



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 28 September 2006.

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DÁIL ÉIREANN

*Déardaoin, 28 Meán Fómhair 2006.
Thursday, 28 September 2006.*

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

*Paidir.
Prayer.*

Requests to move Adjournment of Dáil under Standing Order 31.

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

Aengus Ó Snodaigh: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the urgent and increasing need for the Government to revisit and cease its support for the foreign policies of the United States Administration in light of both the *Sunday Tribune*-Millward Brown IMS opinion poll which found that 80% of Irish people believe that George Bush's policies have made the world a more dangerous place——

(Interruptions).

Mr. O'Donoghue: The Deputy made a fair contribution.

An Ceann Comhairle: Deputy Ó Snodaigh, without interruption.

Aengus Ó Snodaigh: ——and the recently declassified national intelligence estimate which clearly demonstrates that even the United States' own intelligence agencies now acknowledge that global security threats have increased on foot of the American-led invasion of Iraq; and the need for the Government to withdraw the use of Irish airports and airspace from all planes associated with the so-called war on terror.

Mr. J. Higgins: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the criticisms of the Department of Justice, Equality and Law Reform in the Comptroller and Auditor General's report on the purchase of Thornton Hall in north Dublin for a prison and the need for the Tánaiste and Minister for Justice, Equality and Law Reform, Deputy McDowell, to make a statement on his responsibility for the waste of

taxpayers' money involved and the need to stop this project going ahead at an unsuitable location.

Ms C. Murphy: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the stated position of the Minister for Finance, who informed me by parliamentary reply in February 2006 that the volume and type of business conducted at Weston Aerodrome does not justify the deployment of a permanent customs presence there. However, the seizure of approximately 50 kg of drugs, the arrest of five individuals and the impounding of a jet belonging to the aerodrome's owner strongly highlights the error of the Minister's position. A total of 18 visits by customs officials in the space of a year does not provide sufficient protection from wrongdoers and the Minister must now deploy full customs cover or suspend Weston's licence.

Mr. Healy: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for the Minister for Education and Science to reverse the withdrawal of the on-site National Educational Psychological Service from the Presentation secondary school, Clonmel, a school which has disadvantaged status, and to ask the Minister to make a statement on the matter.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the manner in which multinational oil companies have managed to get such a good deal from the Government and whether this is connected with past fundraising activities of a particular political party which managed to pay off a considerable debt of millions.

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

Order of Business.

The Tánaiste: It is proposed to take No. 17, Criminal Justice (Mutual Assistance) Bill 2005 [*Seanad*] — Second Stage, resumed; Private Members' business shall be No. 52, motion re report by Professor O'Neill on matters relating to the Leas Cross nursing home and nursing homes inspections, resumed, to be taken immediately after the Order of Business and to conclude after 90 minutes.

An Ceann Comhairle: There are no proposals to be put to the House today on the Order of Business.

Mr. Kenny: First, I welcome the new Tánaiste on his first day in this position as deputy leader of the Government and wish him well.

Mr. P. McGrath: Deputy O'Donnell is not present to support him.

Mr. Kenny: It is appropriate that the first Bill he has announced to the House is that of mutual assistance in the area of criminal justice.

Cecilia Keaveney: What about the Labour Party?

Mr. Kenny: While I hope this does not happen to the Tánaiste, Deputy McDowell, I understand the shortest serving Tánaiste in the House was the present Taoiseach, who only served 27 days in office before the then Government collapsed.

Mr. Deasy: He might make it.

Mr. Kenny: As a man who believes that inequality is good for society, was the Tánaiste ever paid for any function he attended as a Minister or as Attorney General? Does he know of any Minister who received payment?

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

Mr. Kenny: I will state why it does. This morning, the deputy leader of the Progressive Democrats went on national radio and stated that this House is the forum in which questions should be asked and answered.

Deputies: Hear, hear.

Mr. Eamon Ryan: There should be a debate.

An Ceann Comhairle: Sorry, Deputy Kenny——

Mr. Kenny: Hold on now——

An Ceann Comhairle: I would like the Deputy to hear the Chair first and I will then hear him. As the Deputy is well aware, there are Standing Orders. The Order of Business is very specific. However, there are many ways in which Deputies can raise any issue they wish in this House.

Mr. Connaughton: On RTE television on the "Six-One" news, or on "Morning Ireland".

An Ceann Comhairle: There are many ways, including Private Members' business and by way of substantive motions.

Mr. Kenny: The Ceann Comhairle is right.

(Interruptions).

An Ceann Comhairle: Fortunately, for the House and for the Chair we cannot use Standing Orders to raise any issue we wish.

Mr. Kenny: There are many ways to do so and this is one of them. It may well be that on an

occasion we might try to raise this issue here but the Tánaiste might not be in attendance. I asked him did he ever receive a payment for a function he attended at which he spoke as a Minister or does he know of any Minister who received such payment?

The statement he issued yesterday, in his capacity as Tánaiste, leaves the scales of justice unevenly balanced. He seems to have a difficulty in determining whether the Taoiseach was right or wrong in accepting €50,000 and a further €12,000 for a speaking engagement in Manchester.

An Ceann Comhairle: There is no provision now for Leaders' Questions. I will hear a brief comment from the Leaders of the four parties and a response from the Tánaiste.

Mr. Kenny: The PDs voted down the opportunity to ask questions in the House yesterday. In respect of the Ethics in Public Office Act 1995, the Tánaiste proposes to bring in amendments to that Act which, in the first place, will ensure that Ministers in Government are not entitled to receive €100,000 interest free loans which apparently are not currently in breach of the Act. Does he intend to introduce an amendment to that Act which will allow him, as the Minister for Justice, Equality and Law Reform, to determine whether some Ministers in receipt of gifts, interest free loans or money are either ethically correct or unethically wrong? That is what he has done. His determination of the Taoiseach's action as being an honest error of judgment is simply incredible in his capacity as Minister for Justice, Equality and Law Reform, Tánaiste and deputy leader of the Government. Is it the Tánaiste's intention to maintain his view that inequality is good for society and that inequality in the interpretation of the Ethics in Public Office Act 1995 and of the Cabinet regulations that applied before that, applied to some Ministers whom he determined were right in some cases and wrong in others?

An Ceann Comhairle: I call Deputy Rabbitte on the same issue.

Mr. Rabbitte: I will take my turn if that is acceptable to the Ceann Comhairle.

An Ceann Comhairle: Yes, Deputy, but we are not coming back to this matter. The Chair has stated that it will hear the leaders of the four parties. It is out of order under Standing Orders but the Chair will allow a brief——

Mr. Howlin: What Standing Order is that?

Mr. Connaughton: Everyone in the country is talking about this matter.

An Ceann Comhairle: I ask Deputies to behave themselves and have respect for the Chair when I am speaking. I point out to Deputy Rabbitte

that I will hear from the leaders of the four parties and then a reply from the Tánaiste, if he wishes to reply, and then we will move on to other business. We are not having a debate on the issue, therefore it is not my intention to call the Tánaiste and then call each leader in turn to raise the same issue.

Mr. Howlin: Why not?

An Ceann Comhairle: Because the Chair will not drive a coach and four through Standing Orders.

Ms Burton: What is the Standing Order for this ruling?

An Ceann Comhairle: The Chair has already been liberal in allowing a comment in respect of which there is a number of precedents, but there is no precedent for having a wholesale debate on a Thursday morning.

Mr. Rabbitte: I am not accustomed to the Ceann Comhairle berating me into speaking, but in the circumstances and now that the Chair has called me I will try to think of something to say. I certainly do not know under what Standing Order the Chair has made this decision.

I take this opportunity to extend my congratulations to the Tánaiste on his appointment and to wish him well. Any morning one wakes up to hear that a hit man has been executed, a house sprayed with bullets, a garda wounded and €10 million of drugs landed at a private airport, it is clear that the Tánaiste needs all the assistance we can offer him on this side of House.

Will the Tánaiste spell out what he meant on radio when he said that Dáil Éireann would have an opportunity to discuss the controversy that has grown up around the Taoiseach's acceptance of a large sum of money for private use? This morning his deputy leader, Deputy O'Donnell, said she looked forward to the matter being ventilated adequately in the House. Will the Tánaiste indicate what provision he intends to make to allow the House to have the question and answer session that Deputy O'Donnell offered on radio this morning? We did not have such a session yesterday and it is important that we dispose of it.

Is there any particular reason the Tánaiste did not refer to the Manchester money in his statement? Will he cause any action to be taken to establish whether the Revenue Commissioners gave clearance to the payments involved? Are we now in a situation where the Tánaiste's party is giving only qualified support to the Government? Am I correct in interpreting his statement as meaning that the payments in question were manifestly a gift and not repayable loans? Are we in a position where this morning Deputy O'Donnell seemed to be qualifying even the qualified support for Government? Will the Tánaiste ensure that this House will have an

opportunity to probe these issues satisfactorily so that Dáil Éireann can discharge its responsibility to hold the Government accountable?

Mr. Gormley: I take this opportunity to congratulate my constituency colleague on his elevation to the position of PD leader and Tánaiste, but I must leave that aside for the moment. Does the Tánaiste accept that it was fundamentally wrong for the Minister for Finance at the time, Deputy Bertie Ahern, to accept payments for a speaking engagement in Manchester? Does he agree that this was in breach of an ethical code? Has he had serious discussions with the Taoiseach on this matter? Has he discussed the Manchester payment with the Taoiseach? Does he recall when he was out of politics, saying that the party that stands for anything stands for nothing? Is it now the case that his party stands for very little except its own self-advancement?

Mr. J. Higgins: A Cheann Comhairle——

An Ceann Comhairle: There is no provision for speakers now except leaders of parties and we cannot create a new precedent. I have gone far enough this morning. I will hear the Tánaiste.

Mr. J. Higgins: No, that is not the case.

An Ceann Comhairle: Deputy there is no provision for Independents to speak on this matter.

Mr. Healy: On a point of order, neither is there provision for leaders of parties to speak now.

An Ceann Comhairle: The Chair ruled on this matter this morning that, in accordance with precedent, I would hear from the leaders of the parties.

Mr. Healy: The leaders who speak here on Leaders' Questions are entitled to speak now.

An Ceann Comhairle: I will not hear from Deputy Joe Higgins now.

Mr. Healy: Deputy Joe Higgins speaks on behalf of the Independent Deputies and he is entitled to speak here this morning.

Mr. McHugh: Deputy Joe Higgins is entitled to speak on this matter.

An Ceann Comhairle: He is not. The Chair has ruled on the matter. I will hear the Tánaiste.

Mr. J. Higgins: I will be brief. What I wish to say only involves two sentences.

An Ceann Comhairle: No, I will not hear from the Deputy. If I hear from him, I would feel obliged to hear from everyone along the back bench.

Mr. J. Higgins: A Cheann Comhairle——

An Ceann Comhairle: I ask the Deputy to resume his seat. I made it clear that I would hear from the leaders of recognised parties.

Mr. F. McGrath: On a point of order, yesterday Deputy Joe Higgins was mandated by the Independents to speak on their behalf, and I request he be allowed to do so now.

An Ceann Comhairle: There is no provision to hear from speakers outside the leaders of recognised parties.

Mr. Healy: Neither is there a provision to hear from the other speakers who spoke.

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

Mr. J. Higgins: A Cheann Comhairle——

An Ceann Comhairle: I will not hear from the Deputy.

Mr. J. Higgins: If I had been allowed speak, I would be finished by now.

An Ceann Comhairle: The Deputy might well be, but I will still not hear from him. I will not create a new precedent this morning.

(Interruptions).

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

Mr. F. McGrath: That is an attack on democracy.

An Ceann Comhairle: I ask Deputy Higgins to resume his seat. If he does not wish to, he knows what to do. If he wishes to leave the House he can do so on his own volition. If not, the Chair will facilitate him.

Dr. Cowley: We represent more people than the Progressive Democrats.

An Ceann Comhairle: That is not how the business of this House is done, Deputy. I ask Deputy Higgins to resume his seat.

Mr. J. Higgins: May I make a point of order? This morning the Ceann Comhairle, at his discretion, waived Standing Orders, which I agreed with.

An Ceann Comhairle: In accordance with precedent.

Mr. J. Higgins: I agreed with his decision to do so to allow Members of the Opposition to ask searching questions of the Tánaiste. All the Ceann Comhairle needs to do is show a little

flexibility to ensure the voices of the Independent Deputies and me, a Deputy of the Socialist Party, are heard.

An Ceann Comhairle: It is not possible. It would open up a whole debate for the House. In accordance with precedent I ask the Deputy to resume his seat.

Mr. F. McGrath: Democracy — the Ceann Comhairle spoke about it in Monaghan.

Mr. J. Higgins: I only wanted to ask the Tánaiste if he now officially endorses cronyism and patronage in Irish politics. Is that the effect of the statement he made?

An Ceann Comhairle: I ask Deputy Higgins to resume his seat. If he does not wish to I ask him to leave the House.

Mr. J. Higgins: That is extremely unreasonable.

Mr. F. McGrath: That is outrageous.

Mr. Healy: It is undemocratic.

An Ceann Comhairle: If Deputies are not happy with Standing Orders they know what to do.

Mr. McHugh: All Members should be treated equally.

Mr. F. McGrath: We have a bigger political mandate than the Tánaiste.

An Ceann Comhairle: I am suggesting the Chair should review its position of allowing flexibility this morning. Perhaps we should stick rigidly to Standing Orders, and if that is what the House wants the Chair will do so.

Mr. Healy: The Chair applies discretion in favour of party leaders.

An Ceann Comhairle: Allow the Tánaiste to speak.

Mr. F. McGrath: Stand by the Republic now.

The Tánaiste: I thank Opposition Members for their kind words of congratulation on my appointment as Tánaiste. I hope I will not disappoint them in the discharge of this office.

A Deputy: He has already.

Mr. J. Higgins: If I cannot speak he will receive no kind words from me.

The Tánaiste: Deputy Kenny asked two specific questions. They were brief questions to each of which the answer is “No”.

Deputy Rabbitte asked about the support of the Progressive Democrats for the Government. That is not in question.

Mr. Stagg: No matter what.

The Tánaiste: The Progressive Democrats Members were elected with a mandate to govern and we intend to discharge that mandate——

Mr. Stagg: No matter what.

The Tánaiste: ——so the people get the kind of Government they need and deserve. In answer to whether there were proposals to amend the Ethics in Public Office Act 1995, there are no such proposals.

Mr. Bruton: On a point of order, surely the leaders of the Opposition parties deserve proper answers to questions they have put, rather than the smug, self-serving answers we have heard.

An Ceann Comhairle: Sorry, Deputy, that is not a point of order.

Mr. Bruton: We were lectured on the importance of the Houses of the Oireachtas being the place where accountability should occur. The Tánaiste then comes to the House and fails to answer any of the questions that were put to him. The Progressive Democrats has abandoned all semblance of responsibility.

Mr. Gormley: On a point of order, the Ceann Comhairle heard me ask two specific questions on the Manchester payments. The Tánaiste has not answered those.

An Ceann Comhairle: That is not a point of order.

Mr. Gormley: It is a point of order. The Tánaiste should answer those questions.

Mr. Eamon Ryan: Answer the questions.

An Ceann Comhairle: Sorry, Deputy Gormley, that is not a point of order.

Mr. Gormley: I ask the Tánaiste to answer those questions.

An Ceann Comhairle: The Deputy knows the rules as well as the Chair.

Mr. Gormley: He will not answer them because they are embarrassing for him.

Mr. Eamon Ryan: What is he in the House for?

Mr. Gormley: He is in the House to answer questions. What about the Manchester payments?

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

Mr. Rabbitte: What arrangements does the Tánaiste proposes to permit the House to discuss the issues about which we have all been talking outside the House? He did not answer any questions, including Deputy Gormley's. What arrangements does he offer the House to debate these issues?

The Tánaiste: On Tuesday next, Dáil Éireann resumes. The first item is oral questions to the Taoiseach.

Mr. Gormley: We are in the House to ask the Tánaiste questions.

The Tánaiste: Calm down, Deputy. The first item is oral questions to the Taoiseach. Every Member, including all Members opposite, have a right to tender to the Taoiseach questions on these issues.

Mr. Stagg: They have not. They will be ruled out of order. It is not a possibility.

An Ceann Comhairle: I ask Deputy Stagg to afford courtesy to the Tánaiste when he is answering.

The Tánaiste: The Taoiseach will answer any questions that pertain to himself or his public functions in this House.

Mr. Stagg: The questions will not be allowed.

The Tánaiste: This House, as always, will get full accountability.

Mr. Gormley: It will not.

The Tánaiste: The Deputy does not want an answer now.

Mr. Kenny: I wish to ask a question.

The Tánaiste: I answered Deputy Kenny's two questions directly.

An Ceann Comhairle: I will not allow a point of order until the Tánaiste has finished.

Mr. Kenny: It is more a point of information for the Tánaiste.

An Ceann Comhairle: There is no such thing as a point of information.

The Tánaiste: Allow me to provide some information to the Deputy first.

Mr. Kenny: The Taoiseach's questions are pre-determined. They are taken in groups of 32. The Taoiseach will refuse to answer a question on any issues raised today.

The Tánaiste: Later on Tuesday the Standing Orders of this House provide for the leaders opposite to question the Taoiseach at length on these precise issues.

Mr. Durkan: This is wonderful. It is condescending.

Mr. Connaughton: Pathetic.

The Tánaiste: In addition, Standing Orders allow each Member to put down detailed questions in writing to the Taoiseach, requiring written responses.

Mr. Howlin: We will write him a letter then.

Mr. Cuffe: He was not elected for that.

The Tánaiste: The Standing Orders of this House also provide for Members to devote two days next week to debate the issues.

Mr. Gormley: Answer the questions.

Mr. Rabbitte: I asked what arrangements have been made for a debate. I cannot believe this is the same Deputy McDowell who came into the House on the Opposition side and called for accountability and standards for many years.

An Ceann Comhairle: Deputy Durkan has raised a point of order. Deputy Rabbitte owes the courtesy to a colleague in the House of allowing him to speak when he is called.

Mr. Durkan: I will seek clarification. Is it not true that the Tánaiste is standing in for the Taoiseach this morning on the Order of Business? As such he is obliged to reply in the way the Taoiseach and his predecessor did.

An Ceann Comhairle: That is not a point of order.

Mr. Durkan: The Tánaiste is condescending and sanctimonious.

An Ceann Comhairle: I ask Deputy Durkan to afford the courtesy to Deputy Rabbitte of being heard.

Mr. Connaughton: The Tánaiste is having a bad day.

Ms O. Mitchell: He should get used to it.

Mr. Connaughton: He deserves nothing better.

Mr. Rabbitte: It is almost beyond belief that we are forced to listen to a patronising explanation of the normal business of the House, telling us what time questions are taken, how to table them etc. It is contemptuous of this House.

