the General Affairs and External Relations Council on 15 May, the EU has undertaken the urgent task of developing a temporary international mechanism to channel assistance directly to the Palestinian people. The Commission aims to have the mechanism in place within weeks. I hope that the major international donors, including the Arab States, will cooperate to ensure the effectiveness of these temporary structures. The EU has also called on Israel to resume the transfers of withheld Palestinian tax and customs revenues, which are essential in averting a crisis in the Occupied Territories.

As the Deputy will be aware, the Government is committed to maintaining the level of Ireland's bilateral assistance to the Palestinians which amounted to over €4 million in 2005. Already this year €1.5 million has been allocated in humanitarian assistance through the United Nations Relief and Works Agency. I expect to make further allocations in the near future.

Human Rights Issues.

34. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if his attention has been drawn to a person (details supplied) on hunger strike outside the US Embassy; if his attention has further been drawn to the details of this persons circumstances; and if he has had discussions or will consider having discussions with this person to ascertain the assistance which can be offered or the intervention which can be made by his Department in order to avert a potential tragedy in this matter. [23287/06]

Minister for Foreign Affairs (Mr. D. Ahern): The person concerned has been in contact in the past regarding complaints on his part against local law enforcement agencies in the San Francisco consular area, and was advised to obtain legal representation. He has also had contact with the

Consulate in San Francisco regarding passport facilities.

The Consular Section of the Department of Foreign Affairs has contacted the American Embassy in Dublin and has been informed that they have no record of receiving any request for assistance from the person. I would suggest that the person make contact with the Embassy regarding his concerns. The person is also welcome to make contact with the Consular Section of the Department of Foreign Affairs.

Sports Capital Programme.

35. **Mr. G. Murphy** asked the Minister for Arts, Sport and Tourism if he will examine a grant application under the sports capital programme 2006 for a club (details supplied) in County Cork; if the application meets all the required criteria of the scheme; and if he will make a statement on the matter. [23190/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2006 programme were invited through advertisements in the press on November 27 and 28 last. The closing date for receipt of applications was January 20 2006. All applications received before the deadline, including one from the club in question, were evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I recently announced the grant allocations for the local projects under the programme and I am pleased to state that a grant of €200,000 was provisionally allocated to the club in question. My Department will shortly be writing to the club advising them of the documentation required in order to have the grant formally confirmed.

Sports Funding.

36. **Mr. F. McGrath** asked the Minister for Arts, Sport and Tourism the amount of public money granted to a club (details supplied) in Dublin over the past five years; and if he will meet their supporters development group in relation to supporting the Eircom League and funding issues. [23228/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Capital grants to the value of €1,052,449 have been allocated by my Department under the Sports Capital Programme to the specified club in the period 1999 to 2003. All of this amount has been paid out in full and no further capital funding has since been allocated to the club. This funding is protected by a Deed

of Covenant and Charge which provides for a repayment of the grants should the property be sold or cease to be used for sporting purposes.

Funding for sport of a non-capital nature is provided through the Irish Sports Council, the statutory agency established in 1999 for the promotion and development of sport in Ireland. In the period since then, €161 million has been provided by my Department to the Irish Sports Council, including approximately €9 million provided directly in grants to the FAI much of which has been to support programmes aimed at increasing participation in football by young people in particular.

The development and funding of professional football remains a matter for the Eircom league and the FAI itself. However I have in the past met with clubs and groups to discuss plans for capital projects and I will continue to make myself available to any group to discuss any specific proposal brought forward.

Visa Applications.

37. **Ms O. Mitchell** asked the Minister for Enterprise, Trade and Employment if citizens of Australia, Canada, New Zealand and so on can apply for a second working holiday authorisation after a period outside the country. [23219/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The working holiday programme provides young people with a once off opportunity to holiday for an extended period, not exceeding one year, and to engage in employment as an incidental aspect of their holiday in order to supplement their income while travelling. Participants admitted to Ireland under the programme are not allowed to extend their stay for longer than 12 months and may not avail of a working holiday a second time.

State Property.

38. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the position of an application by a club (details supplied) in County Kildare; and if he will make a statement on the matter. [23192/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The management of IDA Ireland's industrial property portfolio is a day to day operational matter for the Agency as part of the statutory responsibility assigned to it by the Oireachtas for the attraction of foreign direct investment to the State and its regions. While I may give general policy directives to IDA Ireland, I am precluded under the Acts from giving directives regarding individual undertakings.

From inquiries which I have made I understand that the Monasterevin GAA Club has been leasing land at Monasterevin from IDA Ireland on a 11 month basis for the last number of years. I

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further understand that the club has only ever made a verbal request to purchase this land from IDA Ireland. The club has been informed by IDA Property Division that the Agency is in negotiation with Kildare County Council for the transfer of the land in question. While the land at Monasterevin remains in IDA ownership it is, of course, available for qualifying industrial activities.

Social Welfare Benefits.

39. **Mr. O'Dowd** asked the Minister for Social and Family Affairs if he will increase the fuel allowance for pensioners in view of the significant cost of energy; and if he will make a statement on the matter. [23234/06]

Minister for Social and Family Affairs (Mr. Brennan): The aim of the national fuel scheme is to assist householders on long-term social welfare or health service executive payments with meeting the cost of their additional heating needs during the winter season. Fuel allowances are paid for 29 weeks from end-September to mid-April. The allowance represents a contribution towards a person's normal heating expenses.

The scheme has been improved in recent budgets. The means test has been eased and the duration of payment increased from 26 weeks to 29 weeks. Budget 2006 provided for an increase in the rate of fuel allowance of EUR 5.00 from EUR 9.00 to EUR 14.00 (EUR 17.90 in designated smokeless areas). Some 145,800 customers receive basic fuel allowance and 118,600 receive smokeless fuel supplement) will benefit in 2006 at an estimated cost of EUR 125.1m. Fuel allowances are incorporated in the recipient's weekly social welfare payment and are not intended to meet heating costs in full.

Budget resources have been concentrated on providing significant real increases over and above inflation each year in all primary social welfare pension, benefit and assistance rates. This approach delivers a better outcome for pensioners and others by substantially increasing their income in real terms over the whole year, to better assist them in meeting their normal basic living costs, including heating.

In addition to the fuel allowance, over 320,000 pensioner and other households qualify for electricity or gas allowances through the household benefits package, payable towards their heating, light and cooking costs throughout the year, at an overall cost of EUR 109 million in 2005. As currently structured, these allowances are linked to unit energy consumption, so that these people are protected against unit price increases in electricity or gas.

If an individual has an exceptional heating cost by virtue of a particular infirmity or medical which they are unable to meet out of household income, it is open to them to apply to their local

community welfare officer or a special heating supplement under the supplementary welfare allowance scheme.

I am keeping the fuel allowance under review in the light of energy costs. Any changes to the Fuel Allowance Scheme or any other initiatives on fuel charges would have significant cost implications and would have to be considered in the context of the Budget and in the light of the resources available to me for improvements in social welfare generally.

Departmental Correspondence.

40. **Mr. Stanton** asked the Minister for Social and Family Affairs the number of mailshots carried out to child benefit recipients in the past five years; the dates on which these mailshots occurred; the cost of same respectively; the number and percentage of letters which were returned on each of the respective dates; the action he has taken as a result of such returns; and if he will make a statement on the matter. [23247/06]

Minister for Social and Family Affairs (Mr. Brennan): A total of 6 mailshots have issued to Child Benefit recipients in the past 5 years, resulting in some EUR 22m being saved. A single claim termination can result in annual savings of up to EUR 10,000.

Use of mailshots is one of a number of communications methods used by my Department. Apart from informing customers of developments which affect them, there is also a significant control benefit to the Department from these mailshots. Each mailshot issued to date has resulted in a significant number of letters being returned undelivered by An Post, thus indicating that the customer is not at the address notified to the Department. The customer may simply have moved address and not notified the Department or alternatively could have left the country, in which case Child Benefit may no longer be payable.

Details of the mailshots and resultant action are as follows: July 2001 — A mailshot issued to all Child Benefit customers informing them of budget changes and information concerning the upcoming EURO conversion and how it would affect their pension payments. The total number of forms issued was 511,000 at a cost of £219,498. Over 10,000 letters were returned undelivered by An Post as the customer was not at the address. Subsequent investigation of these cases resulted in 353 claims being terminated as the whereabouts of the customer could not be established.