An Ceann Comhairle: The Deputy has made his point.

Mr. Rabbitte: I will ask the Tánaiste again, because he is taking the Order of Business.

An Ceann Comhairle: We will not have a debate, Deputy.

Mr. Rabbitte: We want to know when there will be an adequate ventilation in this House of the issues that are in the public domain.

Mr. Bruton: Hear, hear.

Mr. Rabbitte: The Tánaiste is in charge. He said his party would be radical or redundant. It is manifestly redundant now.

An Ceann Comhairle: That is not appropriate to the Order of Business.

Mr. Rabbitte: The Ceann Comhairle may as well tell me that I may discuss the issues under No. 26, the Regulation of Charities Bill. Is that what he is going to tell me?

An Ceann Comhairle: That is promised legislation. If a debate is promised——

Mr. Bruton: A debate was promised on radio this morning by the deputy leader of the Progressive Democrats but the leader of the party comes into the House and denies it.

Mr. Rabbitte: We seek a debate, which is why I asked the man sitting at the head of the Cabinet row what arrangements there are for one.

Ms Burton: Of what is the Tánaiste afraid?

Mr. Rabbitte: We may as well deal with it. If we do not, there will be no ploughing championship today. Let us hear the answers. What are the answers?

An Ceann Comhairle: That is the prerogative of Members, if that is what they think of this House.

Mr. Gormley: This morning we have had the silence of the lamb.

An Ceann Comhairle: That is not a point of order. The Deputy should resume his seat.

Mr. Gormley: I will make my point of order. We come here to get answers to questions. I put two specific questions to the Tánaiste this morning.

An Ceann Comhairle: That is not a point of order.

Mr. Gormley: It is a point of order. What is the function of this House? We are here to hold this Government to account.

An Ceann Comhairle: I suggest the Deputy read Standing Orders and study them to find out the function of this House.

Mr. Eamon Ryan: Why will the Tánaiste not answer the question?

An Ceann Comhairle: The issues the Deputy has raised can be raised in many ways in this House.

Mr. Gormley: I have raised them this morning.

An Ceann Comhairle: They are not appropriate. We have moved on from that.

Mr. Gormley: The Tánaiste will not answer the questions on the Manchester payment because it is embarrassing. He knows only too well that the Taoiseach was in breach of ethical guidelines.

Mr. J. Higgins: There is a serious onus on the Ceann Comhairle to respond to what the Tánaiste said. The Ceann Comhairle heard him say that next Tuesday at Taoiseach's 11 o'clock Questions any Member could put down questions on the Manchester payments and that the Taoiseach would answer them. The Ceann Comhairle must tell us now whether he will allow such questions and if we will have that opportunity next Tuesday.

An Ceann Comhairle: In normal circumstances such questions would be allowed on the Order Paper. The day on which they are asked is not a matter for the Chair.

Mr. J. Higgins: Will the Ceann Comhairle let me finish my point of order? The deadline for Taoiseach's Questions next Tuesday has passed. The Ceann Comhairle must tell us if he will be as flexible as he was this morning in allowing those questions to stand and to be taken next Tuesday. That is the minimum that is asked.

An Ceann Comhairle: That is not a point of order.

Mr. J. Higgins: The Tánaiste could tell us the details of the Manchester payment this morning and save us all this travail over four or five days.

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

Mr. J. Higgins: If the Manchester payment issue must be dragged out over the next four days——

An Ceann Comhairle: I ask the Deputy to resume his seat. He has had much leeway and I ask him not to push the——

Mr. J. Higgins: The Ceann Comhairle has not answered my question.

An Ceann Comhairle: The answer is no. The Chair will give no assurance as to what questions will be answered next Tuesday. It is decided in accordance with the rules of this House. Questions that go on the Order Paper for next Tuesday will be answered when their turn comes.

(Interruptions).

Mr. McHugh: Will the Ceann Comhairle ask the Tánaiste to withdraw his statement, which is incorrect?

Mr. Howlin: The Ceann Comhairle's answer to Deputy Joe Higgins's question puts the matter in context. On national radio this morning a spokesperson for the Government, the deputy leader of the junior partner in Government, gave us to understand that there were significant unanswered questions and that the survival of the Government was conditional on satisfactory answers being provided in this House.

An Ceann Comhairle: That does not arise.

Mr. Howlin: That was the commitment given. It is reasonable for the Opposition Parties to ask of the Tánaiste in measured terms, what arrangements are being put in place to fulfil that commitment.

Mr. M. Higgins: Hear, hear.

Mr. Howlin: It is clear from the Ceann Comhairle's answers that there are no positions available to answer that.

Mr. M. Higgins: That is a fact.

An Ceann Comhairle: I would not like the Deputy to involve the Chair in this. The Chair was asked a question about ordinary questions——

(Interruptions).

An Ceann Comhairle: Deputy Howlin, the Chair is speaking. I would ask you to show courtesy to the Chair.

Mr. Howlin: It is not normal for the Chair to interrupt people.

An Ceann Comhairle: When the Deputy makes a false allegation the Chair does not interrupt but intervenes. The Chair stated to Deputy Joe Higgins——

Mr. Howlin: Either the Ceann Comhairle or the Tánaiste is incorrect. The deadline has passed and the Ceann Comhairle has said he will not extend it.

An Ceann Comhairle: If Deputy Howlin continues to interrupt the Chair he will be asked to leave the House.

Mr. Howlin: The Ceann Comhairle should throw us all out.

Mr. Connaughton: The Ceann Comhairle should throw us all out.

Ms Burton: Will the Ceann Comhairle invite the Tánaiste to alter his position? What he told us was wrong.

An Ceann Comhairle: Deputy Burton, will you resume your seat? The Chair will be left with no choice but to ask you to leave.

Mr. Howlin: The Ceann Comhairle should throw us all out.

An Ceann Comhairle: The Deputy must allow the Chair to speak. The Chair will hear him. To be clear on the question raised by Deputy Joe Higgins — Deputy Joe Higgins asked about ordinary questions that go to the Taoiseach if the Chair could guarantee that they will be answered next Tuesday. The Chair cannot give any such guarantee because they will be answered in accordance with Standing Orders. It is not within my prerogative to say when they might arise.

(Interruptions).

An Ceann Comhairle: I call Deputy Gilmore. Will Deputies show respect to colleagues in the House?

Mr. Gormley: Will the Ceann Comhairle show respect to Deputies?

An Ceann Comhairle: I ask Deputy Gormley to withdraw that remark, which reflects on the Chair.

Mr. Gormley: I withdraw it.

Mr. Gilmore: As I understand the Constitution, the Government is accountable to this House, the Parliament of the people. An issue of very serious accountability has arisen in relation to the Taoiseach. The House requires answers to some questions. The leader of my party has asked the Tánaiste, who is taking the Order of Business, what are the arrangements for the discharge of that. In response he said we could put down questions for next Tuesday, although the deadline has passed. Based on precedent, if we put down a question to the Taoiseach about something he did as Minister for Finance, the question will be

transferred to the current Minister for Finance while the Taoiseach takes cover. We have to establish from the Tánaiste what arrangements are to be made for the accountability of the head of the Government to this House for the matters we wish to raise with him. We want to do that in an orderly way, making the job of the Ceann Comhairle and this House easier. I again ask the Tánaiste to tell this House what arrangements are to be put in place and in what period of time. I do not want smart responses that we can put down questions to the Taoiseach or raise them during Leaders' Questions. I want to know what time will be provided for the House to ask these questions and to make the Taoiseach accountable. It is a straightforward matter and I want a straight answer from the Tánaiste.

An Ceann Comhairle: Since a debate has not been promised by a Member of the Government it does not arise on the Order of Business. For the information of Deputy Gilmore it is possible to raise these matters in several ways in the House, by substantive motion, on Private Members' time and on Leaders' Questions. These means are open to Members of this House to raise any issue.

Mr. Rabbitte: The Tánaiste promised a debate.

An Ceann Comhairle: No debate is promised. It is not a matter for the Order of Business.

Mr. Stagg: The Tánaiste promised it on the radio. It is on the public record.

A Deputy: It will not go away.

(Interruptions).

An Ceann Comhairle: Was a debate promised?

Mr. Gilmore: That is not the question.

An Ceann Comhairle: No debate was promised. Deputy Gilmore, I would ask you to resume your seat.

Mr. P. McGrath: Is the Tánaiste sorry he took the job? It is more difficult than he thought. He is making a mess of it on the first day.

Mr. Gilmore: On a point of order, the question was not whether a debate was promised. There is long-standing precedent that on important political issues the Opposition can request from Government—

An Ceann Comhairle: That does not arise on the Order of Business. The Deputy will have to find another way to raise it.

Mr. Gilmore: This is a way. The Order of Business is our opportunity to ask the Government to provide time to debate important issues.

An Ceann Comhairle: As Deputy Stagg pointed out to me in the House one day, unless a promise has been made, it is a matter for the Whips.

Mr. Stagg: It is on the record as being promised.

The Tánaiste: I appreciate that the Members opposite wanted to have questions answered and have some structured debate on this matter. I suggest that the normal course in this House is for the Whips to meet.

Mr. Stagg: We met last night and requested this.

The Tánaiste: Deputy Stagg should calm down. It is for the Whips to meet——

Mr. Kehoe: We met last night and we were brushed aside.

The Tánaiste: ——and agree what method of accountability is best in these circumstances. I suggest that the Whips convene a meeting and discuss this issue.

Mr. Kehoe: We requested that last night.

Ms O. Mitchell: We did that.

The Tánaiste: Today the only business here is the Order of Business and the business that is ordered. I am not in a position, and do not intend to have a wider debate on these issues today.

Mr. Kenny: Perhaps Deputy O'Donnell made an honest error of judgment when she said that the House is the place to be accountable for these matters. I accept what the Tánaiste has said, that the Whips can meet about this. In his capacity as acting Head of Government today can the Tánaiste give his imprimatur to the effect that, when the Whips meet, a proposal from the Fine Gael and Labour Whips will result in Government time being made available next week for a statement by the Taoiseach, to be followed by questions and answers from all Members of the House, about the fact that a serving Minister for Finance received €12,000 for a speaking engagement? I need the Tánaiste's imprimatur that when the Whips meet a proposal to have Government time next Tuesday will be approved. Can the Tánaiste give that assurance now?

Mr. P. McGrath: This is the Tánaiste, Deputy McDowell's big chance.

The Tánaiste: I can give the assurance that if a concrete worked-out proposal is put to us the Government will consider it.

Ms Enright: We have just made that proposal.

The Tánaiste: We will consider that issue and respond promptly.

Mr. Connaughton: The Tánaiste is only an office boy.

Mr. Eamon Ryan: The deputy leader of the Progressive Democrats said on radio this morning that questions needed to be answered in the Dáil on this issue and she was right.

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

Mr. Eamon Ryan: On this morning's Order of Business my colleague, Deputy Gormley asked two questions which only one person can answer, whether the Tánaiste believes that the Manchester payments——

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

Mr. Eamon Ryan: He also asked whether he has discussed the issue with the Taoiseach.

An Ceann Comhairle: That does not arise on the Order of Business. I call Deputy Kehoe who has been waiting a long time.

Mr. Eamon Ryan: How does Deputy Gormley possibly get an answer to those questions if the Tánaiste refuses to answer them?

An Ceann Comhairle: The Deputy should resume his seat.

Mr. Gormley: This is a suppressed debate.

Mr. Eamon Ryan: On a point of order——

An Ceann Comhairle: That is not a point of order.

Mr. Eamon Ryan: It is. How do we get an answer to those questions?

An Ceann Comhairle: The Deputy has been in the House long enough to know.

Mr. Gormley: Will the Ceann Comhairle please advise us how we can get an answer?

Mr. Eamon Ryan: How do we get an answer to those questions when the Tánaiste refuses to answer them?

Mr. Kehoe: At the Whips' meeting last night we asked that the Opposition be allowed some time next week and that the Taoiseach be allowed to make a statement, but that request was refused. Will the Government Whip meet the Whips directly after the Order of Business, come up with a proposal and respond within at least an hour?

An Ceann Comhairle: That is a matter for the Whips.

Mr. Kitt: In the context of yesterday's discussions and lengthy Leaders' Questions I refused the request for a special statement. In the light of this morning's debate and the Tánaiste's commitment, I agree to meet the Whips and in the spirit of co-operation agree procedures for next week. I give that commitment now and think we should meet as soon as possible, in the next hour or so.

Mr. Kenny: When will the Government consider the questions?

Mr. Kitt: We have traditionally tried by consensus to agree the Order of Business, as the Deputy knows well.

Mr. Stagg: What assurance will the Government Whip give us?

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

Mr. Rabbitte: I thank the Government Whip for his intervention and accept his word that provision will be made in the schedule next week for an adequate statement and question and answer session on this issue. It is a time-honoured precedent in the House that the Government proposes through the Government Whip the order of the business for the House. The Tánaiste could have done that in the past half hour. I am glad to accept the word of the Chief Whip that without any doubt or equivocation there will be provision for a question and answer session. I welcome that arrangement.

Mr. Kenny: I accept that. To be absolutely clear, when the meeting takes place with the Chief Whip after the Order of Business, will the Chief Whip confirm when the Government will consider the request from the Opposition Whips, or will he make that decision himself? Can we take it now, before we leave the House, that we will have the time and questions and answers or does the Tánaiste's comment that the Government will consider that refer to next Tuesday's Cabinet meeting?

The Tánaiste: The Government has Government time and it must decide how to allocate that time. I stand for full accountability as does every Member on these benches.

Mr. Gormley: We are not getting it this morning.

The Tánaiste: Every Member of this House is entitled to accountability. Nobody is entitled to hide behind the procedures of this House to avoid accountability. The procedures exist for a purpose and there are many methods of achieving

accountability. Yesterday I sat here in silence, as I was obliged to do, and watched people squander their time and make a mess of the accountability mechanism.

Mr. Allen: The Tánaiste is lecturing us in his typical fashion.

Mr. Bruton: It was a pleasure to be in the Tánaiste's company.

The Tánaiste: There are plenty of methods for securing accountability under the rules of the House. Neither the Government nor any of its Members is reluctant to be accountable.

Mr. Rabbitte: Will the Tánaiste be available next week to advise us?

An Ceann Comhairle: No. 52, Private Members' business, motion re report by Professor O'Neill into matters relating to the Leas Cross nursing home; and nursing homes inspections, resumed. I call the next business.

Mr. Gormley: On a point of order——

Mr. Kenny: On a point of order——

Mr. Connaughton: The Tánaiste is running away.

An Ceann Comhairle: I have called the next item of business. Deputy Kenny got a good run this morning.

Mr. Kenny: I just want to know when the Government will consider the request from the Whips.

An Ceann Comhairle: That is a matter for the Whips. No. 52, Private Members' business.

Mr. J. O'Keeffe: On a point of order——

An Ceann Comhairle: Deputy O'Keeffe, I am moving on to the next business, motion re report by Professor O'Neill into matters relating to the Leas Cross nursing home, and nursing homes inspections, resumed. Is there any Government speaker?

Mr. J. O'Keeffe: I want to raise a point of order.

An Ceann Comhairle: I call Deputy Cregan. We cannot go on all day on the Order of Business.

Mr. O'Dowd: Do we have a Minister or is this a *coup d'état*?

Mr. J. O'Keeffe: Is the Ceann Comhairle refusing to allow me raise a point of order?

An Ceann Comhairle: I will allow the Deputy raise a genuine point of order but I have listened to people raising points of order this morning and I think only two were in order.

Mr. J. O’Keeffe: The point of order I want to raise is as follows. The Tánaiste has said that he believes in full accountability. He talked about the procedures——

An Ceann Comhairle: That is not a point of order.

Ms O. Mitchell: The Ceann Comhairle does not know what the Deputy was going to say.

Mr. J. O’Keeffe: I am making my point of order.

An Ceann Comhairle: We will hear the point of order.

Mr. J. O’Keeffe: There is a process by which full accountability can be established here. The Tánaiste has said that he believes in full accountability but he is constricted by the procedures of this House. There is a process whereby he can have full accountability and state his position on the Manchester payment. He can do so because the Members on this side will agree to suspend Standing Orders or otherwise to enable him to state his position.

An Ceann Comhairle: I understand that the Whips are meeting on the issue this morning. I ask the Deputy to allow the business of the House to proceed.

Mr. J. O’Keeffe: Will the Ceann Comhairle allow me to complete my point?

An Ceann Comhairle: The Deputy has made his point.

Mr. J. O’Keeffe: We are prepared to suspend standing orders, or otherwise, to enable him to state his position.

An Ceann Comhairle: The Deputy should have a private chat with his Whip, who is going to a meeting now.

Mr. J. O’Keeffe: Can I complete this point?

An Ceann Comhairle: All of these points can be made.

Mr. J. O’Keeffe: I am talking about enabling——

An Ceann Comhairle: It is not appropriate at this time.

Mr. J. O’Keeffe: A Cheann Comhairle, will you allow me finish the point I am making?

An Ceann Comhairle: Sorry, Deputy.

Mr. J. O’Keeffe: I believe we can arrange our proceedings to allow the Tánaiste to state his position——

An Ceann Comhairle: Deputy, you are being disruptive.

Mr. J. O’Keeffe: ——on the Manchester payments if he is willing to do so.

An Ceann Comhairle: I ask you to allow Deputy Cregan to continue with the business.

Mr. J. O’Keeffe: A Cheann Comhairle, will you not allow me to——

An Ceann Comhairle: Deputy, that is not a point of order.

Mr. J. O’Keeffe: I beg to differ.

Mr. Gormley: It is a valid point.

An Ceann Comhairle: Deputy O’Keeffe knows it is not a point of order.

Mr. English: It is a point of order.

An Ceann Comhairle: He is trying to debate the issue now.

Mr. J. O’Keeffe: I suggest that we can establish a procedure under Standing Orders——

An Ceann Comhairle: If the Deputy continues, the Chair will be faced with two options.

Mr. Connaughton: The Tánaiste is gone.

An Ceann Comhairle: I will have to ask him to leave or I will have to suspend the sitting. If Members want to disrupt the business of the House——

Mr. J. O’Keeffe: I have been here a long time——

An Ceann Comhairle: ——the Chair must take appropriate action.

Mr. J. O’Keeffe: ——and I have never been disruptive.

An Ceann Comhairle: We have spent almost an hour on the Order of Business. I call Deputy Cregan to resume Private Members’ time.

Mr. J. O’Keeffe: I am making a reasonable point, a Cheann Comhairle.

An Ceann Comhairle: You have made your point. The Whips can consider your point at their meeting.

Mr. J. O’Keeffe: It has nothing to do with the meeting of the Whips. It has something to do with whether the Tánaiste is genuinely prepared to be accountable to this House.

An Ceann Comhairle: You have made your point, Deputy.

Mr. J. O’Keeffe: I am talking about the Tánaiste.

An Ceann Comhairle: I ask the Deputy to show a little bit of order in the House and to respect it.

Mr. J. O’Keeffe: He is hiding behind Standing Orders because he is not willing to be accountable.

An Ceann Comhairle: I call Deputy John Cregan.

Mr. J. O’Keeffe: He is not willing to explain his position in respect of the Manchester payments because he is ashamed to do so.

Ms Enright: The Tánaiste scurried out the door.

Mr. Connaughton: He ran off the pitch.

Mr. Durkan: He ran out the door.

Mr. Connaughton: That is what the Tánaiste did.

Mr. Durkan: He ran out the door in a hurry.

Private Members’ Business.

Nursing Homes: Motion (Resumed).

The following motion was moved by Deputy Twomey on Wednesday, 27 September 2006:

That Dáil Éireann,
concerned at:

- the failure of the Government to publish Professor O’Neill’s report into deaths at Leas Cross nursing home;
- the failure of the Government to fulfil promises made in this House by the Taoiseach and the Minister for Health and Children to introduce legislation to provide for an independent statutorily-based inspection regime for all nursing homes; and
- the lack of information and transparency about standards applying to nursing homes;

calls on the Government to:

- immediately publish Professor O’Neill’s report;
- bring forward the promised legislation as a matter of urgency; and
- make all inspection reports directly available to residents of nursing homes and their families and accessible to the public, free of charge.

Debate resumed on amendment No. 1:

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

- “— welcomes the largest ever expansion made by the Government in funding of services for older people by the provision of €110 million additional revenue funding in the Budget announcement for 2006 (€150 million full year cost);
- supports the Government’s commitment to introducing legislation in the near future which, *inter alia*, will establish the Social Services Inspectorate function on a statutory basis;
- welcomes its commitment to extend the work of the Social Services Inspectorate to public and private nursing homes and to resource it accordingly;
- notes the Government’s commitment to ensuring that high quality care is made available to all patients in public, private and voluntary nursing homes, and in that context welcomes the preparation of standards for residential care settings for older people;
- welcomes the HSE’s provision of information to the general public on nursing homes and its policy decision to make nursing home inspection reports available on its website;
- welcomes the HSE’s provision of information to the general public on nursing homes and its policy decision that all completed inspections of nursing homes be made available to members of the public on request subject to Freedom of Information and Data Protection legislation;
- welcomes the proposed implementation by the HSE of a common national approach to the inspection of nursing homes; and
- commends its policy of supporting older people in their homes and communities in keeping with their stated wishes, and providing support to those who need residential care, and in that context, acknowledges the legal difficulties in

the HSE publishing the Leas Cross Report.”

—(Minister of State at the Department of Health and Children, Mr. B. Lenihan).

Mr. Cregan: I am glad to have an opportunity to make a brief contribution to the debate on the release of the report on the Leas Cross nursing home saga, which is an important matter. Many Deputies recall the appalling footage we saw on our television screens some months ago, when an RTE documentary highlighted the lack of care given to elderly people who were residing in Leas Cross nursing home at a heavy cost to their sons, daughters and loved ones. I am sure what we saw on that occasion was the exception rather than the rule. I would like to think that is the case. All of us are aware of private nursing homes in our constituencies which offer a tremendous level of care to elderly people. Such nursing homes should be commended for the care they offer. That care comes at a great expense to many people, however, as I have said. I feel very strongly about this issue.

Legislation is being brought through this House to put on a statutory footing the scheme whereby the relatives of those who were cared for in public nursing homes and hospitals will receive repayments. I am familiar with the level of care that has been given and will continue to be given to elderly people. There is a stark difference between public care and private care. As a result of a court decision, the State has to refund many millions of euro to people who have not asked for such moneys. The vast majority of such people are more than satisfied with the level of care that was offered in public hospitals and nursing homes. Many of my constituents contact me through my constituency office and at my clinics to ask me if I can help them to place their elderly relatives in public hospitals and nursing homes. I cannot interfere in such cases, unfortunately, as I have little influence on the clinical decisions made by the hospital managers and the consultants who care for elderly people.

The State has to pay back substantial moneys. I understand, from what I have heard, that many people who are entitled to get money back are refusing to take it. I suggest to the Minister for Health and Children that such moneys should be directly repaid in enhanced subvention. Members of the House have spoken in recent days about the discrepancies in subvention between the former health board regions. It is something that needs to be reviewed and regularised so every member of the community can compete on a level playing pitch, regardless of where they reside. I know of many people who are at their wits' end because they are trying to put their children through college. While there may be four or five children in a family in some cases, just one or two of the children take responsibility for paying for their parents' care. The financial gap between the money available from the parents' old age pen-

sions, with the subventions they get from the State, and the money needed to finance their care often needs to be bridged on a weekly or monthly basis by the children of the people in question. I would like the Government to make a greater effort to allocate more funding and resources to enhanced subvention. As legislators, we should recognise the great financial need that exists in many cases. That is more important than being obliged by law to recognise the needs of people who were very well cared for in public nursing homes to receive repayments.

Those of us who saw the footage from Leas Cross had never before seen such footage from inside a public institution and I believe we never again will. It spoke volumes. I do not want to be negative — I hope Leas Cross was an isolated incident.

Mr. O'Dowd: It is not an isolated incident at all.

Mr. Cregan: What we saw was appalling, but an investigation has taken place. It is right that we should want to know the results of that investigation as quickly as possible to ensure we do not have a repeat of the Leas Cross incident. It is important we acknowledge the results of the investigation and deal with them at the earliest possible time. However, the Health Service Executive has stated that if the report is published, the matter could end up in the courts. None of us would like that to happen because it could cause the process to be delayed for months or even years. Sensible solutions have to be found. All of us have a responsibility to ensure that what happened at Leas Cross is not repeated. The lessons which have been learned from the Leas Cross incident must be put into practice to ensure that those elderly people who need it can benefit from a proper, decent and good level of nursing care. It is the least that such people deserve, having made an important contribution to society.

Mr. J. Brady: Like Deputies Cregan and O'Dowd and everybody else, I was horrified by what happened at Leas Cross. I am sure Deputy Cassidy, who will speak after me, shares those feelings. I am sure there were other nursing homes which were just as bad.

Mr. O'Dowd: Worse.

Mr. J. Brady: Having said that, we all know that great work is being done in many nursing homes throughout this country. Great work is being done for elderly people in my home county. I refer to the nursing home in my home town and many other nursing homes across County Meath. Some of my constituents stay in nursing homes in neighbouring counties. I know of a person from my constituency who was resident in a nursing home in Deputy O'Dowd's home county of

[Mr. J. Brady.]

Louth. Some of my constituents are staying in places like Virginia in County Cavan. A few of my good friends have resided in the nursing home in Castlepollard, which is in Deputy Cassidy's constituency. I am sure the Deputy will speak about that beautiful nursing home.

Mr. Cassidy: Maple Court.

Mr. J. Brady: Indeed. I would like to refer to St. Joseph's county nursing home in Trim, County Meath. I have been friends with many of its residents since the time when Meath County Council used to hold its Christmas meetings at St. Joseph's. I have seen the great work that is being done at St. Joseph's, which serves all of County Meath. The marvellous work being done for elderly people in Trim is a credit to the nursing staff of St. Joseph's and particularly to the matrons and former matrons there. However, we cannot turn a blind eye to the failure of some nursing homes to do such great work. We are glad that such shortcomings have been highlighted and we hope they will be stamped out for once and for all. As we saw on our televisions and read in our newspapers, some poor and unfortunate people, who contributed significantly to the economy and made this country what it is today, have been subjected to disgraceful treatment. We must never lose sight of the fact that many people who are now in nursing homes worked in difficult times, when there was no such thing as a booming economy. Many of them went to work on empty stomachs. They worked hard to build the country. It is sad those same people have been neglected in some nursing homes. Shame on those who allowed this to happen.

This year an additional €20 million was allocated to the nursing home subvention scheme for residents of private nursing homes. This represents an increase of 14% over 2005, an estimated spend of €140 million. This additional €20 million will go towards supporting increasing numbers entitled to basic nursing home subventions, reducing waiting lists for enhanced subventions and bringing greater consistency to the different levels of enhanced subvention support.

Regulations were recently made to make the assessment criteria for subventions, not updated since 1993, reflect major changes in property values. The property ceiling that was set at €95,000 in the Nursing Home (Subvention) Regulations 1993 will be increased, having regard to the Department of the Environment, Heritage and Local Government house price indices, to €500,000 for the Dublin area and €300,000 for the rest of the country. The assets ceiling will also be increased to €36,000 from €25,359. Previously, the first €7,618 of an applicant's assets would be disregarded when applying for a subvention. It will be increased to €11,000.

How much time have I left?

Mr. O'Dowd: One week to the general election.

An Leas-Cheann Comhairle: There are 18 minutes left in the allocated speaking time.

Mr. J. Brady: With regard to the principal private residence of an applicant, the new criteria will take into account whether it is occupied by a relative of an applicant who is, for example, a spouse, a child under the age of 21 years or in full-time education, or a relative in receipt of certain Department of Social and Family Affairs payments. Where an applicant's principal residence is not constantly occupied by a relative, the HSE shall exclude 95% of the estimated market value of the principal residence from the financial assessment of the applicant and where 5% of the market value of the principal residence shall be taken into account. The Bill provides for this percentage to be amended by way of further regulations so that a high percentage of a principal residence will be excluded from the assessment.

The interdepartmental group on long-term care reported to the Government which took on board several principles and are contained in the new social partnership agreement, Towards 2016. The agreement described a range of initiatives covering new arrangements for residential and community-based care for older people. Progress to date in implementing actions in the long-term care report includes the HSE developing a national standardised care needs assessment and a standardised financial assessment process for home care packages. A needs analysis of residential care requirements for older people has been finalised by the HSE. National protocols for case management for home care packages are being developed by the HSE as part of the guidelines' roll-out. A planning exercise on staffing requirements for future developments for older people and the disabled is being undertaken by the Department of Health and Children and the HSE. A cross-departmental team on sheltered housing will be established and chaired by the Department of the Environment, Heritage and Local Government. Work will include other groups such as the disabled. A steering committee will be set up to begin the preparatory work of evaluating the effectiveness of the additional home care packages.

Work is continuing on the development of a financially sustainable system of funding long-term care, a new scheme whereby those in private or public facilities would be eligible for the same level of State support, rendering the system more equitable. The new system will propose appropriate levels of co-payments by care recipients based on a national standardised financial assessment. Standard consultation with carers' representative organisations, on a cross-departmental basis, will be led by the Department of Social and Family Affairs.

Mr. Cassidy: The Leas Cross nursing home experience is a serious issue which is alarming and worrying. It is one that all Members wish never took place. It is a wake-up call and Members must do their duty to ensure the same never takes place again. Having served on the Midland Health Board for over 18 years, I acknowledge the great work done by the nursing and professional medical staff in caring for all patients and improving standards immensely, compared to what they used to be many years ago.

The cherished people in our community are our senior citizens. These are the parents and grandparents who did not experience the buoyant economy we now have. They encountered many difficulties from the First World War, the Rising, the Civil War, the depression, the Second World War and other challenges. These people, now in their 70s, 80s and 90s, the autumn of their lives, should be enjoying their retirement in comfort. Members get no pleasure in seeing how they can assist the Minister for Health and Children and her Department in addressing the experience of Leas Cross nursing home. We must be thankful to the RTE investigative team which brought this experience to the knowledge of Members and the public which proved what we were witnessing was not hearsay or some allegation but a fact.

The people about whom we are speaking are the cherished generation. Members on all sides of the political divide want to do all they can for them, especially in this time of plenty. The economy cannot be blamed for lack of action. When I became a Member of the Oireachtas in the 1980s, representing rural areas of counties Westmeath and Longford, it was often said that many objectives could be achieved were it not for the dreadful shortage of money. We can no longer use that excuse because money is now available. A particularly sad aspect of this matter is that there are currently 100 to 150 bed vacancies that could be filled if the correct structures were in place to allow people avail of the facilities to which they should have access. With careful planning, such facilities would be available in the north County Dublin area.

Deputy Cregan mentioned the subvention for the elderly. My experience with constituents in the midlands suggests that the subvention must be examined and addressed seriously. The Minister for Finance, Deputy Cowen, who is a former Minister for Health and Children has vast experience in this area. I hope he will, in the forthcoming budget, seriously examine the regulations in regard to this subvention. One must be almost penniless before one can avail of it. The full subvention seems to be given only to people who have no home in their name, practically no money in the post office or bank and are confined to bed and unable to move around independently. Unless he or she is in dire circumstances, a person of 80, 90 or even 100 years of age will find it difficult to qualify for the full subvention.

The excellent staff of the HSE have little discretion in this matter but must follow the regulations. A person with any more than €20,000 and a small cottage, for example, is not entitled to a subvention. This situation is unsatisfactory. Patients always live in hope that they will recover and be able to return to their own home.

The carer's allowance currently amounts to €180 per week. A decent increase in this payment might allow people to take time off work to look after an elderly relative in their home. In such cases, the elderly person would have no need to go to a nursing home. Carers are one of the groups of unsung heroes in our communities. I have often said such people should get a gold medal for the sacrifices they make and their dedication to the communities they serve. They are fantastic people. Now that the economy is strong, we should show our appreciation by including in the next budget a substantial increase in the allowance. In many instances, people would not have to go to a nursing home if such an increase were granted and a substantial discretion allowed to HSE officials in local areas in assessing their needs. Perhaps two carers could be assigned to look after a person in his or her own home, for example, one during the day and the other at night.

We are fortunate in Westmeath and surrounding areas to have many magnificent facilities such as the Maple Court nursing home in Castlepollard, which I often visit, the St. Camillus centre in Killucan, the Newbrook nursing home in Mullingar, Portiuncula Hospital, and the facilities in Multyfarnham and Tyrrellspass. The proposition before us today is one from which we can all learn. We may show our determination in this regard by assuring the Minister of State, Deputy Seán Power, that he will have our support should he seek increased funding from the Minister for Finance in the forthcoming budget.

Mr. O'Connor: I propose to share time with Deputy Fleming.

As is traditional on these occasions, I thank the Fine Gael spokesperson on health for his work on this motion, which gives us an opportunity to discuss this important issue. I compliment the work of the Minister of State, Deputy Seán Power, in this area. It is good that we in this House should reflect public concerns about this issue.

I have just come from a meeting of the Joint Committee on Health and Children which was attended by the Minister for Health and Children, Deputy Harney, and the chief executive of the HSE, Professor Brendan Drumm. I got more excited at that meeting than is usual for me so I am happy to come to this Chamber where everything is calm and in which I may calmly make my contribution on this serious matter.

Mr. Durkan: Equilibrium is important.

Mr. O'Connor: It is important that we in this House should represent those who may not be able to represent themselves.

I have enjoyed a long friendship with Professor Des O'Neill. He tended to my father during his last illness in St. James's Hospital and he is now an eminent consultant in Tallaght Hospital where he does tremendous work. I could not but expect that his report would reflect his particular care. Members of the Joint Committee on Health and Children received copies this morning of the opinion of legal counsel on these issues. Political points have been made in respect of whether the report should be published. I am of the view that whatever is required to allow for publication should be done. That is what the public require and all of us wish to be confident that everything possible is done to ensure that the care given to elderly people in nursing homes is universally of a first class nature.

My colleague, Senator Glynn, made a fair point on this issue which reflects my experience as a member of the former Eastern Health Board, which I joined in 1994. When the health boards were abolished there was much criticism of the visiting committees and of the practice of allocating expenses to councillors. The reality, however, is that they played an important role.

Mr. Durkan: That is correct.

Mr. O'Connor: Public representatives visited nursing homes and were aware of what was going on there.

Mr. S. Ryan: Nothing, however, was done.

Mr. O'Connor: Much work was done. As far as I am aware, no problems were identified with Leas Cross nursing home at that time. Many members of the Labour Party did good work on those visiting committees.

Mr. Durkan: Why were they abolished?

Mr. O'Connor: As Deputy Cassidy observed, we must examine the provision of subvention. This system is not working as efficiently as it should be. The Minister of State eloquently dealt with this issue at yesterday's meeting of the Select Committee on Health and Children. He acknowledged there are challenges in this area and I hope he will ask his departmental officials to examine the issue.

Mr. Fleming: I welcome the opportunity to contribute to this debate. I compliment the Minister, Deputy Harney, and the Minister of State, Deputy Seán Power, on the improvements in the funding of services for elderly people. I have three points to make and I ask the Minister of State to take note of them. I have heard there are difficulties in Laois and Offaly relating to travel expenses for those who approve people for home help. People in need of home help in this region

are not receiving it. I was told last night that the next meeting between the union and the Health Service Executive is scheduled for the end of October. It should happen now. The difficulties need to be solved because people are suffering while the home help issue is being addressed.

I welcome the meals on wheels service. However, I was involved with the Chairman of the Committee on Finance and the Public Service in highlighting the fact that commercial operators are providing this service in some cases and those in receipt of the service are obliged to pay VAT. This is an anomaly. There is no VAT on services for children's crèches and there should not be any charged to people receiving meals on wheels. Discussions are taking place between the Department of Health and Children and the Department of Finance and I ask that they be brought to a conclusion. If this requires legislation then it should be dealt with as soon as possible.

I approach the issue of Leas Cross nursing home as a member of the Committee of Public Accounts. I welcome Professor Des O'Neill's report. Who owns this report and has the intellectual rights to it? If Professor O'Neill has the intellectual rights then it is not the property of the HSE. If the HSE has the rights to it they are free to make amendments to it unilaterally without consulting Professor O'Neill. It seems these issues were not satisfactorily addressed when the contract for the report was written. This happens throughout the public service. Those drawing up commercial contracts with outside individuals do not always do what is required. It seems that either Professor O'Neill or the HSE has the right to issue the report or make amendments.

I welcome the additional support and funding the Minister for Health and Children will provide in this area.

Mr. Gormley: This morning the Tánaiste said the Progressive Democrats believes in accountability, though he refused to answer two of my questions regarding payments received by the Taoiseach from sources in Manchester. Had his privacy legislation been in place, the recent stories relating to payments to the Taoiseach would not have emerged. The purpose of that legislation is to protect the most powerful and wealthy people in society. I believe this is the function of the neo-conservative Progressive Democrats. There is very little accountability.

An Ceann Comhairle: Can the Deputy restrict himself to discussing the motion before the House?

Mr. Gormley: This is a preamble to my pointing out that the situation in Leas Cross, and nursing homes in general, stems from a lack of accountability. A report conducted by an eminent professor, who lives in my constituency, has been suppressed. Power was vested in him to make an assessment and he did his job thoroughly. This

was not a form of tribunal. Of course, the findings of his report were not to the liking of certain people in powerful positions. The HSE is protecting individuals when it ought to protect the most vulnerable people in society, the elderly. The HSE's priorities are wrong.