In July 2002 and again in July 2003, a mailshot was issued to Child Benefit customers being paid by Electronic Fund Transfer (EFT), informing them of recent budget rate changes. A total of 171,000 customers was contacted. The total cost was £68,773.00 in 2002 and EUR 72, 618 in 2003. As a result of these mailshots over 5,000 letters

were returned. Following investigation, 605 claims were terminated as the customer was found to have either left the state or their whereabouts could not be established.

In August 2004, an information mailshot issued to the then 195,580 EFT-paid customers informing them of the most recent rates increases. The total cost was EUR 83,950. A total of 6,186 letters was returned undelivered. On investigation of these cases some 1,065 claims were terminated.

During 2005 a targeted mailshot was issued, for control purposes, to a group of over 10,000 customers to confirm their residency status. The cost of this was EUR 5,993. A total of 816 letters was returned and after investigation some 250 claims were terminated.

In April 2006, an information leaflet issued from the Department, under the aegis of the Office of the Minister for Children, to the 259,000 Child Benefit customers who will qualify for the Early Childcare Supplement (ECS). This provided information to customers regarding claim and payment arrangements in connection with the scheme. The total cost of this was EUR 135,000. To date 4,500 letters have been returned and investigations are ongoing to establish the present position of these customers.

Marine Safety.

41. **Mr. Broughan** asked the Minister for Transport if he will bring forward measures to provide for an emergency towing vessel for Ireland; and if he will make a statement on the matter. [23202/06]

Minister of State at the Department of Transport (Mr. Gallagher): I have previously pointed out to the House that I am aware of the importance of providing emergency towing vessel

(ETV) facilities to protect our coasts, including the possibility of sharing such services with the UK in relation to the East coast. There may also be advantages in having an EU-wide approach to this issue.

An internal Working Group set up in the Department of Communications, Marine and Natural Resources to manage and progress the feasibility of having ETV capacity concluded that such capacity should be provided to service the West Coast and, separately, to service the East Coast. The Group also recognised that the provision of the service would be very costly. In both cases a Public Private Partnership process was recommended. However, while the benefits of having an ETV facility are known, the very significant costs involved has meant that, in the context of other marine emergency response priorities, it has not been possible to date to put permanent ETV arrangements in place.

The Irish Coast Guard of the Department is continuing to examine this issue, and will advise me on suitable options in due course.

Driving Tests.

42. **Ms Shortall** asked the Minister for Transport if he will provide a list of all current driving test centres; the plans for additional test centres; his views on the recommendations in the FGS report that the number of centres should be reduced in order to minimise the travel time of testers and to reduce the cost of travel and subsistence; and if he will make a statement on the matter. [23188/06]

Minister for Transport (Mr. Cullen): The locations of all existing driving test centres are set out in the following table. The operation of all driving test centres is kept under review. I have no current plans to alter the number of existing driving test centres.

Centre	Address
Athlone	McCormack's Shopping Centre, Dublin Road, Athlone, Co. Westmeath
Ballina	Government Offices, Ballina, Co. Mayo
Birr	Old Midland Tribune Office, Emmet Street, Birr, Co. Offaly
Buncrana	Park House, St. Mary's Road, Buncrana, Co. Donegal
Carlow	Graiguecullen Shopping Centre, Church St., Graiguecullen, Carlow
Carrick-on-Shannon	New Government Offices, Carrick-on Shannon, Co. Leitrim
Castlebar	An Spórtlann, Mitchells GAA Club, McHale Road, Castlebar, Co. Mayo
Cavan	McDwyer & Lennon Building, Esker Place, Cathedral Road, Cavan
Churchtown	5 Braemor Road, Churchtown, Dublin 14
Clifden	Market Street, Clifden, Co. Galway
Clonmel	Old Model School, Western Road, Clonmel, Co. Tipperary
Cork	Doughcloyne Industrial Estate, Sarsfield Road, Wilton, Cork
Donegal	Government Offices, Erwin Buildings, Donegal Town, Co. Donegal
Dundalk	The Fairways Hotel, Dublin Road, Dundalk, Co. Louth
Dungarvan	New Civic Offices, Davitts Quay, Dungarvan, Co. Waterford
Ennis	Government Offices, Kilrush Road, Ennis, Co. Clare
Finglas	Jamestown Business Park, Jamestown Road, Finglas, Dublin 11

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Centre	Address
Galway	Unit 4, Westside Shopping Centre, Seamus Quirke Road, Galway
Gorey	Thomas Street, Gorey, Co. Wexford
Kilkenny	Government Offices, Hebron Road, Kilkenny
Killarney	Áras Phádraig Community Centre, Lewis Road, Killarney, Co. Kerry
Kilrush	Kilrush Golf Club, Ennis Road, Kilrush
Letterkenny	5 Pearse Road, Letterkenny, Donegal
Limerick 1	Woodview Shopping Centre, Old Cratloe Road, Limerick
Limerick 2	Dock Road, Castlemungret, Limerick
Longford	Government Offices, Ballinalea Road, Longford
Loughrea	King St. Loughrea, Co. Galway
Mallow	County Council Offices, Annabella, Mallow, Co. Cork
Monaghan	The Plantation, Monaghan
Mullingar	Government Offices, Bellview Est., Dublin Road, Mullingar, Co. Westmeath
Naas	Clarendon Buildings, Newbridge Road, Naas, Co. Kildare
Navan	Government Offices, Kells Road, Navan, Co. Meath
Nenagh	Government Offices, Nenagh, Co. Tipperary
Newcastle-West	Government Offices, New Road, Gortboy, Newcastle West, Co. Tipperary
Portlaoise	Government Offices, Abbeyleix Road, Portlaoise, Co. Laois
Raheny	4 All Saints Park, Raheny, Dublin 5
Rathgar	75 Orwell Road, Rathgar, Dublin 6
Roscommon	Government Offices, Circular Road, Roscommon
Shannon	1 Fergus Road, Shannon, Co. Clare
Skibbereen	Fastnet Industrial Estate, Marsh Road, Skibbereen, Co. Cork
Sligo	Old Dublin Road, Carraroe, Sligo
Tallaght	Unit 1, Belgard Industrial Estate, Mayberry Road, Tallaght, Dublin 24
Thurles	Government Offices, Stradavoher, Thurles, Co. Tipperary
Tipperary	Canon Hayes Recreation Centre (Sports Complex) Tipperary
Tralee	New Government Offices, Spa Road, Tralee
Tuam	Airglooney Business Park, Ballygaddy Road, Tuam, Co. Galway
Tullamore	Government Offices, Clonminch, Portlaoise Road, Tullamore, Co. Offaly
Waterford 1	Driving Test Centre, Johnstown Industrial Estate, John Street, Waterford
Waterford 2	Driving Test Centre, Unit 23 Business Park, Tramore, Co. Waterford
Wexford	Whitemill Industrial Estate, Wexford
Wicklow	Government Offices, The Murrough, Wicklow

Road Traffic Offences.

43. **Ms Shortall** asked the Minister for Transport the penalties applying to commercial drivers of large vehicles for driving without a licence; the statutory basis for same; and if he will make a statement on the matter. [23241/06]

Minister for Transport (Mr. Cullen): Section 38 of the Road Traffic Act 1961 requires that a person shall not drive a mechanically propelled vehicle in a public place unless he holds a driving licence for the time being having effect and licensing him to drive the vehicle. The penalty for driving without a driving licence is a fine not exceeding €800 for a first offence, €1500 for a second offence and, for a third offence in a period of twelve months, a fine of €1500 or, at the discretion of the Court, imprisonment not exceeding a term of three months, or both.

Departmental Funding.

44. **Ms Shortall** asked the Minister for Transport the funding allocated and drawn down to date on preparing for the full implementation of Directive 2003/59/EC; and the measures on which this funding has been spent. [23242/06]

45. **Ms Shortall** asked the Minister for Transport the training centres he has approved to allow for the initial qualification and periodic training of drivers of large vehicles in compliance with Annex I of Directive 2003/59/EC; the criteria he is applying in assessing the respective standards of driver instructors, taught material, centre facilities, training vehicles and so on; the locations where this criteria is published; and the number of written applications he has received from prospective training providers. [23243/06]

46. **Ms Shortall** asked the Minister for Transport the changes he has made to the physical characteristic of the driver qualification card to meet the requirements of Annex II of Directive 2003/59/EC. [23244/06]

47. **Ms Shortall** asked the Minister for Transport the options offered in Directive 2003/59/EC which he intends pursuing in terms of training and testing of drivers of large vehicles. [23245/06]

Minister of State at the Department of Transport (Mr. Gallagher): I propose to take Questions Nos. 44 to 47, inclusive, together.