The point made by the previous speaker is valid. We must consider who owns this report and what were the terms of reference. Professor O'Neill has done his job well and, as far as he is concerned, that is the end of the matter. He will not return to make amendments. We should listen to what he says.

There are major questions concerning accountability in our health system. I was recently made aware of a serious case of malpractice and negligence which raises the issue of recourse open to relatives. It seems to be a closed shop. Had it not been for RTE's investigative journalism we would not have seen the appalling conditions in Leas Cross.

Leas Cross was not an isolated incident. I put it to the Minister for Health and Children recently that many nursing homes received adverse reports. The Minister of State at the Department of Health and Children, Mr. Seán Power, said he would produce the relevant report and give me the names of those nursing homes. I still have not received it for the same reason Professor O'Neill's report is being suppressed. We may refer to natural justice and giving people an opportunity but these people must be held to account. It is a feature of society that those who behave badly are not held responsible.

The most vulnerable people in society have been treated like a commodity to assist in generating as much money as possible. I have heard stories of people refused a glass of milk when thirsty and given a single slice of bread spread thinly with margarine. These are all cost saving measures that have been used. People have been heavily drugged and put to bed early so they would not cause trouble at night. They may be left to lie in their own urine. These are appalling stories, yet they continue. The suppression of this report is further evidence that the Government, so wedded to the market and profit, will allow this to continue.

I am sharing time with my colleagues, the Independent Members. I thank Professor O'Neill for his work and I hope his report is published as soon as possible.

Aengus Ó Snodaigh: I will share time with Deputies Finian McGrath, Healy, Connolly and McHugh.

Tugaim tacaíocht iomlán don rún mar a bhí sé curtha síos, agus tá mé i gcoinne leasú an Rialtais.

The Minister for Health and Children stated the Government amendment repeats that the Leas Cross report cannot be published because of legal difficulties. I gcás tuairiscí eile, mar shampla, an ceann ón Ghiúistís Barron ar bhuamáil Bhaile

Átha Cliatha agus Mhuineacháin agus ionsaithe eile sa Stát seo a dhein Rialtas Shasana in éineacht le dílseoirí, rinneadh cinnte de gur foilsíodh iad i ndiaidh dóibh bheith curtha ar aghaidh chuig coiste cuí an Oireachtais. Dhein sé seo cinnte de go raibh na tuairiscí seo clúdaithe ag pribhléid Dála, agus lig sé do na coistí sin déileáil le hachainíocha ó dhaoine eile ar bhonn na dtuairiscí sin.

I see no reason why Professor O'Neill's report on Leas Cross cannot be published in the same manner as that outlined. Has the Government considered this option? I urge it to do so and publish the report in the manner I have suggested. The non-publication of this report means we are debating in a vacuum. It is almost unprecedented that the author of a report commissioned by the Government has had to issue a public statement urging its publication. It has been with the Minister for Health and Children since May. Why is the Minister now telling us that she believes a way can be found to publish this report? What has she been doing since May? The report should have been published a long time ago. Professor O'Neill correctly pointed out that he cannot now be expected to carry out a further investigation going beyond the terms of reference of his original investigation because of the refusal, so far, of the Government to publish his report.

When we first debated the Leas Cross scandal, Deputy Ó Caoláin, on behalf of my party, stated in this House that the questions in people's minds after the "Prime Time" programme were very simple. Why did all the organs of the State fail to protect those vulnerable old people? Why did it take a television programme to expose the scandal when such homes were supposed to be governed by the rule of law, bound by regulations and subject to inspection? In the absence of the publication of Professor O'Neill's report, we still do not have answers to those questions. Vulnerable older people and their families are still concerned about the level of protection they are offered by the State. The Government has failed to fulfil its commitment, given by the Taoiseach and the Minister for Health and Children, that an independent nursing home inspectorate would be established. That inspectorate was promised by the Government for 2005 but is still not in place. That is a scandal in itself.

The former profiteers of the Leas Cross nursing home benefited from tax incentives for the development of that facility. Tax incentives have been used by many developers to build such facilities and we challenge the use of public money in this way. The Department of Finance report on tax incentives asserts that this tax incentive scheme was one of the factors leading to an increased number of nursing home places. However, it also states: "There is considerable variation across different regions in the number of nursing home beds *per capita*, the costs to the operator per bed, the rate charged per bed and the average occupancy rates." The report further states:

[Aengus Ó Snodaigh.]

The weekly cost of places has risen over the last number of years. Indecon survey evidence suggests that the tax incentive scheme had been ineffective in reducing the increase in the cost of nursing home accommodation.

This clearly shows the flawed Government approach of using tax incentives for developers as a means of delivering an important social service, that is, care of the elderly. The money foregone by the State through such tax incentives would have been better spent in direct provision of care for the elderly in the home, in day care centres and in residential homes established and run by the Health Service Executive and by not-for-profit organisations.

I support the motion and oppose the Government amendment.

Mr. F. McGrath: I am grateful for the opportunity to speak on the Leas Cross nursing home and the wider issue of the elderly. I strongly support the call for legislation to provide for an independent, statutorily based inspection regime for all nursing homes and for this legislation to be brought forward as a matter of urgency. I also support the motion's call for all inspection reports to be made directly available to residents of nursing homes and their families.

However, I warn the large parties with regard to past mistakes. I accept and acknowledge that there are some legal difficulties in the HSE publishing the Leas Cross report. I warn all parties to take note because in the past, major mistakes have been made and hundreds of thousands of euro of taxpayers' money was spent because of serious mistakes and bad legal advice. In that context, I urge caution.

I wish to raise the issue of the bureaucratic delays for all pensioners and elderly citizens, of 14 to 16 weeks, in having the pension and bus pass claims processed. I raise this matter today because elderly people must be supported. They built up this country and the Celtic tiger. I also urge the Minister to put more community gardaí on the streets to protect elderly people.

Our senior citizens are experiencing severe economic difficulties, limitations in access to health services and a lack of social services. They are also suffering considerable shortcomings in their housing and living conditions, exclusion from culture and education, inappropriate treatment and have scant opportunity for participation in social and political life. These forms of discrimination and inequality, based on chronological age, are experienced by many groups of older people. I urge Members to listen to the concerns of elderly people because they built this country.

Mr. Healy: I wish to record my support for this motion, particularly with regard to the inspection of nursing homes. Inspections are vitally important and the inspection regime should be statutorily based. Furthermore, inspection reports

should be freely and openly available to the public.

One important issue which relates to this debate is the lack of sufficient long-stay beds for the elderly in the public system. Excellent work is being done in the public system, for example, in places like St. Patrick's Hospital in Cashel, St. Anthony's unit in Clonmel, and the district hospitals in Tipperary, Carrick-on-Suir and Clogheen in my constituency, but there are not enough beds. As a consequence, elderly people experience enormous delays in gaining access to the beds that are available. The result is that some people die before they ever gain admission to these facilities and many more are forced to go into the private nursing home system only to find there are enormous costs involved.

Let us take the case of an individual whose only income is a social welfare payment, who does not own his own home but rents a house from the local authority and has no savings or investments. The maximum subvention that individual will receive in the former South Eastern Health Board area is €250 per week. The minimum charge in a nursing home in the same area is €550 per week. If the individual concerned receives a social welfare payment of €200, he is short €100 per week, with no way of making up the balance, except to ask his relations and friends to give him a so-called dig out, similar to that received by the Taoiseach in 1993 and 1994. However, if the individual's friends are not in a position to give him a dig out, as it were, his family will have to scrimp and scrape to ensure he is looked after in a private nursing home. In that context, it is vitally important that additional public nursing home long-stay beds for the elderly are made available.

Another related issue concerns elderly people being looked after in their own homes — the Government amendment refers to this issue. Unfortunately, however, the home help service has been ravaged and reduced by the Government. The payment of carer's allowances is also an enormously difficult area. People are waiting up to six months for approval of an application for a carer's allowance. Where appeals are lodged, people are waiting for 12 months for a final decision. I ask the Minister to examine this area without delay.

Mr. McHugh: In discussing the O'Neill report into Leas Cross, it is important to remember that 105 people died between 2000 and 2005, either at the nursing home itself or following transfer to hospital from Leas Cross. The families of all those people are entitled to the immediate release of the report. The Minister for Health and Children, Deputy Harney, has repeatedly told us that there are legal issues involved and that her legal advisers are examining the options. Where were those legal experts when the terms of reference for the inquiry were drawn up? Did the

Minister think no-one would be blamed for anything?

The most amazing aspect of this saga is that the owners of Leas Cross have no problem with publication of the report. The report, I believe, accepts that while the mortality rate of 38% at the home was higher than expected, none of the deaths was preventable. The first draft of the report has been with the Minister since February of this year. The final report does not, as I understand it, differ greatly from the draft report, but seven months later we still await its publication. That is simply not good enough. Perhaps I should not be surprised at the delay in publishing the O'Neill report, given how long the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, sat on the report into the activities of Bord na gCon. The crucial difference here, however, is that 105 people died and, while none of those deaths may have been preventable, the families of those people are entitled to know whether staffing levels at Leas Cross were adequate and whether the staff had appropriate training. They are also entitled to know if proper work practices were in place at the home and if lessons have been learned so others will not suffer what their loved ones suffered.

If the Minister cannot obtain immediate approval to publish the report, it should be released to the Oireachtas without delay. I shudder at how long it will take to implement the recommendations of the report given how long it is taking to publish it.

A national register to monitor vulnerable patients is an absolute necessity and the necessary resources should be made available instantly to maintain such a register. The recommendations to have a register, proper inspection procedures and free availability of inspection reports to residents and the families of residents require action now.

Dr. Cowley: Leas Cross serves as an example of the murky side of the care of the elderly but it can also serve as a very valuable lesson on how the system can and should be reconfigured to eliminate unacceptable circumstances, such as those in which older people are treated so badly. The example of Leas Cross proves conclusively, without any report, that the inspection system is not working. The rotten apple in the pile was Leas Cross and it was not detected.

It would be reassuring to believe there are no more Leas Crosses but unfortunately we cannot say there are none. What can we do? Promises made by Government to have an independent inspectorate must be honoured as soon as possible. An inspection system is also needed for the public sector because the Health Service Executive, as a service provider, is in a position in which it can check itself.

The service should be independent. The system must ensure that proper standards of care are maintained and this should be the primary focus

of any inspection system. The over-bureaucratising of the inspection process must be resisted at all costs and minor matters must be regarded as such and good endeavour must be acknowledged properly. Since the Government has abdicated the care of older people to the private sector, it is doing less and less in getting rid of public beds.

Community facilities must be encouraged and acknowledged properly. Full care for older folks, and adequately supported care are so important. While the vast majority of private nursing homes are doing a fantastic job, on foot of the State abdicating responsibility to them by closing public facilities, there is an understandable element of cherry-picking because of the heavy demands of those who need very high levels of support.

I call for a special provision above and beyond what is available for enhanced subvention for community units with no profit margin written into the equation to ensure there is somewhere vulnerable people can go to receive a very high level of support in their own community. Currently such patients often end up in hospital and are sent out blindly therefrom to institutions which do not have adequate resources to look after them properly. It is not good enough to send people from institutions without seeing where they are going and ensuring they are looked after properly.

Mr. S. Ryan: I wish to share time with Deputy Durkan.

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

Mr. S. Ryan: The delay in the publication of Professor Des O'Neill's report into the number of deaths at Leas Cross nursing home is unacceptable. Relatives of those who died in Leas Cross are entitled to see for themselves the full findings of the report. We know the report was concluded as far back as April of this year and there is simply no excuse for further delaying its publication. For the Minister for Health and Children, Deputy Harney, to state the HSE should resolve its difficulties with Professor O'Neill is not good enough. She is the Minister and has direct responsibility to ensure nursing homes are safe and well run.

The sections of the report quoted on "Six One News" last Thursday certainly vindicate the content of the "Prime Time" programme of last year. They confirm that there were very serious problems in Leas Cross. We also know from a number of HSE reports and from replies to parliamentary questions to the Minister for Health and Children that serious problems and discrepancies were by no means confined to Leas Cross. This has been brought to the attention of various Ministers over the years. These discrepancies pertain to hygiene problems, staff levels, the maintenance of accom-

[Mr. S. Ryan.]

modation, poor record-keeping and the lack of equipment appropriate to clinical practices.

I could elaborate further in this regard but what is of real concern to me is that so little has been done to deal with these problems since they were first raised in this House. For example, on the day following the "Prime Time" programme of last year the Taoiseach assured the Dáil that legislation to provide for the establishment of a nursing home inspectorate would be enacted before the end of the year. Commitments were made as far back as 2002 but we are now talking about 2007. How serious is the Department about bringing forward legislation to provide for the inspectorate, which inspectorate would have improved the conditions in which people were cared for at Leas Cross?

This is no way to treat older people who rely on care in nursing homes or other institutions when they can no longer be cared for at home. The only way to ensure the highest standards are in place and are being implemented is through the establishment of a statutory inspectorate with strong enforcement powers. The present arrangement, whereby the HSE is inspecting itself, has proved to be ineffective and not in the interest of the patients.

I have in a brochure from the Leas Cross nursing home which dates from 2004. One would think it was a brochure for a four or five star hotel. It outlines the rates and the medical services provided and it refers to a 24-hour doctor service and to 24 beds which were ring-fenced for residents of St. Ita's Hospital, Portrane. I refer to this in the context of a case raised by a constituent of mine. The constituent stated her 91-year-old uncle was a resident in Leas Cross from December 2002 until his death in July 2004. She visited him three to seven days per week to look after him and acknowledged the changes that were taking place during the period in question. She wrote to the Northern Area Health Board and subsequently to Professor O'Neill about the matter. She referred to the lack of care, her uncle's fears in respect of another resident, his being knocked down on the ground and the fact that, after suffering from a broken hip, he was left in bed in pain and was not seen by a doctor until 3.50 p.m. three days later. She outlined the delay in securing an X-ray. A doctor in Beaumont Hospital stated her uncle was suffering from malnutrition. These are the facts. This lady and the relatives of the 103 residents who died at Leas Cross are entitled to see the report as quickly as possible. It is up to the Government and the HSE to deal with this matter.

The Northern Area Health Board, in its letter, acknowledged that the nursing home accepted that there had been a breakdown in procedure in respect of the care of the man in question and that it was committed to improving its protocols and procedures to ensure patients would be dealt with in a timely and appropriate manner. This

was ongoing. People were making complaints to the health board at the time in question. The health board also confirmed that the nursing home had prepared a new policy to ensure that difficulties experienced by the man in question would not arise again. The health board's letter concluded that its team would continue to monitor the measure put in place by the management at Leas Cross. It is clear that, well before the "Prime Time" special, relatives and friends of residents in Leas Cross had concerns, which they brought to the attention of the health board at the time. The HSE must be brought to account, since it has questions to answer. That legislation on an independent inspectorate has not been prioritised reflects the Government's lack of concern for one of society's most vulnerable groups, those no longer able to continue living in their own homes owing to age and infirmity. The failures in the nursing home sector are well known. What else must come to light for the Government to take action? That it knows of the problem but is failing to do anything about it shows a lack of priority. The current inspection process is unsatisfactory, but at least it provides some information about nursing homes.

In previous debates, I stated there was absolutely no reason for inspection reports not to be routinely made available on the Internet. Some progress has been made on that in recent weeks, but the information provided is totally inadequate in detail and substance. The current social services inspectorate has been operating on a non-statutory basis for ten years. We need legislation to put it on a statutory footing and the health and equality laws to ensure proper quality standards in all nursing homes, private and public. Nothing less is acceptable.

The motion before us calls for the publication of Professor O'Neill's report and the establishment of an independent inspectorate. I have listened to the various contributions, and no one in the House could disagree with that. It is therefore disgraceful that the Minister and the Government should decide to table an amendment. The people need the right services available for their elderly relatives and friends. Part of the problem in moving forward is publication of this report. Let us publish it and allow the Minister to introduce the statutory inspectorate for which we have been calling and regarding which the public has been given commitments for the last four or five years. Let us see action in that regard for the sake of the elderly.

Mr. Durkan: I am glad of the opportunity to say a few words on this motion, which I support. I compliment Deputies Twomey and O'Dowd and the other speakers who contributed in its support; it is timely, useful and particularly important. When a report of this serious nature is compiled, I see no benefit to anyone in our sitting around and arguing legalities. There is no sense in our commissioning a report unless we ulti-

mately do something positive about it. It is in everyone's interest for the report to be published without delay so all the information sought initially can be made available and the concerns expressed by those involved addressed.

I compliment those nursing homes that have run their show well in recent years, of which there are very many. The great majority do a tremendous job, provide great value for money, and look after patients in a very conscientious and caring way. Very often they do it for patients who require high-dependency nursing but lack the family that might provide such care. I compliment them on what they have done. Several nursing home proprietors have taken financial responsibility for extending the stay of certain people for whom it proved impossible to secure funding from the health service or whatever other source.

Having said that, there are others who have not adhered to the rules. There is a growing perception that facilities of this nature constitute an investment rather than the provision of a vital social, nursing and medical service. There is also a perception among HSE personnel that to draw attention to something of this kind is uncharitable, unworthy or unpatriotic. For some years a culture has been growing in the health service of refusing to listen to the obvious. We have all heard about haemophiliacs over the years, the reports, legal challenges and counter-challenges, and all the time and energy that went into their case.

Deputy O'Connor mentioned something a few moments ago regarding the old health boards and the job that they did for 30 years. They were supposed to do the job. They were abolished, having been used as scapegoats in the run-up to an election because the health services found themselves in difficulties. The Minister of the day decided to abolish the health boards to show the public his deep concern at the problem; we now know that it was no such thing. Let us remember that in the period from 1970 there was an inspectorate like the visiting committees in the health boards that did the job it was supposed to do for nothing. The difficulty was finding people to join visiting committees and give of their time. It was regarded as a great thing if one was in time for one's tea. That was an added bonus, as I well know, since I did it. With many people, there developed over the years a culture that one had to be nice to everyone. If one did that, it was thought that everything would be all right, but that is not true.

I remember sitting in this House with other Deputies many years ago and bringing the kind of carry-on current in some health board institutions to the Minister's attention. That was how the system was supposed to work; information was to percolate upwards through the system. It was only right and had to continue, although we were not popular for doing it. I do not wish to apportion unnecessary blame, except to say this. In the HSE today there is a new system, which I

regard as closed and bureaucratic. It is not working in the way originally intended. I never believed it would work, but that is irrelevant. Abolishing the health boards was an abnegation of the democratic process, and their replacement is not yet visible.

I also wish to mention the great number of people who are dedicated health workers, in both public and private sectors. They do a tremendous job and display a vocational commitment that carries right through. That commitment will always ensure they do the job to the best of their ability and stand over what they do. They will be very quick to respond to any request for clarity at all times.

However, there is a growing culture throughout the system whereby such vocational devotion does not seem as visible as previously. There seems to be more reference to filling the job from 9 a.m. to 5 p.m. than to the completion of the task originally intended. One cannot walk off the job if a patient is in need of care. I am not saying that it happens, but it certainly would not have occurred previously owing to the degree of commitment.

As always, society is judged by how it treats the vulnerable who depend on it, whether the very young or the very old. That responsibility falls on us at all times, but particularly when the country is thought to be overflowing with money. It is supposed to be gushing out from everywhere. There is so much money that one Minister said that the Government did not need it any more. At this juncture, it is absolutely imperative that the highest standards, including regarding accountability, apply. There is no need to be at all embarrassed if someone asks whether the relevant standards are being applied, and no need for anyone to get upset or worried. There should be no reason; nor will there ever be.

There is no question that what happened in Leas Cross was the result of system failure. It is not the case that procedures were not in place or standards not applied. If the system had been operating as intended, the problems would have been spotted and a report compiled. There would have been no question of any legal interaction. There is no necessity for it. The challenges would be made on time. I do not know why we have got to this stage. The problem now is to reassert control to ensure the highest standards are applied at all times, not just some of the time. Remember, that applies throughout both the public and private sectors. incidentally, I recall many years ago there was a suggestion that standards in a hospital which was not the responsibility of the health board were not up to scratch. It was quite clearly pointed out that the same standards applied right across the system, inside and outside; there was no sense in having health Acts and laying down standards unless they were applicable across the board.

The importance of this debate should not be underestimated. In particular we should empha-

[Mr. Durkan.]

size that we should learn from the lessons the debate highlights and initiate the inspectorate that has been promised. The Government amendment is appalling. It is the lamest excuse I have ever seen, put into print. This is no reflection on my colleague, the Minister of State, Deputy Seán Power. I am sure he agrees with me. However it was compiled or on what basis, I cannot believe it. It is barefaced, incredible. To produce that, one would need to have a neck like something else.

Mr. S. Ryan: The Deputy should not say it.

Mr. Durkan: I will not say it, but I cannot believe that this has been put into print. I support the motion. I am amazed it has taken this long to drag out the publication. As regards the health services, delay or procrastination in evidence over a number of years are not in the interests of obtaining the highest quality of standards and should be looked at again carefully.

I again compliment those within both the public and the private health services who have done a good job. Those who do a good job whether in the public or private sector and who go out of their way to give a good service towards achieving the highest possible standards have been let down by those who do not. Unless the people whose task it is to enforce the standards do their job, the whole country is being let down, including the Houses of the Oireachtas and all the institutions.

I support the motion. I ask the Government to withdraw the amendment. I accept the spirit and the letter of the motion and the reasons for which it was put.

Minister of State at the Department of Health and Children (Mr. S. Power): I have listened to the debate last night and today and, to be honest, I found it useful and a number of the suggestions were quite helpful. I would, perhaps, single out Deputy Finian McGrath for the measured response in his short contribution. I also acknowledge the research done by Deputy O'Dowd and the commitment he has shown as regards the provision of care in nursing homes. It is normal that the difficulties that arise in the system are those that are highlighted here. We must be careful, however, not to frighten old people and indeed their families. In my experience the majority of homes are well run and good care is provided. Our job is to ensure that the highest standard of care is provided not just in the majority of homes but in all homes.

The Government is firmly committed to developing and improving services for older people. Last night, my colleagues, the Ministers of State, Deputies Brian Lenihan and Tim O'Malley, outlined to the House the unprecedented levels of investment specifically targeted at improving services for the older popu-

lation and directed particularly at keeping older people at home. I am happy to have the opportunity to respond to some of the issues raised in last night's debate and to update Deputies on the current position as regards the report on Leas Cross nursing home.

Deputies will be aware that the HSE asked Professor Desmond O'Neill, a consultant geriatrician in Tallaght General Hospital, to write a report for it on the deaths of residents at Leas Cross. The report, based on documents only, in line with the terms of reference agreed with the HSE, was submitted to it earlier this year. At this stage before publication, it is not appropriate to go into details on either the contents of the report or the difficulties expressed by the HSE's legal advisers. However, I can say that in general the concerns of the legal advisers cover the process used by Professor O'Neill in the drafting of the report and some of the conclusions. The HSE is attempting to resolve the legal difficulties with Professor O'Neill. Both the Minister for Health and Children and I want to see the report published as soon as possible and wish to have any remaining obstacles to its publication removed. I emphasise that. We can all learn from the report if it is published. Difficulties exist and I hope they can be overcome. I make the point again, however, that the HSE asked for the report. I know a question was asked about the ownership of the report, but the point must be made that it was the HSE which commissioned it.

Mr. O'Dowd: Deputy Seán Power is the Minister of State responsible for care at Leas Cross——

Mr. S. Power: Of course, and I think——

Mr. O'Dowd: ——and he cannot wash his hands of it.

Mr. S. Power: We are not washing our hands of it.

Mr. O'Dowd: The Minister of State cannot wash his hands of it.

Mr. S. Power: We are not washing our hands of it, we are making every effort in this regard. I am just explaining to the Deputy that it would be very easy to ignore the advice, but one has to be responsible.

Mr. O'Dowd: The problem is officials of the HSE named in the report advise as to whether it should be released.

Mr. S. Power: When the television report was shown, it shocked viewers. It is a difficult decision for any family to send a loved one to a nursing home. When that decision is made, however, certain expectations are created. The programme showed us that the inspection system at that time was not working properly. The Taoiseach, the

then Tánaiste, Deputy Harney, and I gave a commitment in this House to bring in legislation to make the necessary changes to ensure that people who go into nursing homes are given a very high level of care. We have made every effort to ensure that this happens and it will.

On 31 May, following the television programme on Leas Cross, I wrote to Commissioner Noel Conroy asking him to determine whether there were issues involved that needed to be investigated by the Garda. Some people have been very critical of the HSE and the fact that it has not published the report. Some might feel the HSE is sitting on the report. It must be remembered that it was the HSE which asked that the report be published. We will make every effort to ensure that it is published.

Mr. O'Dowd: It is a fact that the Garda agreed that it would be up to the HSE to determine whether there were prosecutions, but there was none.

Mr. S. Power: The Deputy will have a couple of minutes to speak on this later. The Chair has not given me much time today to say my few words. I have listened to the full debate and I repeat that we gave commitments to the House. As was outlined last night, legislation is being prepared in the Department to provide for the establishment on a statutory basis of the health information and quality authority, HIQA, and a social services inspectorate function as part of it. That is a commitment which will be honoured. Public consultation on the draft heads and the general scheme of a Bill providing for the establishment of the HIQA has been carried out. Included in the scheme is provision for the establishment of an office of the chief inspector of social services with the HIQA. The office of the chief inspector will be assigned responsibility for the inspection of residential services for older people, including private nursing homes. We intend to seek Government approval as soon as possible to commence drafting the full Bill. It is intended that the Bill will be published during the autumn session.

I emphasise that we have shown commitment both in drafting the legislation and in providing funds for older people, which is very much a priority with them. We shall ensure older people are given the type of care they deserve and that those who decide to open nursing homes will be obliged to give a high level of care to all their clients. It is nothing more than they deserve and we will ensure this care is provided for them.

Dr. Twomey: No matter what is said in this House, the Government has utterly failed in every respect. It has failed in its duty to legislate, it has failed in its duty to give political direction to the health services and it has persistently failed elderly patients in nursing homes. Government representatives come into this Chamber and bleat

about what they have done and what they will do, which is a shocking disgrace. They do not have the manners to apologise to the patients who they have let down so badly.

As I pointed out in my contribution before this, the owners of nursing homes had to publish their own set of standards because by waiting for this Government to do something, they would all get tainted with the same bad press as the minority of dangerous nursing homes. Deputy O'Dowd spoke last night about inspections carried out by the HSE year after year. What is the HSE's response? We get a letter from Mr. Aidan Browne, national director of the primary community and the continuing care directorate, defending himself in the media.

Mr. O'Dowd: Absolutely.

Dr. Twomey: He is not worried about the patients, nor what sort of system must be brought into place, but only worried about how he is perceived. One sentence in his letter to *The Irish Times* was quite interesting, "Your readers can be assured that the HSE will not tolerate nursing homes operating below acceptable standards". I would like to know where Mr. Browne has been for the last nine or ten years. He must have been asleep, because he certainly is not reading the same reports we are discussing. He continues by stating "where issues are identified for follow up action, they will be actively pursued". The owners of those bad nursing homes must have been shaking in their boots when they read that, because if the HSE could not do anything for the last 15 years, it certainly will not do anything about it now. Legislators must ask who is protecting the patients. That is the question the Minister of State should be answering.

Fine Gael will bring forward proposals for a patient safety authority. It will be mocked and jeered by Government representatives. It will be dismissed by Ministers who have much to answer for regarding care of the elderly. A patient safety authority is the only thing that will protect patients. We need an overarching body that focuses on the patient. The Medical Practitioners Act deals with doctors, the Pharmacy Act deals with pharmacists, the Nursing Act deals with nurses. However, legislation that focuses completely on the patient is always put off for another year by the Minister for Health and Children. What is another year when it comes to protecting the old people in our society? All legislation that might make a difference to patients has been put on the long finger by the Tánaiste, such as eligibility legislation. She has dismissed all legislation needed to protect patients. We must all act on this issue, but this Government especially needs to do so.

Most of the failure of the past nine years has had to do with quality of life issues and social services. The Minister's record cannot stand up on this issue. She can take action and follow our

[Dr. Twomey.]

lead. She can take advice from people like Deputy O'Dowd, who has made this a major issue in his political career. She should not insult the elderly with the amendments the Government has made. The major point on which she focused, the social services inspectorate, has been dismissed for another year. That is the sort of attitude taken by this Government in the care of the elderly and it is a disgrace.

Mr. Neville: I welcome the opportunity to speak. We must ensure that those who are most vulnerable, those who have contributed so much to society, namely, our parents, have the best services. That is not the case currently.

We recently received an opinion of counsel on Leas Cross nursing home and having read it, I see no reason that the report cannot be published. The opinion expresses worries about a judicial review of the report if it is published. Let there be a judicial review and let us test the system. It should be published and we can see what happens. The opinion exposes the total incompetence of the HSE in handling the issue. The level of incompetence is unbelievable and I suggest the Minister tests the system and has that judicial review so we can allow this to be debated in full.

I want to raise the issue of patients in psychiatric homes who are in need of attention. The report of the health inspectorate for this year is extremely critical of the governance of psychiatric homes. It expresses concern bordering on outrage about the treatment of patients, the control of the treatment, the disparity of treatment and the absolute need to bring some sort of order to the situation. Some 22 years after recommendations were made to close unacceptable psychiatric hospitals, nothing has happened. The sooner the Government recognises the urgency in dealing with generations of neglect in this area, the sooner something will be done. We have had so many reports on this issue, as the Minister of State knows, including four recent reports on psychiatric services and suicide. We need no more

reports. We need action and implementation of the reports. We accept all the recommendations of the 133 reports made by the Department of Health and Children, but nothing is being done. Many statements and commitments have been made since 2002, yet we are now in late 2006 and very little has taken place to ensure care for the elderly.

I received complaints yesterday on the treatment of people in nursing homes. We must have inspections of nursing homes that are not flagged in advance and that can take place at any hour of the day or night. We have seen models of this in other countries, where very strict inspections occur without notice. This ensures the services in these homes are up the required standards. Given the record of the Government, one can understand that people do not believe statements that have been made over the years. Given its repeated failures in this regard, people simply lack confidence that the Government can or will do anything. Fine Gael policy will ensure, as will the joint policy to be developed by both parties, that people will be protected, their contribution to the State and their specific needs will be recognised and services that should be available to them will be available.

Earlier, while attending a meeting of the Joint Committee on Health and Children, I heard a statement regarding nursing home subventions.

In the course of the discussion on 1 o'clock nursing homes, the urgent need to examine nursing home subvention levels was raised forcefully. I ask the Minister of State to revisit the argument and to consider the points made repeatedly by several Members regarding the need to do so, given the pressures on many families to cater for their loved ones in nursing homes. On 1 January, a raft of increases will be introduced in all nursing homes. Perhaps they will be legitimate in most cases because of increased costs and so on. I ask the Minister of State to examine this issue as part of his function.

Amendment put.

The Dáil divided: Tá, 64; Níl, 49.

Tá

Ahern, Michael.
Andrews, Barry.
Ardagh, Seán.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Callanan, Joe.
Carey, Pat.
Cassidy, Donie.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
de Valera, Síle.
Dempsey, Noel.

Dempsey, Tony.
Dennehy, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Hoctor, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.

Tá—continued

Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McEllistram, Thomas.
Moloney, John.
Moynihan, Donal.
Mulcahy, Michael.
Nolan, M. J.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.

O'Donoghue, John.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Malley, Fiona.
O'Malley, Tim.
Power, Peter.
Power, Seán.
Roche, Dick.
Sexton, Mae.
Smith, Michael.
Wallace, Dan.
Walsh, Joe.
Wilkinson, Ollie.

Níl

Allen, Bernard.
Boyle, Dan.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Cowley, Jerry.
Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Gilmore, Eamon.
Gogarty, Paul.
Gormley, John.
Gregory, Tony.
Healy, Seamus.
Higgins, Joe.
Higgins, Michael D.
Howlin, Brendan.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Pádraic.

McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.
McHugh, Paddy.
McManus, Liz.
Mitchell, Olivia.
Murphy, Catherine.
Murphy, Gerard.
Neville, Dan.
Noonan, Michael.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Shortall, Róisín.
Stagg, Emmet.
Timmins, Billy.
Twomey, Liam.

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

Amendment declared carried.

Motion, as amended, put and declared carried.

Business of Dáil: Motion.

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

That, notwithstanding anything in Standing Orders, on Tuesday, 3 October 2006, statements on disclosures relating to the Mahon tribunal shall be taken for 35 minutes on the conclusion of oral questions to members of the Government and the ordinary routine of business shall resume immediately thereafter with Leaders' Questions and the Order of Business. The following arrangements shall apply in relation to the statements: the statement of the Taoiseach and of the spokespersons for the Fine Gael Party, the Labour Party, the Green Party, Sinn Féin and Deputy Joe Higgins shall not exceed five minutes in each case, and the Taoiseach shall be called upon to make a state-

ment in reply which shall not exceed five minutes.

Mr. Bruton: The point of the discussion this morning was that an opportunity should be provided to ensure accountability, which would involve questions and answers. There are issues that must be answered directly by way of responses to supplementary questions. Therefore, a motion that did not make provision for Members of the House to ask the Taoiseach direct questions and get a reply to them is not acceptable.

Mr. Kitt: There are other opportunities open to Members to do that.

An Ceann Comhairle: I will hear from Deputies Stagg and Boyle and then I will call the Minister of State.

Mr. Stagg: The Opposition Whips put forward a proposal at the Whips' meeting today to have a one hour debate with four speaking slots of 15

[Mr. Stagg.]

minutes and an hour provided for questions and answers in accordance with normal practice in the House on such issues.

Mr. O'Dea: It was not normal when the Deputy's party was on this side of the House.

Mr. Stagg: What has been offered is totally inadequate from the point of view of the offer that was made here of ensuring accountability and providing an opportunity for every Member of the House, as the Tánaiste said, to be involved in that accountability. A question and answer session is not provided for in this motion. It provides for only five minute speaking slots and then we are expected to sit down and forget about this. It is simply not acceptable.

Mr. Boyle: When I, on behalf of my party, made a formal request to the Government Chief Whip on Monday for such a debate to take place, it was on the basis that direct questions could be asked and direct answers given. I expressed reservations that Leaders' Question and the Order of Business were not suitable mechanisms for such questions and answers to take place. Yesterday's performance showed that to be true, as did today's Order of Business when the Tánaiste and Minister for Justice, Equality and Law Reform refused to answer questions on this matter. What

is being offered to us now is not even half a horse. This matter demands a longer debate and an opportunity for all in this House to ask the Taoiseach direct questions and for the Taoiseach, for once since this controversy has arisen, to give direct answers.

Caoimhghín Ó Caoláin: I appeal to the Chief Whip to accede to the request of the Opposition speakers. There is inadequate time for dealing with this matter and I believe the Taoiseach would welcome a question and answer session, in the first instance, to properly respond to the questions that clearly exist in the public domain and in this Chamber. We should address this matter fully and the Minister of State should accede to the additional proposal.

Mr. Kitt: A meeting of the Whips took place and we discussed this matter at some length. As Members are aware, there are opportunities for those who can speak on Leaders' Questions to raise any question they wish under that procedure. Members also have the option to raise this matter by way of Private Members' business. Therefore, the proposal I put forward is the most reasonable one in these circumstances.

Question put: "That the proposal for dealing with the arrangements for next Tuesday's sitting be agreed to."

The Dáil divided: Tá, 64; Níl, 49.

Tá

Ahern, Michael.
Andrews, Barry.
Ardagh, Seán.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Callanan, Joe.
Carey, Pat.
Cassidy, Donie.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
de Valera, Síle.
Dempsey, Noel.
Dempsey, Tony.
Dennehy, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Hector, Máire.

Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McEllistram, Thomas.
Moloney, John.
Moynihan, Donal.
Mulcahy, Michael.
Nolan, M. J.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donoghue, John.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Malley, Fiona.
O'Malley, Tim.
Power, Peter.
Power, Seán.
Roche, Dick.
Sexton, Mae.
Smith, Michael.
Wallace, Dan.
Walsh, Joe.
Wilkinson, Ollie.

Níl

Allen, Bernard.
Boyle, Dan.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Cowley, Jerry.
Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Gilmore, Eamon.
Gogarty, Paul.
Gormley, John.
Gregory, Tony.
Healy, Seamus.
Higgins, Joe.
Higgins, Michael D.
Howlin, Brendan.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Pádraic.

McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.
McHugh, Paddy.
McManus, Liz.
Mitchell, Olivia.
Murphy, Catherine.
Murphy, Gerard.
Neville, Dan.
Noonan, Michael.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Shortall, Róisín.
Stagg, Emmet.
Timmins, Billy.
Twomey, Liam.

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

Question declared carried.

Criminal Justice (Mutual Assistance) Bill 2005
[Seanad]: **Second Stage (Resumed).**

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

Mr. Carey: I welcome the opportunity to comment on this Criminal Justice (Mutual Assistance) Bill. I drafted this before the June recess and a number of developments have taken place in the debate over security since then. I welcome the legislation and support the fight against crime, including terrorism, and improvements to the security of our people and our country.