Directive 2003/59/EC will make it a requirement for professional drivers to undertake a basic professional training course and continuous professional development. The Road Safety Authority Act 2006 confers responsibility for relevant elements of implementation of this directive to the new Road Safety Authority. The Authority will engage with industry stakeholders regarding full implementation of Directive 2003/59/EC.

The Directive provides that Member States should affix the harmonised Community code to the driver licence or the new driver qualification card. No decision has been made in this regard. To date, no funding has been allocated nor drawn down in the implementation of the Directive.

Grant Payments.

48. **Mr. P. Breen** asked the Minister for Agriculture and Food when a person (details supplied) in County Clare will receive premium payment; and if she will make a statement on the matter. [23151/06]

Minister for Agriculture and Food (Mary Coughlan): The premium due in this case required to be adjusted and the correct amount has now been paid. My Department will write to the forestry owner shortly to provide details of the adjustment made.

Wildlife Conservation.

49. **Mr. J. Breen** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Clare did not receive permission to plant 26 acres of land at Ballyoughtra Tulla, County Clare. [23194/06]

Minister for Agriculture and Food (Mary Coughlan): The land in question is in an area that has been identified by the Department of the Environment, Heritage and Local Government as a proposed special protection area for the hen harrier. That Department has set up a working group to establish the most appropriate management regime for these areas in so far as forestry is concerned. Representatives of this Department, along with representatives of forestry and farm-

ing interests, are on this group. This work is ongoing.

Grant Payments.

50. **Ms Cooper-Flynn** asked the Minister for Agriculture and Food when the payments due to a person (details supplied) in County Mayo under the 2001 suckler cow grant and beef premium schemes and the 2002 slaughter premium will be awarded. [23288/06]

Minister for Agriculture and Food (Mary Coughlan): The records of the animals submitted by the person named under the suckler cow premium and special beef premium schemes and those animals slaughtered from the herd number of the person named under the slaughter premium scheme are being examined with a view to identifying those that may be eligible for payment. Eligibility under the livestock premium 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 schemes in question.

Immigration Issues.

51. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the way in which offences committed by a person, who has been granted leave to remain in the State for an initial period of 12 months would affect this decision by the person's local registration office to extend the certificate of registration; and if he will provide a list of these offences. [23160/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Temporary Leave to Remain in the State, pursuant to the provisions of Section 3 of the Immigration Act, 1999, is normally granted for an initial twelve month period. A person granted such temporary leave to remain in the State is advised, in writing, of the requirement that they observe the laws of the State and be of good behaviour during this period. Towards the end of this period, an application may be made for a renewal of this leave to remain in the State and the approval of any such renewal application is conditional on the person concerned having been law abiding in the earlier twelve month period. Each application for renewal is considered on a case by case basis. Where the person has been law abiding, the person's permission to remain in the State will usually be renewed for a further period. However, where there is clear evidence that the person concerned has come to the attention of An Garda Síochána for adverse reasons, this will be taken into account when considering the application for renewal.

It would not be possible to provide a list of offences which would, upon conviction for same,

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give rise to a refusal to renew a person's permission to remain in the State. The Deputy might wish to note that any decision to grant permission to remain in the State, including the renewal of such permission, is taken by my Department, while the Garda National Immigration Bureau, based on such decisions, provide the necessary registration, upon request.

Proposed Legislation.

52. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform his views in relation to correspondence (details supplied); his proposals in relation to same; and if he will make a statement on the matter. [23163/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The correspondence in question, from the Gaming and Leisure Association of Ireland, a body representing some operators of casinos, seeks to change the present policy of the Gaming and Lotteries Acts that makes such operations unlawful. Officials from my Department met recently with representatives of the Association in question and made it clear to them that I have no proposals to alter that policy. My reply to Parliamentary Question No. 318 of 13 June 2006 sets out my proposals for legislation to give better effect to the existing law in this regard.

Prison Staff.

53. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position of a submission by a person (details supplied) in County Kildare on their request for professional added years for pension purposes from the Irish Prison Service; and if he will make a statement on the matter. [23169/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply of the 3rd May, 2006 to Question number 469 on this matter.

I can now advise the Deputy that following receipt of the information requested from the Public Appointments Service, a submission was sent to the Department of Finance for observations. That Department has now advised the Irish Prison Service that the essential requirements of the competition from which this individual was appointed would not have precluded anyone from being appointed by the age of thirty i.e. in sufficient time to acquire the maximum service of thirty years required for optimum superannuation benefits.

Accordingly, the person in question (or anyone else appointed from the same competition) is not entitled to an award of professional added years. I understand from the Irish Prison Service that the person has been advised of the situation.

Garda Training.

54. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the number of Gardaí in County Westmeath and County Longford who are trained in using breathalyser equipment; and if he will make a statement on the matter. [23174/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that all Gardaí throughout the country are trained in the use of the bag alcoholiser. In the Longford/Westmeath Division, which covers the counties of Longford and Westmeath, 91 Gardaí (all ranks) are trained in the use of the hand held alcometer (roadside breath testing instrument for the presence of alcohol) and 79 Gardaí (all ranks) are trained in the use of the intoxilyser (evidential breath testing machine).

The Medical Bureau of Road Safety (MBRS) is responsible for the approval, supply and testing of equipment or apparatus for indicating the presence of alcohol in the breath. Garda management are satisfied that for the amount of breath testing equipment available adequate numbers of members have been trained to meet demands for breath testing.

Garda Equipment.

55. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the number of hand-held devices to record penalty points offences held by Gardaí in County Westmeath and County Longford; and if he will make a statement on the matter. [23175/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the number of hand-held devices to record penalty points offences held by Gardaí in County Westmeath and Longford are set out in the following table:

Mullingar	4
Athlone	2
Granard	2
Longford	3
Total	11

I am further informed that the hand-held devices on issue are in addition to notepads which operational Gardaí also use when detecting breaches of the Road Traffic Acts. The Garda Commissioner is fully aware that I will continue to provide the necessary resources and equipment to An Garda Síochána, in response to his request, to enable the Garda Síochána carry out their duty to enforce road traffic law.

Visa Applications.

56. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform when he will make a decision on an application for family reunification currently with his Department for a person (details supplied) in County Kerry; and if he will make a statement on the matter. [23217/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As I explained to the Deputy in my answer to Parliamentary Question No 937 of 28 September 2005 the person referred to in the Deputy's question is a refugee who applied for family reunification in respect of her husband. The application was forwarded to the Office of the Refugee Applications Commissioner for investigation as required under section 18 of the Refugee Act, 1996. During the course of assessing this application questions arose in relation to the validity of the marriage. The matter is still the subject of a Garda investigation. On completion of this a decision will be made.

Drugs in Prisons.

57. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself that sufficient staffing is provided at Mountjoy Prison to ensure that visitors to the prison are searched in order that drugs, knives, camera phones and so on are not smuggled in; and if he will make a statement on the matter. [23218/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Visitors are supervised to and from visiting areas and are monitored by CCTV and officers while on their visits. Physical contact is not allowed and where it is suspected that contraband has been passed the prisoner concerned will then be subject to searching procedures by staff specifically assigned for this purpose. Random searching of prisoners following visits also takes place on a daily basis.

When there is a suspicion that a visitor may have a prohibited article on their person a number of procedures then apply. For example, the visitor may be requested that they comply with a search, they may be offered a 'screened visit' or the Gardaí may be contacted when there is suspicion that an illegal item may be on their person. The Governor also has powers to ask the person to leave the prison if they refuse to comply with the request for a search. In addition, there is signage in the visitors centre, the Main Gate area and the visiting areas warning visitors of the possible consequences for passing contraband into or out of the prison. There have been a number of convictions of persons attempting to pass drugs to prisoners on such visits. Visitors suspected of passing contraband can also be refused future visits to the prisons.

I can also advise the Deputy that the staffing and rostering arrangements in place in all areas of Mountjoy Prison were subject to intensive examination prior to the introduction of the new annualised hours system. I am informed that there is sufficient cover built into the daily tasks to cover the visiting area in Mountjoy Prison.

Road Traffic Offences.

58. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform the number of public service vehicles summonsed and convicted for breaching regulations with regard to the need to carry a fire extinguisher on board each year from 2002 to date in 2006; and if he will make a statement on the matter. [23239/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret that it has not been possible in the time available to obtain the information requested by the Deputy. I will be in touch with the Deputy in relation to this matter when it becomes available.

Garda Investigations.

59. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding the case of a person (details supplied) in County Donegal. [23240/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Question No. 676 of 25 April, 2006.