In the modern world, one is dealing with extraordinarily sophisticated communications, financial networks and ease of transport from one jurisdiction to another. If crime is becoming globalised, we must also globalise the means of fighting it. This Bill enables us to globalise our fight against crime through co-operating with other EU members states and is to be welcomed. Before the summer there was justified concern over how crime trends were developing and since then there has been a debate on the need for EU member states to preserve their individual sovereignty in crime prosecution and prevention, which I supported. While I am *ad idem* with the Minister for Justice, Equality and Law Reform on mutual recognition of criminal law systems, we must preserve our independence in that area. When the draft European constitution was being prepared several years ago, then Deputy John Bruton and I represented the Government on the working party that prepared some of this legislation. Ireland, the UK and some of the new

accession countries were in the minority in trying to emphasise the need to preserve our independence in this area.

As has been pointed out, the Criminal Justice (Mutual Assistance) Bill gives effect to seven legal mutual assistance instruments. It builds on an existing legislative framework for mutual legal assistance. It provides for the effective co-operation between member states of the European Union and between states worldwide. This is of increasing importance in recent times. The case for mutual assistance in the provision of police activities is essential. That goes back to the days when Interpol was established and the more recent development, albeit in restricted form, of Europol. It is right that within a more unified Europe, where there is harmonisation within the legal framework, we should assist each other. Criminals do not have regard for frontiers and boundaries but often regard them as a means to escape or delay detection. If we were in doubt about how international crime is evolving, yesterday's hijacking of a private jet demonstrated it. I compliment the international police forces led by the Garda Síochána on how they dealt with the incident and I look forward to successful prosecutions.

As organised crime and terrorism become more sophisticated, it is essential that every technique and support is given to police across the Union to enable them to apprehend and bring to justice those responsible. The Bill covers diverse areas such as accessing bank accounts in all EU states, collecting and transferring evidence, setting up joint investigation teams, producing prisoners to give evidence in other European jurisdictions and most importantly in the modern

[Mr. Carey.]

world, intercepting telecommunications across national boundaries. It will cover telephone calls from mobiles and land lines, as well as e-mails and Internet connections. Although there are concerns among certain groups about the latitude allowed by this and other legislation on the retention and preservation of records for significantly longer than some would like, we need to err on the side of caution. While it may be possible to become less restrictive in the future, we are up against significant dark forces to whom we must respond strongly. Monitoring bank accounts will make it easier for member states to confiscate the assets of criminals, especially those who live outside their jurisdictions.

Much of the legislation will concern Irish citizens wanted for criminal offences who have fled the country to reside abroad. This is important. We should not tolerate what the tabloids call the "costa del crime". Wherever people hide, whether elsewhere in Europe or further afield, they should be extraditable and their assets should be retrievable. That will require an element of co-operation that did not exist heretofore. It will require an element of mutual recognition of legislative bases that is not as developed as it might be.

The Criminal Assets Bureau was enabled by legislation to put pressure on drug lords and their organisations and to take on the criminals and fight them effectively. There have been many instances of the success of the Proceeds of Crime Act whereby the ill-gotten gains of these warlords have been confiscated.

It may be necessary to look at the legislation underpinning the Criminal Assets Bureau and the Proceeds of Crime Act to see whether they need to be updated and made more rigorous in the light of experience. I would welcome contributions from the law enforcement agencies on whether tighter legislation is necessary. Even if they suggest this we do not have to adopt it but they are best placed to give us such indicators. The legislation also forced many so-called astute drug barons out of the country, some from my constituency — Deputy Finian McGrath will identify with that experience.

Unfortunately they found their way to sunnier climes in Spain and elsewhere from where they ply their trade and supply the Irish market. Maybe because they are supplying the Irish market the authorities in the Mediterranean and northern European countries take little notice of them. This is unfortunate. I, Deputy Gregory and several others visited the drug enforcement agencies in Holland and elsewhere some years ago and impressed upon them the need to prosecute vigorously the obvious activities of some of the Irish drug barons who are still at large. We need to continue that co-operation.

The legislation helps to track down these individuals and confiscate their ill-gotten gains whether here or elsewhere. This Bill will do like-

wise. It identifies the main forms of mutual assistance, including sensible and practical arrangements such as the provision of financial information, access to bank accounts and making that information available on request with certain safeguards. This is highly desirable. We need to be careful about the safeguards to ensure that they are as tightly drawn as possible.

I note that the Bill provides indemnity to financial institutions also, which is useful because we have seen how successfully the Criminal Assets Bureau operates by having access to the resources and assets of people who cannot be brought to justice for criminal offences but can be caught for related activities and evidence. Everybody cites the case of Al Capone who was brought to justice in the United States for tax offences rather than for the offences for which people thought he should easily have been prosecuted.

Another Criminal Assets Bureau method, the enforcement of orders for freezing property is a practical and sensible arrangement but it must apply, as far as possible, Europe-wide. We have fairly incontrovertible evidence that many of those who make millions of euro here are making many millions more in other jurisdictions in the European Union and the accession countries. While I welcome the news that Bulgaria and Romania are to accede to membership of the European Union next January, I am concerned about the obvious levels of corruption, especially police corruption, particularly in Bulgaria. There is an onus on us to ensure that abuse of legal systems is stopped. A fundamental tenet of membership of the European Union is that the rule of law prevails. There can be no abdication from, or equivocation about, that.

I welcome the provisions regarding the extension of joint investigation teams, particularly those involving co-operation with the United States. I also welcome the co-operation between the police forces on both parts of this island. There is now a high level of co-operation between the Police Service of Northern Ireland, PSNI, and the Garda Síochána. That is an extremely welcome development, which is long overdue. Since we last spoke on this issue we have seen action taken on criminal activity by paramilitary and criminal groups along the Border through co-operation between the Garda Síochána, the PSNI, the Assets Recovery Agency and the Criminal Assets Bureau, and I want that to continue.

There has historically been, and continues to be, a high level of co-operation between the United States and Ireland. It is sensible to introduce joint investigation teams as part of our legal and policing co-operation. Organised crime is very sophisticated and terrorism, which poses a major threat to society, must be tackled with the greatest diligence and global co-operation. This is not the only way to tackle terrorism but is one that manifests itself regularly and obviously.

I note also in the Bill that witnesses can be heard through video link or teleconferencing. That was covered in other legislation and is sensible. We need in the reform of the Garda Síochána to make greater use of video-linked evidence and teleconferencing. The trial in respect of the Omagh bombing, running in Northern Ireland, is a good example of this because the victims can observe the proceedings of the court at a remote location when they choose. The videotaping of evidence was introduced to eliminate the waste of Garda time. It would be foolish not to avail of the technology, which facilitates the improvement of the prosecution and the delivery of evidence, especially when we are trying to make the best use possible of Garda time.

I have spoken before on the need for our law enforcement agencies to be provided with the best equipment and technology in their fight against terrorism and organised crime. I am pleased to see that since we last spoke here the contract for the digital system for the Garda Síochána has been placed and will be rolled out in the coming months. That is acutely important. While anecdotal information is not always the best, it is disturbing that there are times when the key people behind significant and abhorrent crimes arrive on the scene before the gardaí because they have more sophisticated communications technology.

In 1988 when I first visited Dublin's sister city, San Jose, the limousine taking us from the airport broke down and we were taken to our hotel in police cars. That was the first time I saw on-board computers being used. Given the development of ICT, with Blackberries and hand-held units, it beggars belief that on-board computer information cannot be made available to the Garda.

This legislation does much to combat drug gangs and drug crime. I have often referred to the threat drugs pose to our communities. I applaud the good work of the Garda in dealing with drug gangs, especially when we consider that so much crime evolves from direct involvement in drugs or from related activities. My constituency has suffered from the emergence of people who have become very rich at the hands of others, to put it obliquely. It must be a source of huge concern. We regularly hear reports of young lads, who are obviously no angels, being arrested with large doses of drugs in their systems, to the extent that they need to be treated for drug overdoses. It appears that cocaine is the new aspirin for many people who will do anything to manipulate those who are weaker than themselves. We need to keep on top of the problem and this legislation will help to facilitate that. I agree with Deputies who have argued that the drugs problem is not just a law and order issue. We could talk about this aspect of the matter, which is clearly important, for a long time. It is generally acknowledged that just 10% of the drugs coming into this country are detected. Terrorists and drug gangs are co-operating with each other across juris-

dictions. This Bill, which enables mutual assistance between member states and allows authorities in another jurisdiction to share information on drugs coming into this country, enhances and supplements the national fight against drug gangs, as well as the existing international co-operation in the fight against organised crime.

I welcome the safeguards which are built into the legislation whereby the Minister for Justice, Equality and Law Reform does not need to accede to a request if it is based on specific grounds relating to sovereignty, security and other interests of the State. As I said at the outset, I strongly support the stand taken by the Government at the Helsinki meeting of the Council of Ministers a number of weeks ago on the need for us to preserve unanimity on reaching decisions on this particular pillar of the European project. This legislation also provides that the Minister does not need to accede if there are grounds to suspect that the request was made for the purpose of prosecuting or punishing someone based on their sex, race, religion, ethnic origin, nationality, political opinion or sexual orientation. These good precautions are in line with the provisions of the European Convention on Human Rights. I will add a cautionary note by reminding the House of the hard-hitting speeches which were made in our neighbouring jurisdiction over the summer by ministers there who lectured members of religious communities about their responsibilities and about what their followers might or might not get involved in. It is not helpful to take such an approach to any particular religious community.

I am glad the Minister has taken the views of the Irish Human Rights Commission into consideration in finalising the provisions of this legislation. Civil liberties groups will always question issues in a Bill like this, and quite rightly so. Unfortunately, the loss of certain personal freedoms and the threat to human rights are among the disadvantages we sometimes encounter when we try to take action against organised crime, drug barons, prostitution, child pornography, trafficking and terrorism. Crime bosses and terrorists will always have an advantage in this regard. It is important that we err on the side of being very cautious, which might upset some human rights groups. It will probably be easier to relax the provisions of this Bill in years to come, after it has become law, rather than trying to tighten the situation after the horse has bolted. Civilised society must balance the need to fight evil with the need to show respect for personal freedoms, civil liberties and human rights. While that is not always easy, we must be vigilant. We must draw a line in terms of what is acceptable to protect the freedoms we have. We must also provide a safe and secure society for the people who live with those freedoms. Ireland has a good record of protecting the rights of individuals, even during times of trouble. We have made diffi-

[Mr. Carey.]

cult decisions when dealing with terrorist activities on this island. We have taken a position of leadership on the international stage at the same time, in areas like human rights, development aid, conflict resolution and peacekeeping. We can provide leadership on the world stage by providing mutual assistance and offering information on how we have addressed problems like these.

This necessary legislation will be welcomed by most fair-minded people. Ireland is playing its part on the international stage by introducing it. Mutual co-operation between criminal groups which use modern technology and business activities for selfish gains must be matched by equally co-operative legislative work, which is what we are doing in this case. I welcome the legislation and thank the Minister for introducing it.

Mr. F. McGrath: I welcome the opportunity to speak on Second Stage of the Criminal Justice (Mutual Assistance) Bill 2005. As Deputy Carey said, it is important that we should have a debate on this matter. Like many fair-minded people, however, I will take a different position from the Deputy on the details of the legislation. It is important for us to have a balanced debate and for Members to propose sensible ideas and solutions about crime, particularly international crime.

Many citizens and residents of this State have significant concerns about what is going on in this country at present. They are worried about crime, cocaine and shootings on our streets. A constituent of mine, Ms Donna Cleary, was shot dead as a direct result of the drugs war on the north side of Dublin. In recent days, people have been kidnapped and held hostage while money was taken from banks in my constituency. It is all very well for some people, like the Minister for Justice, Equality and Law Reform, to take the high moral ground when speaking about the victims of these crimes, such as the staff of banks and their families. I commend the staff of the bank in Killester, in particular, on the tough decisions they took in the interests of public safety. They were hounded by certain Ministers and senior police officers in the days after the raid on that bank. The key issue for many of the families in question is that nobody died and the other issues can be resolved at a future stage. I commend the staff in Killester on their bravery and integrity in prioritising the human rights of our citizens.

It is important to reflect on issues of international law as part of this debate. It seems that international law is completely out of control at present. Human rights are being abused by rogue states and presidents of so-called "free democracies", who are making things worse. The pendulum has gone the other way — the international community has gone crazy. We see nothing but abuse of human rights, rather than respect for them. This is an important aspect of the debate on crime and the criminal justice system. It is wrong

that some elements of the right wing press in certain countries think that human rights and civil liberties are dirty words. Those who do not understand that respect for human rights and civil liberties is an important part of our criminal justice system are making a fundamental mistake. That is the line I will be taking in respect of this Bill.

I have major concerns about some international states. I spoke recently about the record of the United States on civil liberties and human rights. The Minister for Foreign Affairs should hammer home this point on behalf of the Government at every international meeting. We should not be afraid. We should have the bottle to side with other countries, particularly poorer countries, at United Nations level. It is important for Ireland to work with other countries to promote international peace, to prevent the recurrence of circumstances like those in Darfur, to co-operate on the various important issues and to deal with the drug barons. We should work with the poorer countries which need assistance, in particular. We need to treat them with respect and dignity, but that is not happening at present. Some of the so-called free democracies of the West are treating such countries with a lack of respect and dignity.

I would like to highlight another aspect of this debate. It is all very well to deal with the issue of mutual assistance on matters of criminal justice, as we are doing today, but we also need to be tough on the causes of crime. Any Government, or any Minister for Justice, Equality and Law Reform, that does not wake up and smell the coffee by being tough on the causes of crime needs to get a reality check. It is unacceptable, in a very wealthy country, that everyone is looking the other way while communities are suffering massive and total social exclusion and major economic and social disadvantage. We need to look at resources. The excuse of not having resources is gone. The debate on resources must now centre on how we distribute them to the communities concerned. The poor, working class areas that need investment, housing and social inclusion policies must be the priority in this debate. This is an important element in tackling crime. The education system is another key and strategic element. If young people, particularly those excluded from society, are assisted in their education, it will lead to a positive input in their lives and, in turn, prevent much crime.

In tackling crime, we must face the reality that we need more judges. Preliminary hearings should be held to shorten trials. I want the establishment of a dedicated witness-victim-family liaison officer scheme. Why can the courts not operate from 9 a.m. to 5 p.m.? A new criminal court complex for Dublin should be designed to segregate key players such as judges, witnesses, jury members, defendants and gardaí. Most disadvantaged schools must be targeted with extra resources, particularly counselling and family therapy sessions. I welcome the massive

investment by Chuck Feeney, the Irish-American multimillionaire, in Dublin's northside. He is working closely with the Department of Education and Science in targeting these resources. I commend him and his organisation for the magnificent work they have done.

We must face the reality that violent and disruptive young people require counselling and family therapy sessions. These are the young people who will end up in Mountjoy Prison in the future if they are not attended to at a young age. On a practical level, more community gardaí on the beat, talking and working with the people in reducing fear of crime are needed. I support the development of Operation Anvil against armed gangs. Some of those in the criminal drugs world can only be dealt with through such operations. At the same time community gardaí are needed on the streets to prevent crime and deal with major issues.

The purpose of the Criminal Justice (Mutual Assistance) Bill is to give effect to provisions in seven mutual legal assistance instruments. These are the Convention on Mutual Assistance in Criminal Matters between the member states of the European Union, the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters; the mutual legal assistance aspects of the Council Decision concerning the signature of an agreement between the European Union and the United States of America on extradition and mutual legal assistance in criminal matters; the Council Framework Decision of 22 July 2003 on the execution in the European Union of orders freezing property or evidence; the agreement between the EU and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the 2000 Convention on Mutual Assistance in Criminal Matters and the 2001 Protocol.

The new main forms of mutual assistance provided for in the Bill include the provision of financial information to other states for criminal investigation purposes regarding transactions on bank accounts and the monitoring of such accounts. Mutual assistance will also provide for assistance in accordance with national law on the interception of telecommunications in the context of criminal investigation in EU member states and the hearing of witnesses and experts in other countries by video or telephone conference. This co-operation will allow us to deal with serious criminal matters.

A constant problem I encounter in my clinics is the number of assaults and attacks on people and communities suffering from anti-social and intimidatory behaviour that go unreported. Anti-social behaviour is particularly relevant with young people aged 16 to 22 years. Recently in my area, a group of women in a flats complex cleaned the stairways of dirt and syringes. The following night they were intimidated by some gangs in the area. It is unacceptable. Those who clean up their complexes must be supported by the Garda and

politicians. This is not just a political issue but a human rights one. It is about the human rights of the women in the Dublin North Central Constituency who have the bottle and courage to clean their stairways yet are intimidated by thugs involved in the drugs trade.

We need quality police officers who are honest and have the trust of their local communities. They must be seen to be in the community. I challenge senior Garda management, the Tánaiste and Minister for Justice, Equality and Law Reform and the Ministers of State on this. In an eight hour shift, how many hours do gardaí spend in the community, walking the streets? They should be there for at least six hours. One cannot blame younger gardaí if they are not in the communities they serve. A culture is in place that must be tackled by management. Many young men and women join the Garda with a vision of helping their communities. Years into the job, they become cynical. This concerns me and every Member is aware of this situation.

Honest and quality policing is needed to tackle crime. An example of good practice is where the community garda goes into certain areas at 11 o'clock on a Saturday night preventing assaults at chippers and pubs. These are the gardaí who should be rewarded rather than the garda who is someone's hack in the job. More respect must be shown to those community gardaí who prevent crime. It is often said that it is not a good career move for a garda to be involved in the community, helping drug addicts and working with the health services. It is better to be involved in the sexy sections of the garda. I reject this because many community gardaí do much to prevent crime.

There must be an emphasis on honesty, integrity and the trust of a community. A garda cannot simply expect a community to respect or trust him or her. If he or she is serious, that respect and trust must be earned. I know that from working in Dublin's north inner city for 20 years. The excellent gardaí, particularly those involved in the drugs squad, did not expect but earned the respect and support of the communities involved. They turned around situations where there was cynicism and mistrust. This approach is needed across the State.

Bad police practice needs to be tackled. On the night before the All-Ireland football final, a group of young women walking down O'Connell Street were intimidated by another group of young women with a knife, apparently high on drugs. Fortunately, the women in the first group talked their way out of the situation. When they rang the Garda, they were asked "what could the Garda do about it?" They could not locate a garda on O'Connell Street. One must question the competence of Garda management when, on the Saturday night before an all-Ireland final, young women are threatened with knives and there is no Garda back-up.

[Mr. F. McGrath.]

It leads to a loss of confidence in the force when one hears stories such as this. Garda management must wake up and smell the coffee, get its act together and deliver the necessary services. It can no longer hide behind the numbers game because there are more gardaí than ever before in the history of the State. What are the managers, including the Commissioner, doing? These are fundamental questions. The Garda must move beyond claiming its hands are tied. That is utter rubbish. One does the job to the best of one's ability whether one is a garda, fire officer, teacher, medical worker and so on.

The Bill provides for the mutual recognition and enforcement of orders for freezing property based on evidence from other EU member states, obtaining identification evidence for criminal investigations both inside and outside the State, and the establishment of joint investigation teams in co-operation with the United States of America. I have already mentioned my concerns about the human rights record of that country. Co-operation is essential but we must be careful about working with persons who have no respect for human rights.

The Bill includes provision of a legal basis for the restitution of articles obtained by criminal means to their rightful owner and for controlled deliveries in the State and participation in such deliveries in other EU and Council of Europe member states. Provision is made in section 11 for the specification of different versions of a person's name when information about financial transactions is sought from a financial institution on the basis that it is not reasonable to expect the institution to be aware of variants of a name.

A new section 28 has been inserted to provide for the interception of postal packets and telecommunications messages. The Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993 applies to interception orders made under the Bill, including the provision of that Act for review by the High Court of interception orders, including related documents.

Section 87 has been amended to provide for specific regulations to give effect to an international instrument to be made under the provisions of this Bill. This has been included on the advice of the Attorney General following a Supreme Court decision that a standard regulation making provision in an Act is not sufficient to make regulations giving effect to international instruments.

These are the technical details of the legislation. It is clear there are sections in the Bill that will strongly further facilitate the detection and prosecution of those responsible for transnational crime. I agree with this simple objective but I have also pointed out the flaws.

It is important that we wake up to reality by rejecting the common false perception that legislation will solve the crime problem. That is not

the case. We must remind ourselves that legislation without action will not resolve the problem. Some people in this House and others outside it seem to be obsessed with the notion that legislation will resolve everything. Legislation is only a small, albeit important, tool in the fight against crime.

The main issue is the necessity to deal with the causes of crime by facilitating and supporting those potentially at risk from a young age. There must be economic investment in deprived areas. There is no reason for it and it is unacceptable that there should be parts of Dublin, Cork, Limerick or Galway where people on one side of the road live in four bedroom houses with nice gardens and whose children go happily to school every day while only 500 metres away, families live in conditions of severe economic and social deprivation.

We are deceiving ourselves if we believe it is adequate to debate crime legislation while ignoring the debate on our divided society. We will get nowhere by doing that. It is members of the poorest and weakest sections of society who end up in Mountjoy and Cloverhill prisons. We must confront that truth. We must support people even if that means making tough decisions and prioritising those most at risk by diverting resources from the wealthy.

A news bulletin last night informed us that there is still €1 billion owed to the Revenue in outstanding and uncollected taxes from wealthy persons. This is the official figure and one can only imagine the unofficial amount. What would this €1 billion do for people in disadvantaged communities throughout the State? The Minister of State, Deputy Tim O'Malley is aware of some of the estates to which I refer but I do not wish to name areas in my own or other constituencies. People in such communities need our support and are looking for a break. Recent events have shown the importance of that support.

I welcome the opportunity to discuss this legislation but we must remember that legislation without action will not deal with crime.

Mr. O'Donovan: I support and welcome the measures in this Bill. Unfortunately, crime has become sophisticated and international — one could almost use the word “cultured”. As an island state, we cannot stand back and claim it does not concern us.

The problems of crime have become matters of global concern. An issue of particular concern in this State is the frightening and growing drug trade. Some of these drugs are destined for use in Ireland while in other cases, we are used as a one-stop shop for the transportation of drugs to other parts of Europe and elsewhere. Such activity seems to have increased. Some days ago we heard of a consignment of heroin that was due to be landed at a private airport in Dublin.

Despite the worrying statistics, this trade is not new for us. I come from a part of Ireland where

we do not have the same prevalence of drug abuse as that in the localities of other Members such as Deputy Gregory. However, there is no village or town that does not have some problem with drug abuse. My teenage children tell me one can buy an ecstasy tablet for €4 or €5 in my home town. They are not available over the counter but nor are they particularly difficult to find. It is a worrying reality.

In west Cork, including Carbery's Hundred Isles, the hundreds of inlets that make up our sporadic and sprawling coastline were used for many years for the shipment of drugs, particularly from South America. Our south-west coast lies in the path of the world's busiest shipping lanes. We are aware of several success stories involving the interception of drugs off the coast. In one instance, a considerable consignment was jettisoned off Kinsale, of which some was later recovered.

I recently spoke to a retired customs and excise officer from the west who had intimate knowledge of border transactions and so on. He recalled instances where he and his colleagues monitored the landing of drugs throughout west Cork. I believe this still goes on. A farmer who lives near a forlorn, lonesome pier on a headland told me some years ago that he was awoken one morning at 4 a.m. by the sound of the engines of boats, trucks and cars. All this activity ceased before dawn. These people were not landing herring or mackerel. It is obvious there has been trans-shipment of drugs into Ireland.

Unfortunately, criminal law, customs and Garda experts all tell us we are probably confiscating only some 15% of the drugs passing through the State. That is a worrying statistic. I laud the Garda Síochána in its efforts throughout the country, particularly Dublin. In the past six or seven years substantial and valuable quantities of drugs have been confiscated. The relevance to this Bill is that much of this success could not have occurred were it not for Interpol and international policing.

The Garda Síochána has done an excellent job and it is regrettable that the drug issue will not be eliminated. I wish there were zero tolerance but the drug problem in Ireland has grown in the past 25 or 30 years. There are drugs gangs in Ireland today that are prepared to kill. There was a very recent incident in Dublin where a Garda sergeant was shot by a 16 year old. The car involved was driven by another 16 year old and, thankfully they were apprehended. This young generation of criminals is audacious. If I saw a garda when I was 16 I would have been inclined to walk the other way. The statistics today are frightening and we must be vigilant.

Not all drugs trafficked to Ireland come from South America. North Africa, Eastern Europe and other places are involved. These shipments may come by air or boat and it is worrying that they are normally accompanied by state of the art weapons and ammunition including machine guns

and automatic pistols. In this regard I welcome the gun amnesty and feel we must get tough on the possession of firearms without a licence. I am not referring to farmers in the west of Ireland who may need a shotgun to protect their property. There are many guns in cities and towns throughout the country. Ten years ago the likelihood is they would have been connected to illegal organisations. Nowadays weapons are added as a bonus to drug shipments of crack, cocaine, heroin, marijuana and so on. This is a frightening aspect of the new criminal gangs that exist in Ireland.

There are proposals relating to mutual legal assistance included in this Bill, but there are other areas in which it is of importance. To track expert, sophisticated criminals it may be necessary for the Garda to intercept their communications by tapping phones and so on. This is a grey area that touches on the right to privacy. However, this Bill includes safeguards. An application must be made to the Garda authorities to tap a phone line or intercept a communication that may contain information relating to criminals. This application must be certified at the highest level, which is a good thing.

Human trafficking has, regrettably, become an international issue. In recent years Ireland has seen the trafficking of women for prostitution. There have been horrific stories and, while it may not be widespread, it is a worrying trend that did not exist ten or 15 years ago. The women are often tricked, bribed or cajoled to come here seeking a better lifestyle. On arrival, in many instances, their passports are taken, they are hidden in houses and they are used, abused and ill treated. Sometimes they do not see the light of day. If this type of legislation, through co-operation with Interpol, the British police, American agencies and so on, led to such a woman gaining freedom and winning back her life it would serve a good purpose.

We are aware that paedophile rings have been successful in trafficking children into countries such as Italy. Thankfully this does not appear to be prevalent in Ireland. These children may be infants bought in Eastern Europe for a few dollars and trafficked as part of the sex trade. The boys and girls may be five or six years old up to 12 or 13. In many instances they will have been used in paedophile images and films. All human trafficking should be condemned, but we must be especially vigilant regarding children, the most vulnerable members of society. Were it not for the international exchange of classified information, whether with the FBI, CIA or Interpol, crime in Ireland would be far worse.

I recently watched a documentary on the events of 11 September 2001. There was a breakdown in communication between the various security agencies in the United States. The suicide bombers involved were living in the country in places like Los Angeles and San Diego. One agency knew this and did not inform other agen-

[Mr. O'Donovan.]

cies. I do not wish to start an international argument with the United States, but had they been more vigilant and listened to repeated warnings from experts the twin towers would still stand. That is a clear instance where information gleaned by international agents, working for the security of the United States of America, was not fed from one body to another. The information was not correlated and what happened was appalling. However, that is another day's work.

In recent years, through legislation, this country has set out to achieve, in so far as possible, total co-operation within Europe. Ireland is just one of 25 countries within the EU and it is essential that we have the highest quality of intelligence within the Garda Síochána. The force has suffered recent setbacks with the Donegal and Abbeylara debacles, which were appalling, damaged morale and did no favours for the status of the Garda. The Garda Representative Association also became political on the issue of policing and the reserve force. However, despite those obvious setbacks, I have great faith in the Garda Síochána. By and large, its members do an excellent job and enjoy good success across the board.

I am fortunate to live in an area where there is not a lot of serious crime. The most worrying serious crime that was committed in my constituency in the last 30 years was the murder of the French woman, Ms Sophie Toscan du Plantier, ten years ago. That crime has not been solved but leaving that aside, there are problems from time to time in the area, but we are reasonably fortunate in terms of levels of serious crime.

Members of the Garda Síochána should live within the communities they serve, particularly in rural areas. There was an enormous furore recently in Dunmanway concerning the building of a new Garda station or the refurbishment of the existing premises, where there was an access problem. The matter is still not fully resolved. I have worked hard to find a resolution and am hopeful now because we have been given the orange light, if not the green light on the issue. There are six gardaí in Dunmanway, all of whom are fine individuals. However, somebody pointed out to me that none of them lives in the town. Indeed, some of them travel 20 or 30 miles to work there. I feel strongly that if a garda is stationed in a town or village for a number of years, he or she should live there. I have heard complaints that if a superintendent or inspector is appointed in a rural area, he or she commutes 40 or 50 miles. Perhaps such people are expecting further promotion, but they do not live in the community. One cannot get a proper understanding of the problems in a town or village — I am using Dunmanway as an example and am not being disparaging about the town — unless one lives there. When gardaí are living elsewhere it makes it difficult for them to provide the proper community policing that people deserve. There is

nothing nicer than walking through a town, for example, Bantry, on a Friday or Saturday at 9 p.m. or 10 p.m. and seeing a squad car doing a tour of the town or a couple of garda officers walking around. Perhaps I am old fashioned, but that type of presence gives a sense of security.

This legislation must be welcomed. There are many technical aspects to the Bill which have been dealt with by other speakers. Some provisions have been dealt with by the courts, having been previously shot down as being *ultra vires*. Regrettably, the legislation is necessary. These issues must be dealt with and doubtless will still arise in ten years' time, regardless of who is in Government. Criminal justice is fluid area.

In the context of the European and global situation, the proposed European constitution, which is currently parked, is important. I am chairman of the All Party Committee on the Constitution and hold the view that a European constitution will be very hard to impose on 25 different countries. A constitution is the sole possession of a country. Bunreacht na hÉireann, for example, is our exclusive possession. Conventions or protocols can work but I have grave doubts about a European constitution being accepted by the Irish people in a referendum.

Mr. M. Higgins: I welcome the opportunity to contribute to the debate on the Criminal Justice (Mutual Assistance) Bill 2005. I am encouraged to speak more widely about the criminal justice system, given what I think is the appropriate philosophical tolerance that was given to Deputies who spoke earlier, and rightly so, as they are concerned about crime and the response to it in contemporary conditions. Nevertheless, I will try to stay within the terms of the Bill.

It would be a great pity if, in discussing this legislation or any other that emanates from the Department of Justice, Equality and Law Reform, we were invited to make a distinction between human rights and good law. Human rights is not soft law but is the bedrock of good law. We should not be invited to make a choice between enforcement on the one hand and the protection of human rights on the other. It is important to stress this point because there was a suggestion in some of the speeches that this Bill, along with others, is a sufficient response to contemporary conditions and that one can return to it, as it were, in better times. This is not an appropriate view, frankly. All temporary legislation of the criminal law kind is bad legislation in the end. It may be justified at times in the name of emergency legislation but we have quite an inglorious record of allowing emergency legislation to exist for half a century or more. One then wonders if one's normal condition is one of continuing emergency or one of being able to have law based on fundamental principles.

I wish the Department of Justice, Equality and Law Reform well because it is responsible for approximately one third of the proposed legislat-

ive programme. If one examines the recent proceedings in Geneva with regard to other legislation that will be required of the Department in such areas as the protection of the child, the Department will be even busier than heretofore. The long list of unratified United Nations conventions, which the State has yet to legislate for also falls as a burden on the Department of Justice, Equality and Law Reform. All of this makes one wonder if sufficient resources are available to enable it to meet its legislative obligations. Legislation is insufficient with regard to the protection of the child, as the Geneva meeting pointed out this week.

As a former member of the McBride commission which examined Irish prisons, one of the sad aspects for me of speaking on this area is that referring to rights in prisons has become unfashionable. It is perceived by many members in this and the other House as unimportant. There are no votes in it and thus it has become a matter of rights that can be let go. The conditions in our prisons are a scandal. We had the McBride report, although the commission was referred to as a self-appointed group by the Minister of Justice of the day. It was succeeded by the Whitaker report. We have been promised fundamental autonomous administration of the prisons but what is taking place is a scandal. Where there is multiple occupancy, there is little control over drugs and there are few guarantees regarding personal health and very poor remedial programmes. The suspension of work training programmes must also be considered and all these issues comprise the practical reason I say the conditions are a scandal. It is also a kind of scandal that we are not able to have this discourse publicly because it is assumed this is a subject about which one should not speak.

Deputy after Deputy spoke about the importance of having transparent, accountable and adequate policing in the community and they were correct in doing so.

On the question of young people, the fact the juvenile liaison scheme did not enjoy sufficient status within the thinking of the Garda Síochána is a matter for concern. At another time and in another way, I will raise the matter of an investigation into the terms according to which a scheme aimed at young offenders was suspended in my constituency more than a year ago. An investigation was carried out into why this occurred and a report was prepared but we are now told by the Minister for Justice, Equality and Law Reform that it is not to be published. This again demonstrates a scandalous lack of transparency. I refer to the Bris project in the west side of Galway city.

I notice very little concern, at public or departmental level, over the implications of large numbers of unaccompanied minors simply going missing after coming to Ireland. I remember dealing with some of these young people, who were being allowed education but in the knowledge that as they prepared for the leaving certificate

they qualified for consideration for deportation. A number of the unaccompanied minors have gone missing and it would be useful if the Minister, in replying to this debate, outlined the procedures instituted to protect them. The number of unaccompanied minors can be calculated simply on the basis of the number originally in the care of different health authorities.

Let me turn specifically to the Bill. With its nine parts and 89 sections, it raises a number of issues. It is correct and appropriate to have mutual assistance in combating criminality. It is sometimes not acknowledged by those advocates of globalisation that the real beneficiaries of the electronic age are those in the drugs industry and international finance, as is evident from Manuel Castell's three-volume work on the subject. Money can be moved in real time and the speeds of movement of hot money and migrants have been entirely different. This raises interesting international legal issues, such as the manner in which one responds to the fact the drugs industry and those who handle hot money are always ahead of the international enforcement agencies.

Let me be positive and say I support such legislation as would enable the balance to be redressed in this regard. However, I note the associated problem. The views of those who seek from us our co-operation in bringing new legislation into being are entirely misplaced if they contend that because we suggest such legislation be crafted within the context of international law, we are somehow being tardy or less than full in our support.

If one considers human rights law, which emerged particularly strongly from the end of the Second World War when it responded to the nadir to which human behaviour fell, and the international conventions, even those of the 1990s, to which we subscribe, one will note we are not talking about separate streams but about something which is very worthy, that is, the attempt to try to find universal principles to which people with different legal systems might subscribe and which, ultimately, might lead to some principles of universality.

The Minister for Justice, Equality and Law Reform subscribes to some of what I am saying but regards the Irish Constitution as the boundary beyond which he will not go. He is inclined occasionally to posit the superiority of constitutional protection over international legal protection. This arises in one circumstance after another and there is no doubt it will be repeated when we come to consider the request being made that Ireland have adequate constitutional protection of the rights of the child.

I can be specific in respect of different sections of this legislation and we can discuss them in detail on Committee Stage. One section refers to the United Nations Convention against Corruption. Last Monday week, a White Paper on overseas development aid was launched and it correctly makes the point that aid donors are anxious

[Mr. M. Higgins.]

that their aid not be abused by corrupt recipients and so forth. However, there is not a single line in the White Paper that commits Ireland to ratifying the United Nations Convention against Corruption. It is in the legislative programme circulated this week and it is listed for 2007.

The ideological argument people make about this matter is that one should get on with the business of ratifying these conventions. In the speech introducing Second Stage of this legislation, it is assumed there is no great difficulty in preparing the necessary compliance legislation. If this is the case, one must ask why there is a delay in ratifying the convention. These matters will no doubt feature in the reply to this debate.

The balance that I suggest should exist between the rights of the citizen and international legal co-operation and mutual assistance is very important. In the later sections of this voluminous Bill, there is a reference to the Ireland-United States agreement. Section 3 offers a definition of "torture" in which it is suggested it has the meaning given to it by the Criminal Justice (United Nations Convention against Torture) Act 2000. I am not sure whether reference is made to the optional protocol. We can consider this on Committee Stage. It is very clear that in the United States, Senator McCain and others have made a very fine defence of the definition in the UN convention, but it is clear there is no agreement within the current Administration of the United States and the European Union regarding what constitutes torture.

Reference is made in the Bill to the European Union-US agreement. We must consider this on Committee Stage because it is not at all clear what has been agreed by way of final content in respect of international protections of the person. There are issues of compatibility to be considered and they run far deeper than the textual references I have made. I refer to entirely different systems from different streams of jurisprudence. For example, the investigative procedures on the Continent regarding many different countries, whereby a person can be detained indefinitely without such guarantees as exist under the Irish Constitution, are obvious.

It is very clear the relationship between mutual assistance and the system that prevails in Britain has been one of the black negatives in the record of outgoing Prime Minister Blair in that he and his Administration have systematically sought to erode the protections of rights under the European Convention. A layperson considering this might ask the nature of that to which we are being required to give assent by mutual assistance. Do they ask us to share intelligence with those who refuse to offer absolute guarantees under international conventions regarding the degrading or inhuman treatment of prisoners? Do they ask us to share intelligence regarding matters of arbitrary detention without trial? Regarding the drafting of this legislation, the con-

cept of a judicial review of some sections was conceded under pressure in the Seanad. We must be very careful how we approach this legislation.

I say all that to be of assistance. I hope we will eventually reach a point where we have restored the relationship between human rights and law. It is deplorable that those who make human rights cases are somehow regarded as being soft on crime when nothing could be further from the truth. What we want is something that precedes the human rights movement in law, namely, certainty. We can have that when we have principles shared across different legal systems and states.