Garda Deployment.

60. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the number of gardaí allocated to Finglas Garda station in each of the years since and including 2000 and to date in 2006. [23248/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda Commissioner that the personnel strength (all ranks) of An Garda Síochána increased to a record 12,641 on Thursday 8 June with the attestation of 273 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June 1997 and represents an increase of 1,939 (or 18.1%) in the personnel strength of the Force during that period.

I have been advised that Finglas Garda Station forms part of the Dublin Metropolitan Region (DMR) West Division. The personnel strength of this Division as at 30 April, 2006 was 681 (all ranks). The personnel strength of the DMR West Division as at 1 January, 1999 was 542 (all ranks). This represents an increase of 139 (or 25%) in the number of personnel allocated to the Division since that date.

[Mr. McDowell.]

I have been further informed by the Garda authorities that the personnel strength of Finglas Garda Station as at 31 December 2000-2005 (inclusive) and as at 14 June, 2006 was as set out in the following table:

	00	01	02	03	04	05	14/06/06
Finglas	88	78	78	68	74	76	81

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 this accelerated recruitment programme came on stream in March and the second such group did so on 8 of June. Further tranches of approximately 275 newly attested Gardaí will follow every 90 days thereafter until the programme is complete. The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and in this context the needs of the area referred to by the Deputy will be given the fullest consideration.

Asylum Applications.

61. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 237 of 25 May 2006 when he or Orac Rav had sight of the attached documentation with reference to the health and safety of persons (details supplied) in County Dublin; and if he will make a statement on the matter. [23265/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I would refer the Deputy to my earlier Replies to his previous Parliamentary Questions in this matter. As previously stated, the persons concerned arrived in the State on 7 March 2005 and 1 July 2005 and applied for asylum. Their applications were refused following the consideration of their cases, at first instance by the Office of the Refugee Applications Commissioner (ORAC) and, on appeal, by the Refu-

gee Appeals Tribunal. As the Deputy is aware, the Office of the Refugee Applications Commissioner is a statutory body, independent in the performance of its functions, in accordance with the provisions of Section 6 of the Refugee Act, 1996 (as amended). Similarly the Refugee Appeals Tribunal is a statutory body, independent in the performance of its functions, in accordance with the provisions of sections 15 and 16 of the Refugee Act, 1996 (as amended). Additionally, each of those bodies is required to examine all elements of each asylum application it receives and, this being the case, I am entirely satisfied that all elements of the asylum applications and appeals submitted by the persons concerned were examined in detail before any final position was arrived at by those bodies. Equally, I am satisfied that any documentation or correspondence included as part of the asylum applications or appeals were given appropriate consideration by those bodies.

I would refer the Deputy again to my Reply to Parliamentary Question No. 237 of 25 May 2006 where I explained how Deportation Orders came to be made against the persons concerned. The Deputy will note from that Reply that Deportation Orders were signed by me only after all relevant factors and documentation had been taken into account. Consequently Deportation Orders were signed by me on 27 February 2006.

I am satisfied that all elements of the asylum applications and appeals and applications for permission to remain in the State submitted by the persons concerned have been fairly and comprehensively examined. As a result, I am satisfied that the decisions to issue Deportation Orders in respect of the persons concerned were entirely justified.

Residency Permits.

62. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform when a stamp four will issue in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [23266/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question made an application for permission to remain in the State on the basis of family dependency in October 2005. An initial request for documentation issued in February 2006 and although some documentation was received in June 2006, it is insufficient to finalise the application. A further request for documentation has issued and it is expected that on receipt of all the documentation requested, the case will be finalised within a short period of time.

63. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will grant extended temporary residency in the case of a

person (details supplied) in Dublin 24; and if he will make a statement on the matter. [23267/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 9 May, 2005 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 12 June, 2006, 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.

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.

Citizenship Applications.

64. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position of the application for naturalisation in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [23268/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation by the person referred to in the Deputy's question was received in the Citizenship Section of my Department on 27 August 2004. Applications received in the first half of 2004 are currently being processed and there are approximately 1,300 applications awaiting processing before that of the person in question. It is likely that processing of the application of the person in question will commence towards the end of this year. I will inform the Deputy and the person concerned when I have reached a decision on the application.

Visa Applications.

65. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform when a green card will issue in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [23269/06]

66. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform when examination of the passports in the case of a person (details supplied) in County Dublin will be completed;

and if he will make a statement on the matter. [23270/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 65 and 66 together.

The person in question has been granted permission to remain in the State under the revised arrangements for non-EU national parents of Irish children born before 1 January 2005 commonly referred to as the IBC/05 scheme. I advised the Deputy of this in my reply to Question 164 of 11 May 2006.

When presenting for registration at an Immigration Office it is a requirement that a non-EU national satisfies the Registration Officer as to his/her identity. I have been informed that the person in question was refused registration on the basis that he did not have a passport and could not confirm his identity.

However, when the person concerned made his application for residency under the IBC/05 scheme he did produce an identity card from his national embassy which was accepted as evidence of identity. This card should be presented to the Registration Officer at his local Immigration Office and it will be accepted as evidence of identity. The person in question should return to his local Registration Office to complete the registration process as stated in the letter issued to him on 9 May 2006. The examination of the passport in question has now been completed and I can confirm to the Deputy that a Garda Technical expert has found evidence that it is not a genuine document.

Residency Permits.

67. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he has verified the reason for refusal of residency status in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [23271/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question applied for permission to remain in the State under the revised arrangements for non EU national parents of Irish children born prior to 1 January 2005, commonly referred to as the IBC/05 scheme. It is a requirement of this scheme that each applicant is of good character. Following information received from the Garda authorities, it was confirmed that the person concerned has been convicted of a number of criminal offences. Accordingly he has not satisfied the requirement to be considered of good character. His application for permission to remain under the IBC/05 scheme was refused and he was advised of this decision on 7 June 2006.

Citizenship Applications.

68. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to the application for post nuptial citizenship in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [23272/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I informed the Deputy in response to Parliamentary Question No. 243 on 16 February 2006 that my officials were in the process of writing to the person in question in relation to matters concerning her cohabitation with her husband. A letter in this regard issued to the person concerned on 21 February 2006. While some additional documentation has been submitted in response to this letter, my officials sought details of the periods of cohabitation of the couple since their marriage in 1995 and these have not yet been furnished.

The Irish Nationality and Citizenship Act, 1956, as amended required that at the time of lodgement of the declaration on 4 February 2005, the person in question and her Irish spouse were living together as husband and wife. As I have already explained to the Deputy, the person concerned and her husband have resided in different jurisdictions for most of their married life. Information and documentation provided to date have not satisfied my officials that the person in question and her husband were living together as husband and wife on 4 February 2005. My officials are considering how to proceed with this matter and will be in touch with the person in question in the near future.

Residency Permits.

69. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status and the position in respect of the family reunification application in the name of a person (details supplied) in Dublin 2; and if he will make a statement on the matter. [23273/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to refer the Deputy to my answer to his Parliamentary Question No. 327 of 6 April 2006 in which I set out the position that there is no provision for the granting of Family Reunification to adult family members of naturalised Irish citizens.

Deportation Orders.

70. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will grant extended residency on humanitarian grounds in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [23274/06]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The person concerned arrived in the State on 26 February, 2003 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 15 February, 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.

Asylum Support Services.

71. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to the request for transfer to a location appropriate to their medical needs in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [23275/06]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The Reception and Integration Agency received a transfer request from a person (details supplied) on medical grounds. The medical report which was forwarded to the Reception and Integration Agency indicated that there was a requirement for her to be accommodated at a centre in the Dublin area.

Having examined the correspondence and in order to facilitate her proximity to the Rotunda hospital, the Reception and Integration Agency offered the person concerned accommodation at Newlight House, St. Margaret's Road, Finglas, Dublin 11 on 24th May 2006. However, she declined this offer of accommodation. On 2nd June 2006, the Reception and Integration Agency offered her accommodation at Baleskin centre, St. Margaret's, Finglas, Dublin 11. I should state that there are comprehensive medical services available at Baleskin and these services are linked into the Rotunda hospital. In addition, there is a frequent free bus service from Baleskin to the Rotunda hospital and city centre. However, she also declined this offer of accommodation.

The Reception and Integration Agency therefore has made every effort to facilitate her request for a transfer and the request of the Rotunda hospital to relocate her to a centre in

the Dublin area. However, she has declined these offers of accommodation. The Agency is not in a position to make any further offer of accommodation to the person concerned.

Visa Applications.

72. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the application for family reunification in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [23276/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question made a family reunification application on behalf of her 3 children in February 2005. The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. This investigation is completed and the Commissioner has forwarded a report to my Department. The application will be considered by my Department and a decision will issue in due course

Residency Permits.

73. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [23277/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to refer the Deputy to my answer to his Parliamentary Question No 247 of 25 May 2006. A letter has recently issued to the legal representative of the person in question extending his permission to remain. I understand that a member of staff of my Department has confirmed with the legal representative of the person in question that the letter was received by their office. Accordingly, the person in question should contact his legal representative with regard to the matter.

Asylum Applications.

74. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the arrangements which are expected to be put in place in the case of a person (details supplied); the rights, constitutional or otherwise accruing to them since they were born here, now or in the future; and if he will make a statement on the matter. [23278/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): At the outset, I would like to point out that this child's mother is not being deported from the State. Instead, her case falls to be dealt with under the terms of the Dublin II Regulation, Council Regulation (EC) No. 343/2003. In accordance with the terms of that Regulation, the child's mother is due to be trans-

ferred to the United Kingdom, where she had previously lodged an asylum application.

This transfer has its origins in the fact that the Office of the Refugee Applications Commissioner (ORAC) made a determination that the mother's asylum claim should be considered in that State. Article 4 (3) of this Regulation states "For the purposes of this Regulation, the situation of a minor who is accompanying the asylum seeker and meets the definition of a family member set out in Art 2, point (i) shall be indissociable from that of his parent or guardian and shall be a matter for the Member State responsible for examining the application for asylum of that parent or guardian, even if the minor is not individually an asylum seeker. The same treatment shall be applied to children born after the asylum seeker arrives in the territory of the Member States, without the need to initiate a new procedure for taking charge of them".

I understand that while the child in question lodged a separate asylum application in this State, on 6 June 2006, this application has now been discontinued and his claim has instead been associated with his mother's claim. In addition, I understand that the Refugee Applications Commissioner is notifying the United Kingdom regarding the birth of this child and it is intended that the child will accompany his mother when final arrangements are made for her transfer to the United Kingdom.

I would like to explain the workings of the Dublin II Regulation in general and as regards how it applies in this case. The Dublin II Regulation is intended to prevent the phenomenon of 'asylum shopping' across Europe and sets out criteria for determining which Member State is responsible for examining an asylum application where applications have been lodged in more than one State. At the same time it guarantees applicants that one State will process their application, thereby preventing the creation of 'refugees in orbit', a situation which had pertained in Europe prior to the introduction in 1995 of its predecessor, namely the Dublin Convention. Under the Dublin Convention, and now the Dublin II Regulation, the Refugee Applications Commissioner can, on the basis of the relevant criteria, request another State to accept responsibility for an asylum application and have it processed in that other State.

In this specific case, the mother of the person concerned lodged an asylum claim in the State on 27 January 2006. Following investigation, it was determined by the Refugee Applications Commissioner that, pursuant to the provisions of the Dublin II Regulation, the United Kingdom is the appropriate State to examine the asylum application as the person concerned had previously lodged an asylum claim in that State, on 2 September, 2003, albeit under a different name and date of birth. The person concerned was offered an opportunity to appeal the determi-

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nation of the Refugee Applications Commissioner to the Refugee Appeals Tribunal, but she chose to not do so. The person concerned was kept informed of developments throughout the course of her asylum application in this State and was made aware as soon as it was possible to do so that her case came under the terms of the Dublin II Regulation. The United Kingdom accepted responsibility for her case with the consequence that a Transfer Order was signed in respect of her on 30 May 2006. This Order was issued to her on the same day, requiring her to present herself to the Garda National Immigration Bureau (GNIB), 13-14 Burgh Quay, Dublin 2, on 6 June 2006 in order to make arrangements for her transfer to the United Kingdom. She presented as required on that occasion and has a further presentation date on 25 July 2006.

In accordance with the provisions of the Dublin II Regulation, the United Kingdom, and not Ireland, is responsible for examining the asylum claim of the mother and the child. Accordingly, it is intended that by 25 July 2006, final arrangements will have been made for the transfer of mother and child to the UK.

In relation to the position of the child in this State, the provisions of the Irish Nationality and Citizenship Act, 2004 would apply to his case. This means that as a child born in the State on or after 1 January 2005 to non-EU National parents, this child is not an Irish citizen given that he does not fulfil the criteria for Irish citizenship enshrined in that Act i.e. of having at least one parent lawfully resident in the State for at least three of the four years preceding the child's birth.

75. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if, under the Dublin II regulations or otherwise, a person whose application for refugee status has been refused in another EU State and returned to their homeland, can again apply at any time, following a change of circumstance for refugee status in this or any other European jurisdiction; and if he will make a statement on the matter. [23279/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is not the usual practice to provide interpretations of EU or national law in the circumstances set out by the Deputy and without being aware of the full facts of a case.

In general terms, I can say that where a person has had an application for asylum rejected in a Member State of the EU and has been returned by that State to their country of origin, and subsequently re-applies for refugee status in that or another EU State, it would be the responsibility of the State in which the subsequent application is received to consider whether the application is admissible for consideration.

In the case of Ireland, section 17(7) of the Refugee Act, 1996 provides that a person to whom the Minister has refused to give a declaration of refugee status may not make a further application for a declaration under the 1996 Act without the consent of the Minister and strict criteria are applied before that applicant can be re-admitted to the asylum process.

It is, of course, the case that depending on the particular circumstances of an application, Council Regulation (EC) No. 343/2003 may apply. This Regulation establishes the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the EU Member States by a third-country national.

Citizenship Applications.

76. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if an application for naturalisation will be considered in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [23280/06]

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 on 26 November 2002. I considered the application under the provisions of the Irish Nationality and Citizenship Acts 1956 and 1986 and decided not to grant a certificate of naturalisation in this instance. The basis for the refusal of this application has been set out in detail in a letter dated 20 May 2005 to the applicant's solicitors informing them of my decision.

Asylum Applications.

77. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of persons (details supplied) in County Kildare; and if he will make a statement on the matter. [23281/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The first named person arrived in the State on 25 June, 1999 and applied for asylum. The second named person arrived in the State on 23 May, 2000 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 28 December, 2001, that the Minister proposed to make a deportation order in respect of him. The second named person was informed by letter dated 30 December, 2002, that the Minister proposed to make a deportation order in respect of

her. 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 file to be passed to me for decision in due course.

Visa Applications.

78. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform when family reunification will be clarified in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [23282/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The refugee in question made an application for Family Reunification for her daughter who she stated was a minor. The application was approved in February 2005 and a visa was issued around that time. Subsequently, information became available to my Department which raised serious doubts as to whether the person concerned was a minor. The matter is now being reviewed in that context and a decision will be made in due course.

Asylum Applications.

79. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if consideration will be given to application for residency in the case of a person (details supplied) in County Kildare; if assistance will be given; and if he will make a statement on the matter. [23283/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 30 January, 2002 and applied for asylum. Her application was refused following consideration of her 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, she was informed by letter dated 7 April, 2005, that the Minister proposed to make a deportation order in respect of her. She was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why she 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.

Residency Permits.

80. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform his views on the situation whereby the spouse of an Irish national who applies for residency on the basis of marriage will not have the application processed for a minimum of 14 to 16 months and that there is no entitlement to work during the application process; and the steps he will take to put a more efficient system in place in order that young couples in a genuine marriage are given the opportunity to establish and develop their marriage and make provision for their financial needs. [23284/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There has been an increase in the number of applications being made for permission to remain in the State on the basis of marriage to an Irish national since 2001. The statistics in this regard are as follows:

156 — 2001
191 — 2002
271 — 2003
326 — 2004
256 — 2005
176 — 2006 (to 31 May)

Applications of this type, in fairness to all other such applicants, are dealt with in strict chronological basis and are currently taking fourteen months to process. The resources allocated to process such applications are dependent on the prioritised work requirements of the Irish Nationality and Immigration Service of my Department at any one time. The Deputy will appreciate that the significant increase in the number of non-nationals who are present in the State in recent times has, of course, reflected in the demand for the services of the Irish Nationality and Immigration Service.

The Irish Nationality and Immigration Service of my Department has growing experience of marriages being entered into for the sole purpose of enabling the non-national in question enter and remain in the State. Frequently in these circumstances the Irish national may be totally unaware that this is the primary intention of the non-national and will feel aggrieved by the perception that the immigration authorities are interfering with their private life in refusing to allow their spouse to enter or remain in the State. On occasion the Irish national may be a willing party for their own personal benefit. 'Convenience' marriages for the purpose of circumventing nor-

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mal immigration controls are experienced by immigration jurisdictions worldwide and, in this regard, holiday and internet romances would feature frequently.

In order to prevent abuses of the system, insofar as is possible and without unduly interfering with the Irish citizen's private circumstances, the Immigration Division will seek to establish various matters. These include the context in which the marriage took place, the validity of the marriage and whether the couple are residing in a family unit. This will involve requesting documentation in support of the application for residency and may also require an interview by the immigration authorities of either or both parties. I do not envisage any change in this procedure in the immediate future.

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.

Citizenship Applications.

81. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform if he has received an application for naturalisation from a person (details supplied) in County Cork; when he expects a decision to be made on same; and if he will make a statement on the matter. [23289/06]

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 on 30 November 2004. Applications received in the first half of 2004 are currently being processed and there are approximately 2,500 applications awaiting processing before that of the person in question. It is likely that processing of the application of the person in question will commence in the first half of 2007. I will inform the Deputy and the person concerned when I have reached a decision on the application.

Education Welfare Service.

82. **Mr. Quinn** asked the Minister for Education and Science the cost of employing an additional education welfare officer at the National Education Welfare Board, including salary, pension and expenses; and if she will make a statement on the matter. [23232/06]

Minister of State at the Department of Education and Science (Mr. B. Lenihan): The Educational (Welfare) Act 2000 provides a comprehensive framework which promotes regular

school attendance and tackles the problems of absenteeism and early school leaving. The Act established the National Educational Welfare Board (NEWB) as the single agency with responsibility for school attendance in the State. The general functions of the Board are to ensure that each child attends a recognised school or otherwise receives a certain minimum education.

The Board is developing a nationwide service, on a continuing basis, that is accessible to schools, parents/guardians and others concerned with the welfare of young people. For this purpose, Educational Welfare Officers (EWOs) have been deployed throughout the country to provide a welfare-focused service to support regular school attendance and discharge the Board's functions locally. The total authorised staffing complement of the Board is 94 comprising 16 HQ and support staff, 5 regional managers, 12 Senior EWOs and 61 EWOs. Five regional teams are in place with bases in Dublin, Cork, Limerick, Galway and Waterford.

The Educational Welfare Officer (EWO) is the grade within the NEWB with a core function of service delivery. The duties of the EWO include fostering an appreciation of the value of education, advising schools and parents on school attendance issues and on strategies to promote regular school attendance, dealing with poor attendance or early school leaving case referrals from schools, using a welfare-orientated approach and initiating legal proceedings, under the Act, where appropriate. In particular, EWOs are responsible for children who are at risk and for those who are experiencing difficulties in school. Their objective is to resolve any impediments to these children receiving an education through regular attendance at school. EWOs are also responsible for seeking alternative schooling for those students who have been expelled, suspended or refused admittance to a school.

The current pay scale for an EWO ranges from €34,471 to €54,984 (inclusive of one Long Service Increment). The Board have advised me that the salary cost (inclusive of PRSI and pension) to employ an additional EWO at the minimum point of the scale is €38,176.36. There are also accommodation costs associated with new appointments and ongoing utilities costs.

Service delivery personnel are required to travel in response to case referrals and to deliver a service to schools and families in the course of their normal duties. The rates paid for all travel and subsistence, where appropriate, in respect of these duties are in accordance with those specified by the Department of Finance. I have also been informed by the Board that the average cost of travel and subsistence for the service delivery personnel in 2005 amounted to €4,800.

Schools Recognition.

83. **Mr. Timmins** asked the Minister for Education and Science the position in relation to an

application by a school (details supplied) in County Wicklow; and if she will make a statement on the matter. [23152/06]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that the school referred to has been granted recognition from Sept 2006, in accordance with the provisions of Section 10 of the Education Act, 1998 and the published criteria for recognition of new schools.

Departmental Schemes.

84. **Dr. Cowley** asked the Minister for Education and Science if her attention has been drawn to the situation in Belmullet, County Mayo where a school (details supplied) seems to be the only school in the area being excluded from the DEIS scheme; the reasoning behind same; and if she will make a statement on the matter. [23153/06]

Minister for Education and Science (Ms Hanafin): The process of identifying primary and second-level schools for participation in the new School Support Programme under DEIS was managed by the Educational Research Centre (ERC) on behalf of the Department and supported by quality assurance work co-ordinated through the Department's regional offices and the Inspectorate.

The ERC's overall approach was guided by the definition of educational disadvantage in the Education Act (1998), section 32(9), as: ". . . the impediments to education arising from social or economic disadvantage which prevent students from deriving appropriate benefit from education in schools".

In the primary sector, the identification process was based on a survey of all primary schools in May 2005, from which a response rate of more than 97% was achieved.

The analysis of the survey returns by the ERC identified the socio-economic variables that collectively best predict achievement, and these variables were then used to identify schools for participation in the School Support Programme. The variables involved are:

- % unemployment
- % local authority accommodation
- % lone parenthood
- % Travellers
- % large families (5 or more children)
- % pupils eligible for free books.

In the case of second-level schools, the Department supplied the ERC with centrally-held data from the Post-Primary Pupils and State Examinations Commission databases. Based on an analysis of these data, the variables used to determine

eligibility for inclusion in the School Support Programme were as follows:

- Medical card data for Junior Certificate candidates (including Junior Certificate School Programme candidates)
- Junior Certificate retention rates by school
- Junior Certificate exam results aggregated to school level (expressed as an OPS — "Overall Performance Scale" — score). This was based on each student's performance in the seven subjects in which s/he performed best
- Leaving Certificate retention rates by school.

While the whole rationale behind the new programme is to ensure that the most disadvantaged schools benefit from all of the available supports, schools that are benefiting from existing schemes, including the school to which the Deputy refers will keep the extra resources — financial and human — that they are getting under these initiatives for the 2006/07 school year. After that they will continue to get support in line with the level of socio-economic disadvantage among their pupils.

A review mechanism has been put in place to address the concerns of schools that did not qualify for inclusion in the School Support Programme but regard themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the Programme. This mechanism will operate under the direction of an independent person, charged with ensuring that all relevant identification processes and procedures were properly followed in the case of schools applying for a review.

The school to which the Deputy refers has submitted an application for review and a formal acknowledgement has issued to the school. It is anticipated that the review process will be completed before the end of the current school year.

Schools Building Projects.

85. **Mr. Gormley** asked the Minister for Education and Science the reason she has refused to supply information requested in parliamentary questions in relation to building grants for schools in Dublin south east; her views on whether this impedes an opposition politician's ability to properly represent their constituents for whom this is a crucial matter; and if she will make a statement on the matter. [23154/06]

Minister for Education and Science (Ms Hanafin): The Deputy is aware that the extensive information sought by him in relation to a large number of schools was not readily available within my Department when he sought it originally. However, information in relation to building grants for the schools concerned has since

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been collated and has now been sent to the Deputy.

Disadvantaged Status.

86. **Mr. P. McGrath** asked the Minister for Education and Science the number of primary schools and secondary schools in County Westmeath and County Longford that will lose their disadvantaged status post 2007 as a result of the new indicators in the integrated schools support programme envisaged under the Delivering Equality of Opportunity in Schools; and if she will make a statement on the matter. [23176/06]

Minister for Education and Science (Ms Hanafin): At the outset, I want to state that no school has been told that they are going to lose any of the resources that they have been receiving under pre-existing schemes for tackling disadvantage as a result of the introduction of the new DEIS initiative. On the contrary, the new School Support Programme is aimed at providing even more extra resources for the most disadvantaged schools in the country. Schools that did not qualify for the new programme will keep the extra resources they are getting under pre-existing schemes for the 2006/07 school year and after that they will continue to get support in line with the level of disadvantage among their pupils.

The new DEIS programme will be of huge benefit to schools in Longford and Westmeath. Three urban/town primary schools, 6 rural primary schools and 4 second-level schools in County Longford will benefit from the supports available from the new programme. In County Westmeath, 5 urban/town primary schools, 3 rural primary schools and 4 second-level schools will benefit.

I am sure the Deputy will agree that it is important to ensure that schools serving the most disadvantaged communities get all the extra support possible and will welcome the extra resources that DEIS will provide for schools in Longford and Westmeath. I can assure the Deputy that there is no reason for schools that have not been identified for the new programme to worry as they will continue to get support in line with the level of disadvantage among their pupils.

A review mechanism has been put in place to address the concerns of schools that did not qualify for inclusion in the School Support Programme but regard themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the programme. This review process is underway and it is anticipated that it will be completed by the end of the current school year.

Special Educational Needs.

87. **Mr. P. McGrath** asked the Minister for

Education and Science if there are special school units comparable to those at primary level available at second level for children on the autism spectrum in County Westmeath and County Longford; if her attention has been drawn to the fact that autism specific educational supports are essential if such children are to fully benefit from second level education; if there are no such facilities, the steps she is taking to address this deficit; and if she will make a statement on the matter. [23177/06]

Minister for Education and Science (Ms Hanafin): My Department provides a range of supports to second level school management to enable schools to cater for pupils with special educational needs including the needs of pupils with autism. The supports in question include remedial and additional teaching support, special needs assistant support and funding for the purchase of specialised equipment.

As the Deputy is aware, there has been enormous progress made over the past number of years in relation to increasing the number of teachers in our schools who are specifically dedicated to providing education for children with special educational needs. At second level, approximately 1,654 whole time equivalent additional teachers are in place to support pupils with special educational needs. This compares to the approximately 200 teachers that were in place in 1998 for such pupils. In addition, there are 532 whole time equivalent learning support teachers and approximately 1,102 whole time equivalent special needs assistants (SNAs) in our second level schools.

With effect from 1 January 2005, the National Council for Special Education (NCSE) has taken over key functions from my Department in relation to special educational provision. The NCSE was formally established as an independent statutory body on the 1st October 2005 under the Education for Persons with Special Educational Needs Act 2005. The Council acts under the broad policy direction of my Department but has the resources and the remit to play the leading role in the delivery of education services to children with disabilities/special needs.

The NCSE co-ordinates with the health services, schools and other relevant bodies regarding the provision of education and related support services to children with disabilities/special needs. The responsibilities of the NCSE include the following: deciding on applications for additional teaching support in respect of children with disabilities with special educational needs at second level; deciding on applications for special needs assistant (SNA) hours; and processing applications for school placement in respect of children with disabilities with special education needs.

The Department supports the education of individual students with autism in various second

level schools throughout the country. The precise model of provision made available at second level will depend on the assessed needs of the pupils involved. Some pupils are capable of attending ordinary classes on an integrated basis with additional teacher and/or special needs assistant support. In other cases, placement in special dedicated classes or units attached to the school may be the more appropriate response. Such special classes operate at significantly reduced pupil-teacher ratios. In general where a special class for pupils with autism is established by my Department, such classes are staffed by one teacher and two special needs assistants and can cater for a maximum of six pupils though the number in attendance can vary as pupils attached to these special classes may be facilitated in attending ordinary subject classes on an integrated basis wherever possible.

In recent years, my Department has supported the establishment of a number of special classes for pupils with autism in mainstream post primary schools. The organisation of such provision is a significant task of the National Council for Special Education. Special classes are currently in operation in post primary schools in Celbridge, Co. Kildare, Fairview, Co. Dublin, Cashel, Co. Tipperary and Kilcoole, Co. Wicklow. Discussions are ongoing between the NCSE and a number of other post primary schools with a view to establishing further classes of this nature.

The NCSE, through the local Special Educational Needs Organiser (SENO) will process the relevant application for resources and inform the school of the outcome. It is important to note that in the case of decisions on additional teaching and SNA support, the SENO will outline the process to the school and parents, where appropriate, and will at the end of the process outline the basis on which the decision was made.

In addition, my Department's Teacher Education Section has developed a strategy designed to meet the continuing professional development needs of personnel working with children with special educational needs. This involves a major expansion of the range of post-graduate professional training programmes available to teachers in the special needs area and the ongoing development of the Special Education Support Service (SESS) to support schools staff locally.

My Department will continue to ensure that the necessary resources are made available for the education of children with special needs. I am confident that the advent of the NCSE will prove of major benefit in ensuring that all children with special educational needs receive the support they require, when and where they require it.

Schools Building Projects.

88. **Mr. P. McGrath** asked the Minister for Education and Science the steps she intends to take to upgrade primary schools in County West-

meath and County Longford; and if she will make a statement on the matter. [23178/06]

89. **Mr. P. McGrath** asked the Minister for Education and Science the steps she intends to take to upgrade secondary schools in County Westmeath and County Longford; and if she will make a statement on the matter. [23179/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 88 and 89 together.

This Government has invested in the largest school building programme in the history of the State. Between 2000 and the end of 2005, over €2 billion was invested in school buildings and in the region of 7,500 large and small projects were completed in schools — including 130 brand new schools and 510 large scale refurbishments/ extensions. In 2006, over €500 million will be spent on school building projects. Since 2005 almost €4 million has been approved under the Summer Works Scheme for 40 individual school projects in Longford and Westmeath.

The Deputy will be aware that earlier this year I announced 19 medium scale post primary building projects of which three are from Counties Longford and Westmeath. I have approved 11 projects to commence architectural planning, 11 to tender and construction and 18 projects under the devolved schemes since 2005 between both these counties.

Any applications received from primary and post primary schools in Counties Westmeath and Longford will be assessed in accordance with the published prioritisation criteria for large scale projects. Progress on the proposed works will be considered in the context of the School Building and Modernisation Programme from 2006 onwards.

Higher Education Grants.

90. **Mr. P. McGrath** asked the Minister for Education and Science the amount allocated by her Department for the third level maintenance grants scheme in County Westmeath and County Longford for 2004, 2005 and 2006; the number of students in receipt of such grants for 2006, itemised as full, 75 per cent, 50 per cent or 25 per cent recipients; and if she will make a statement on the matter. [23180/06]

91. **Mr. P. McGrath** asked the Minister for Education and Science the amount allocated by her Department for the maintenance grants scheme for students attending PLC courses in County Westmeath and County Longford for 2004, 2005 and 2006; the number of students in receipt of such grants for 2006, itemised as full, 75 per cent, 50 per cent or 25 per cent recipients; and if she will make a statement on the matter. [23181/06]

92. **Mr. P. McGrath** asked the Minister for Education and Science the amount allocated by her Department towards the special rates of maintenance grant in County Westmeath and County Longford for 2004, 2005 and 2006; the number of students in receipt of such grants for 2006, itemised as full, 75 per cent, 50 per cent or 25 per cent recipients; and if she will make a statement on the matter. [23182/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 90 to 92, inclusive, together.

The statistical information requested by the Deputy is not immediately available in my Department. The information requested is being compiled, in so far as it is available, and will be issued directly to the Deputy as soon as possible.

Third Level Fees.

93. **Mr. Wall** asked the Minister for Education and Science the mechanism available to persons to obtain a refund of college fees involved in their child's education (details supplied); and if she will make a statement on the matter. [23185/06]

Minister for Education and Science (Ms Hanafin): The three Third Level Student Support Schemes, administered by the Local Authorities and the Vocational Education Committees on behalf of my Department, offer financial assistance to eligible students attending approved third level courses. Students entering approved courses for the first time are, generally speaking, eligible for grants where they satisfy the relevant conditions as to age, residence, means and nationality. Under the terms of the Schemes grants may only be awarded where the reckonable income is below the prescribed income limits.

Under the means test provisions, the reckonable income for candidates other than Independent Mature Student is gross income from all sources of the candidate and his/her parents or guardians where applicable. Certain specified Social Welfare and Health Board payments are exempt in the calculation. The reckonable income limit in respect of this academic year 2005/06 for the full maintenance grant where the number of dependent children is less than 4, which is the position with the candidate mentioned by the Deputy, is €35,485. Candidates who do not qualify for a full maintenance grant could qualify for a part maintenance grant (75%) in respect of which the income limit is €37,695. The income limits to qualify for a 50% grant and a 25% grant are €39,915 and €42,130 respectively. The full Student Service Charge/Registration fee is also payable, where the reckonable income does not exceed €44,350. Staff in Kildare VEC have confirmed to my Department that this candidate's reckonable income exceeds the reckonable income limits for 2005/06 academic year.

Higher Education Grants.

94. **Mr. M. Moynihan** asked the Minister for Education and Science the reason the higher education grant for 2005 and 2006 has not been approved for a person (details supplied) in County Cork; and his views on the case. [23191/06]

Minister for Education and Science (Ms Hanafin): Eligibility for grant assistance for the 2005/06 academic year must be assessed under the terms of my Department's Higher Education Grant Scheme 2005. Clause 2.2 of the Scheme states, *inter alia*, that: "A candidate shall not be eligible to hold a grant under this Scheme if s/he holds: (i) a scholarship/grant awarded by another local Authority, a Vocational Education Committee or the Department of Education and Science, or (ii) any other award payable from public funds, or (iii) the equivalent of (i) or (ii) from another E.U. Member State. The provisions at (ii) or (iii) do not include awards such as scholarships, prizes or bursaries, made by the institution being attended or postgraduate research grants where the grant received does not exceed a specified amount, which for the 2005/2006 academic year, is specified to be €12,700. In addition the provision at (ii) does not include awards to candidates under the Student Assistance Fund, the Millennium Partnership Fund and the Fund for Students with Disabilities."

I understand that the student referred to by the Deputy is benefitting from a postgraduate research grant which totals €19,050. This grant is broken down into a maintenance amount of €12,700 and an amount of €6,350 for payment of fees and support for research. It is, therefore, considered that the total value of the award for the student referred to by the Deputy exceeds the specified amount of €12,700 as outlined in Clause 2.2 of the Scheme and makes the student ineligible for assistance under the 2005 Higher Education Grants Scheme.

State Examinations.

95. **Mr. Gogarty** asked the Minister for Education and Science if she will clarify the legal situation regarding the imposition of school rules during junior and leaving certificate exams; if a student can be refused permission to sit an exam in a hall lent by the school to the State Examinations Board; her views on the imposition of punishment measures for breaking school rules that interfere with a student's ability to sit an exam; and if she will make a statement on the matter. [23229/06]

Minister for Education and Science (Ms Hanafin): Under SI 373/2003 the State Examinations Commission has operational responsibility for the certificate examinations, including determining procedures in places where examinations are conducted including the supervision of

examinations. This function is exercised in collaboration with schools. The normal practice is for the SEC to provide for the holding of examinations in the school where a pupil is attending, or to make alternative arrangements where these are requested for external candidates, pupils of other centres, and pupils for whom a specific accommodation has been requested and is deemed necessary.

In April 1996, the Department issued Best Practice Guidelines to schools concerning the Certificate Examinations. The guidelines stress the importance of the examinations to the students and their future progression, the need for a calm and supportive environment, that pupils are subject to the rules of the school during the examinations and that these rules must have as their main objective the securing of the well-being of students. While the Guidelines refer to situations where the removal/refused admission of a student may arise, a judgement in such cases must consider the well-being of the individual, of the general body of candidates and the integrity of the examination process, and the need for proportionality in response to non compliance with rules. The guidelines stress the exclusion from an examination would be disproportionate in a situation where alternative arrangements were not made for sitting the examination. The Guidelines recommend that students who breach the school's disciplinary code should be allowed sit the examination on the occasion of the first breach, while parents are being contacted. They also provide that subsequent breaches of discipline which are seen as having wider implications for school discipline are dealt with by making alternative arrangements to sit the examination in a neighbouring school.

School Management.

96. **Mr. Gogarty** asked the Minister for Education and Science her views on reviewing the Education Act 1998 to allow student representatives to sit on school boards of management at second level, particularly in view of the recent controversy in Tullamore; and if she will make a statement on the matter. [23230/06]

Minister for Education and Science (Ms Hanafin): Section 27 of the Education Act 1998 provides that Boards of Management in second level schools shall facilitate and give all reasonable assistance to student councils. Student councils are established in the majority of post-primary schools. I believe very strongly that you cannot just teach students about rights and responsibilities in the CSPE class, that you also have to give them actual responsibilities in the place where they spend much of their day. I have stressed to teachers' groups the need to not only ensure that each school has a student council but also that councils are given a meaningful role in school decision-making.

The Act provides that Boards shall have procedures for the purposes of informing students of the activities of the school and to facilitate the involvement of students in the operation of the school, having regard to the age and experience of the students, in association with their parents and teachers. An active student council can be a most effective way to involve students in the affairs of the school, in cooperation with the board, parents and teachers. I have no plans to review the Act in this regard.

Education Welfare Service.

97. **Mr. Quinn** asked the Minister for Education and Science the plans the Government has to increase the staff complement of the National Education Welfare Board; and if she will make a statement on the matter. [23231/06]

Minister of State at the Department of Education and Science (Mr. B. Lenihan): The National Educational Welfare Board (NEWB) was established under The Education (Welfare) Act, 2000 as the single national body with responsibility for school attendance. The Act provides a comprehensive framework which promotes regular school attendance and tackles the problems of absenteeism and early school leaving. The general functions of the Board are to ensure that every child attends a recognised school or otherwise receives a certain minimum education.

The Board is developing a nationwide service, on a continuing basis, that is accessible to schools, parents/guardians and others concerned with the welfare of young people. For this purpose, Educational Welfare Officers (EWOs) have been deployed throughout the country to provide a welfare-focused service to support regular school attendance and discharge the Board's functions locally. The total authorised staffing complement of the Board is 94 comprising 16 HQ and support staff, 5 regional managers, 12 Senior EWO's and 61 EWO's. Five regional teams are in place with bases in Dublin, Cork, Limerick, Galway and Waterford.

In deploying its service staff, the NEWB has prioritised the provision of services to the most disadvantaged areas and the most at-risk groups. This deployment includes areas designated under the Government's RAPID programme where an intensive full level of service is provided. Since September 2005 every county in Ireland is served by an educational welfare service.

In addition to the NEWB personnel there are some 490 staff, within the education sector, deployed in education disadvantage programmes whose work involves an element of school attendance and significant scope exists for integrated working between these personnel and Educational Welfare Officers. My Department is anxious to ensure that the maximum benefit is derived from these substantial personnel

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resources. Consequently work is ongoing to develop appropriate protocols for all agencies and services to work together in collaboration and to ensure that optimum use is made of the resources deployed.

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 achieve their potential and participate fully in education. I will be keeping the issue of the NEWB's staffing under review in light of the roll out of services, the scope for integrated working and any proposals that the Board may put to me in relation to clearly identified priority needs and in the context of Government policy on public service numbers.

Schools Building Projects.

98. **Mr. J. O'Keefe** asked the Minister for Education and Science if, in view of commitments made four years ago regarding the proposed extension to a school (details supplied) in west Cork, she will confirm that progress will be made and a design team appointed to initiate the architectural planning of the extension. [23285/06]

Minister for Education and Science (Ms Hanafin): The application for capital funding from the school to which the Deputy refers has been assessed and schedules of accommodation to meet the current and projected accommodation needs of the school have been drawn up by my Department. The further progression of this project will be considered in the context of the School Building and Modernisation Programme 2006-2010.

Water Charges.

99. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the position in relation to water charges for national schools in County Westmeath and County Longford; if these rates are in line with policy governing this area; the way in which the standard rate is calculated; if the rates increase with the size of the schools; and if he will make a statement on the matter. [23183/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Local authorities are required to recover the cost of providing water services from the users of these services, with the exception of householders. The cost of providing water services to the non-domestic sector should be fully recovered by local authorities by means of a meter based volumetric charge. While current arrangements for schools may, as with other non-domestic users, be based on fixed water services charges, local authorities

are moving towards the metering of all non-domestic water use.

The unit cost of providing water services will differ between local authorities and there is no standard rate of charging. It is therefore, a matter for each authority to set appropriate charges for non-domestic users of water services at a level necessary for recovery of actual costs.

Local Government Legislation.

100. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government when he intends to sign the commencement notice for Part 19 of the Local Government Act 2001 to enable local authorities to introduce new by-laws; and if he will make a statement on the matter. [23184/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I intend to commence Part 19 of the Local Government Act 2001 shortly. The new provisions will replace the existing general powers of local authorities to make by-laws, and complement by-law making powers held by local authorities under other legislation.

Water and Sewerage Schemes.

101. **Mr. J. Breen** asked the Minister for the Environment, Heritage and Local Government the status of the sewerage scheme for O'Brien's Bridge, County Clare, in view of the proximity of O'Brien's Bridge to the River Shannon; and if he will make a statement on the matter. [23208/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The O'Brien's Bridge Sewerage Scheme, which is being advanced as part of a grouped project, is included in my Department's Water Services Investment Programme 2005-2007 as a scheme to commence construction in 2007. My Department is awaiting the submission of Clare County Council's Preliminary Report for the scheme.

Waste Management.

102. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he has received representations from a company (details supplied) on waste management. [23236/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The company in question has sought a meeting with me to discuss new environmental technologies which it is developing and to ensure that these fit within Ireland's long-term waste management strategy. The company is being offered a meeting with officials of the Department to discuss the issues of concern to them and to clarify responsibilities in Ireland with regard to the provision of waste management services.