I found it interesting that the last speaker from the Government side, Deputy O'Donovan, should suggest that he has almost an ideological difficulty with the concept of a constitution other than our own. While its content is important, widespread acceptance of shared European — or universal — human rights principles would be very welcome. That will be very difficult to achieve. For example, regarding rights, does one argue for them based on a rational tradition regarded as the Western, post-Enlightenment system, or does one take into account the revealed source of human rights, which is the position in many Islamic countries? I am aware of the difficulties in those debates, but human rights are not a concession. They are at the very root of good law, domestically, at European level, and internationally.

I need to say that because of we are in an atmosphere to which the Government spokesperson on Second Stage did not refer. In international law, the principle of pre-emption has been accepted regarding, for example, the disciplines imposed by the United Nations in that one may play fast and loose with the notion of defence and reasonable preparation in anticipation of an attack. The Bill defines such matters as extradition in section 2. We have witnessed a period of the most widespread abuse through extraordinary rendition.

We can go into this in detail on Committee Stage, but practically what I ask is why there are not prefatory statements before sections indicating that whatever is proposed will occur within the context of international law. It is occasionally stated. I believe that the Minister of State, Deputy Batt O'Keeffe, in introducing Second Stage, referred to protections under the European Convention on Human Rights. However, we need specific guarantees that regarding enabling provisions, the process, or the consequences of sections of this legislation being implemented there will not be any departure from full compliance.

What is compliance? That question arose in the questionnaire on extraordinary rendition sent by the Council of Europe to the Government. We sent a very complete response, including all the enabling legislation, such as the Traffic Acts and Air Navigation and Transport Acts. However, we did not give the Council of Europe perhaps the

most important relevant information, namely, that while we had the Air Navigation and Transport Acts and other legislation, we had not exercised any enabling power thereunder. On that matter, we were silent.

We need certainty, and this legislation will have my support. We should all co-operate and must not do anything that will tip the balance in favour of international criminals. I listen to such people as Deputy Gregory and agree that there are arm-chair beneficiaries of the appalling drug trade. I am in favour of taking action against those who visit such misery on communities, families and individuals, since a case can certainly be made for that.

However, my other point is that we must achieve certainty by inserting into the text the fact that we operate within a framework of international law, particularly because of the abuse of intelligence systems. We will revisit a real difficulty on Committee Stage regarding under what circumstances and to what degree it is appropriate to use an exchange of intelligence. For example, what questions does one put to the requesting authority to allow the guarantees of which I speak? It may well be that a Government or Minister must ultimately exercise discretion regarding where to strike the balance. However, the principles on which a balance is sought should be absolutely clear.

Mr. Gregory: I welcome this Criminal Justice (Mutual Assistance) Bill 2005 and share the sentiments that Deputy Michael Higgins expressed in his contribution.

I have only a few brief comments. It is particularly appropriate that we should discuss mutual assistance among crime prevention departments in the EU and so on the day after a major operation in Belgium in which a privately owned jet from this country landed to pick up €10 million of heroin. That type of operation, probably more than most other aspects of crime today, requires a great deal of the mutual assistance provided for in the Bill.

In saying that, I congratulate the law enforcement authorities, Belgian and Irish, involved in taking that huge quantity of heroin out of circulation and ensuring that it does not cause the kind of misery to which Deputy Michael Higgins referred. It is virtually unprecedented, although a few months ago there was a similar seizure of heroin worth €7 million in Ratoath, County Meath. That probably demonstrates the changes in Afghanistan and the huge crop of heroin that has become available as a result. It should come as no surprise to any of us that such vast quantities are headed to this State. However, one can only imagine the human damage that such great amounts of the drug are causing here.

The other aspect to yesterday's operation is the almost "Miami Vice" style international involve-

ment and a private executive jet being used to collect the drugs and bring them back to this country. That is how the international drugs trade operates and why law enforcement authorities have to be able to respond at that level. They have to work together to stymie today's €1 billion drugs trade. Having said that, there were a number of worrying aspects. Apart altogether from the type of drug and the enormous quantity involved, it is quite incredible that the jet involved could fly out of an airfield in this country and return without anyone examining it to find out whether it had a cargo, who the passengers were or what they were bringing with them. Yet it has been raised in this House in the past. The Independent Deputy for the area in which Weston Aerodrome is based, Deputy Catherine Murphy, raised it within the last few months and tabled a Dáil question this week highlighting the fact that there are no customs, Garda or any other type of checks carried out on private aerodromes such as Weston. In the reply given to Deputy Catherine Murphy, the Minister for Finance, who has responsibility for the customs operations, acknowledged that there should be regular checks of Weston and similar aerodromes, particularly in the context of the international drugs trade. Yet those regular checks are not being carried out.

In 2005 a total of ten planned customs checks were carried out at Weston and six unplanned checks. Those statistics were given by the Minister in replies to Deputy Murphy. It seems extraordinary to me but apparently jets can land at Weston, the passengers can descend and get into a taxi. They do not even go through the buildings in the place. The buildings, of course, do not have planning permission in Weston, which is another worrying aspect. The owners and those involved at Weston do not appear to have any regard whatever for the laws of this land. That is the context. There is a blatant flouting of the planning laws in this place and now jets are flying in and out.

Presumably this was not the first occasion drugs were flown into this country. It would be an enormous coincidence if that were the case. The likelihood, however, is that it was not. If people are running an aerodrome with no regard for the laws of the land and the State is failing in its responsibilities to ensure proper customs and Garda monitoring takes place at these aerodromes, it is inevitable that the type of operation that was being carried out yesterday will happen. This issue has been addressed in the past in the House and has not been responded to in any positive way. I hope, following yesterday's activity and the reality of what can happen in that type of situation, action will now be taken and that proper customs and Garda monitoring will take place as regards air traffic operations from this private aerodrome at Weston or any other. If not,

[Mr. Gregory.]

we might as well forget about the war on drugs or our attempts to deal with the importation of drugs into this State.

I have a further question I want investigated. I should like to see everybody involved or connected with that drugs operation yesterday thoroughly investigated by the Criminal Assets Bureau. As regards the property or land associated with people who were involved in that operation, it should be clarified whether this was the first time a drugs consignment was found there. The Criminal Assets Bureau has a major role to play in a follow-up of all of those connected with what could have been a disastrous drugs importation into the State. Incidents such as that show the relevance and necessity for the type of legislation we are discussing. However, there is little point in discussing legislation, ratifying conventions and involving ourselves in mutual assistance pacts if we do not take the basic steps on the ground to counter international drugs crime in this country. It is very basic that aircraft cannot be allowed to fly in and out of the State with people unknown to anyone, checked by no one and carrying unexamined luggage. That makes absolute nonsense of the term mutual assistance. That said, I do not want to end on a negative note.

The reality is that yesterday a consignment of heroin was seized by the Belgian law enforcement authorities. That is to be lauded. If the Irish national drugs unit was involved in any way in providing information that facilitated this to happen, it is to be congratulated. However, we cannot gloss over the fact that the most basic steps are still not being taken in this State to prevent this type of international drug smuggling. Of course it could involve all types of other smuggling as well. I hope, however, this will be a wake-up call and that what happened yesterday will ensure steps are taken to prevent any recurrence.

The Minister for Justice, Equality and Law Reform is not present in the Chamber. He was in the Seanad earlier and I am sure he has a busy schedule. I hope, however, that he will address these matters and that these issues will be brought to his attention. I hope they will be brought to the attention of the Minister for Finance, who has responsibility for customs. I hope my call for a thorough investigation by the Criminal Assets Bureau into all of those connected with the drugs importation yesterday will be acted on and carried out.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): I thank Members for the constructive debate on this Bill and the suggestions made.

It is a good thing that many Deputies have reacted in a positive way and share the view that this is an important Bill which will strengthen our

hand in the fight against terrorism and transnational crime. Effective co-operation between member states of the European Union and between states worldwide is of increased importance in recent times. Organised criminal groups exploit modern-day phenomena such as globalisation, an increasingly border-free world and rapid technological advances in computers and communications. Organised criminals have become increasingly sophisticated and regularly use international networks to carry out their activities. Faced with this reality, organised crime can no longer be effectively tackled on a national level. As Deputy Coveney noted in his remarks in June, crime does not respect borders. In this context, it is important that Ireland takes its place on the international stage as a partner for mutual legal assistance purposes.

Reference was made during the debate to the amendments to be brought forward on Committee Stage to give effect to the mutual assistance aspects of the UN Convention against Corruption and the UN Convention against Transnational Organised Crime. The reason for this is that the advice of the Attorney General on the legislative measures required to give effect to the instruments was received since this Bill was published. The Bill provides an ideal vehicle for dealing with mutual legal assistance in criminal matters, which are limited.

Concerns were raised by Deputy Gerard Murphy and Deputy Catherine Murphy concerning the technological resources available to the Garda to implement this legislation. It is intended that the Garda will have at its disposal the latest state-of-the-art information technology and telecommunications systems to compare with the most modern police forces throughout the world. This is demonstrated by a significant increase in the information technology and communications budgets for this year. The capital allocation for IT in 2006 is over €33 million, representing an increase of 18%, or over €5 million, compared to 2005. There is a particular commitment to replace the current radio systems with a state-of-the-art digital radio as quickly as possible. The strength of the force on 7 September was 12,770, representing an increase of 2,068, or 19%, since June 1997. The commitment to increase the strength of the Garda to 14,000 by the end of this year is fully on target.

Deputy Howlin queried the enforceability of the provision in section 14(2)(b)(i) that material supplied in response to a request may not be used for any other purpose without prior consent. This provision also features at section 60(5)(a). In fact, it is nothing new and mirrors section 52(6) of the Criminal Justice Act 1994, which has been in operation for some considerable time. With regard to Deputy Howlin's query on how the judicial oversight of interception authorisations would actually operate, I refer him to the pro-

visions of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993. Section 28 of this Bill merely extends the review provisions of section 8 of that Act to cover interception authorisations carried out under this Bill. That review is generally retrospective and is carried out by a judge of the High Court.

Questions have been raised about Parts 5 and 6 of the Bill. In effect, they are a re-enactment of sections of Parts 3 and 7 and of the 1994 Act, with some amendments in the light of operational experience and they take account of the provisions in the instruments encompassed by the Bill. Sections 51(3) and 52(2) provide for the written consent of the prisoner to the transfer to another state to give evidence or assist in investigations, and these are new provisions. It is necessary to give effect to provisions in the 2000 convention and in the second additional protocol. Provision for the taking of evidence by television and telephone link is also new. Deputy Howlin also referred to the fact that “requesting authority” is not defined in Part 6. He is correct, but a definition is not required here as section 2 of the Bill contains general definitions applicable throughout the Bill, and that section clearly defines “requesting authority”.

Deputy Howlin also mentioned sections 69 and 70, dealing with restitution. The Criminal Justice (Theft and Fraud Offences) Act 2001 deals in section 56 with restitution within the State only. Section 69 of this Bill enables restitution orders to be made with respect to property in a designated state and section 70 makes this reciprocal. In regard to the examples the Deputy used, restitution of property can only be made where there is a criminal conviction and a court must order such restitution. The Deputy raised a scenario of artifacts in an Irish museum allegedly stolen from their rightful owners by the Nazis. In order for this section to operate in such a context, it would need to be proven that an offence had been committed and that the property had been obtained by criminal means. It is not as simple as merely asking for objects to be returned. The Deputy is correct, however, in his interpretation that no specific time limit is in place with regard to applications for restitution. Article 8 of the 2000 convention and article 12 of the second additional protocol, on which this section is based, do not contain time limits.

With regard to the Ireland-US Agreement, in addition to the Oireachtas scrutiny of this measure which has already taken place, motions under Articles 29.5 and 29.4.6 of the Constitution will be brought before this agreement can be ratified. This will be done following enactment of this Bill. Deputy Howlin also mentioned joint investigation teams. Sections 3 and 4 of the Criminal Justice (Joint Investigation Teams) Act 2004 detail the circumstances in which a joint investigation team may be established.

Deputy Ó Snodaigh mentioned the obligation to transpose EU instruments into law and noted that such instruments only come before the Houses following negotiation. This has indeed been so in the case, but following the introduction of EU Oireachtas scrutiny measures, Oireachtas Members now have ample opportunity to examine proposed measures in advance and make inputs if they wish. Deputy Ó Snodaigh made a suggestion that judicial oversight take place before interception of telecommunications messages is made. However, this is not possible under the terms provided for in Article 20.2(b) of the 2000 convention or under the existing arrangements provided for in the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993.

Deputy Catherine Murphy referred to section 4, which empowers the Minister for Foreign Affairs to designate certain states. The terms of section 4 are not new. Precedent may be found in section 3 of the European Arrest Warrant Act 2003 and section 37 of the Criminal Justice Act 1994. Deputy Murphy also queried certain provisions of the Ireland-US Agreement. A resolution approving the terms of the Ireland-US Treaty to which she referred was passed by Dáil Éireann on 29 November 2001.

In today's debate, Deputy Gregory spoke about the recent drug seizures. As there are ongoing investigations, it is not appropriate to make comments here. The full resources of the various enforcement agencies are being applied to the investigation. Any lessons that can be learned will be taken on board and I agree with his comments about the extent to which these drug barons are prepared to go to get heroin into this country. When we see the growth of heroin use in places like Galway, it is becoming a major source of concern. There is a growth in heroin use, which has major social effects including an increase in crime, at a time when vast resources are being used to deal with the problem in Dublin.

I assure Deputy Higgins the Bill is not temporary legislation. It will build on existing mutual assistance co-operation and will enable us to comply with our international obligations.

While the issue of unaccompanied minors comes under the remit of the Office of the Minister for Children under the Minister of State with responsibility for Children, Deputy Brian Lenihan, and the Health Service Executive, I will convey the Deputy's concerns to the Minister. The Deputy mentioned the UN Convention against Corruption. At present, its provisions are under examination in the Department to ascertain any further legislative requirements.

Deputy Finian McGrath expressed concern on human rights. The Irish Human Rights Commission received an early draft of the Bill for its consideration and responded in May 2005 with a

[Mr. Fahey.]

number of recommendations. The great majority of them required no amendments to the Bill, as the suggested changes had already been incorporated in the Bill during drafting. A number of further amendments were included on foot of the Irish Human Rights Commission's recommendations. As for the new criminal court complex, proposals are already under way within the Department in this respect.

Unfortunately, during a Second Stage debate it is not possible to go into significant detail about all measures in a Bill, particularly in the case of one as lengthy as the proposed legislation. Undoubtedly, detailed discussions on this legislative measure will take place on Committee Stage. I again thank all Members who contributed to this debate and I commend the Bill to the House.

Question put and agreed to.

Criminal Justice (Mutual Assistance) Bill 2005
[Seanad]: Referral to Select Committee.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): I move:

That the Bill be referred to the Select Committee on Justice, Equality, Defence and Women's Rights, 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.

Sitting suspended at 3.10 p.m. and resumed at 3.30 p.m.

Ceisteanna — Questions.

Priority Questions.

Public Transport.

1. **Ms O. Mitchell** asked the Minister for Transport when he will make a decision on the Dublin Bus submission following its review of bus services. [30175/06]

2. **Ms Shortall** asked the Minister for Transport if it is still Government policy to encourage people to switch from private to public transport; if that is the case, the reason for the delay in providing the additional 200 buses Dublin Bus requires to meet current demand; and if he will make a statement on the matter. [30289/06]

5. **Mr. Eamon Ryan** asked the Minister for Transport his plans for regulation of the Dublin bus market; the arrangements he will put in place to allow for a new bus regulator to review or change existing bus routes; the authority the

regulator will have to set service levels on such routes; and the means the regulator will have to ensure such service levels are reached.
[30290/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 1, 2 and 5 together.

The Government yesterday made a number of significant decisions that will provide a solid basis for expanded and improved bus services throughout the country over the coming years, while ensuring better value for money for both passengers and taxpayers.

In the case of the greater Dublin area, there is a requirement for an expansion of the number of buses providing scheduled services. This will require an increase in the total number of buses to approximately 1,800, under Transport 21, with a requirement for at least 200 extra buses over the next two years. The Government has decided to meet this initial requirement by providing up to €30 million immediately to enable Dublin Bus to buy 100 additional buses for delivery over the period 2006-07 and by mandating the proposed Dublin Transport Authority, DTA, to procure the additional 100 buses from the private sector to provide services on new routes.

The 100 buses procured from the private sector will form part of an initiative to facilitate the entry of new, private operators by awarding franchises to operate routes accounting for 15% exclusively to such operators by way of competitive tendering. Following this period, all new routes will be subject to a competitive tendering process open to all operators. The precise arrangements will be approved by Government on the basis of proposals from the DTA. This approach will encourage new investment and innovation in the Dublin bus passenger market.

In the interests of stability and integration of the bus network, the legislation establishing the DTA will allow the DTA to enter into a direct contract with Dublin Bus, in accordance with EU law, on the basis of its continuing to operate without a diminution in the size of its current bus fleet. The DTA will also enter into contracts with other operators in the Dublin market. All subvention payments, both to Dublin Bus and to new operators, will be made on an objective, transparent and even-handed basis to maximise value for public money.

The integrated nature of the Dublin bus market will be underpinned through the DTA having responsibility for traffic management strategy, which will prioritise public transport, and for integrated ticketing, fares and information systems. The DTA will also be empowered to organise the allocation of routes to operators in such a way as to maximise the prospect of efficient operation and the coherent development of the bus network. It will also be responsible for monitoring the quality and cost of

services by all operators and ensuring value for money on all routes.

The Government has also decided to invest up to €50 million in Bus Éireann for the delivery of up to 160 buses in the period commencing in 2007 for non-commercial services outside of Dublin.

As part of the Government decision, new legislation will be brought forward to replace the Road Transport Act 1932 by a modern regulatory and licensing regime in line with commitments in the programme for Government. This will be designed in a manner consistent with EU law on public service obligations and State aids and in such a way as to create new opportunities and a level playing field for private operator involvement in the bus market.

The combination of immediate investment in new bus capacity, and structural reform to introduce competition and enhance incentives for efficiency represent a balanced strategy to benefit bus passengers and taxpayers alike. It follows extensive consultation with interested parties and a study of mechanisms used internationally to achieve efficiency and effectiveness in bus markets. The Government's strategy will deliver immediate benefits and secure steady and continuing progress into the future.

The demand for bus services is set to grow substantially over the coming years. Ongoing economic, population and employment growth, the growth of urban areas and the significant role of bus-based public transport in a sustainable transport system will all drive growth in the bus market.

The Government's transport investment programme, Transport 21, has already recognised the critical role that an expanded bus service will have in meeting transport needs, including new and expanded feeder services to support a substantially expanded rail network. In total the programme provides approximately €770 million for upgrading bus services, with €530 million being provided for the greater Dublin area and €240 million for the rest of the country. The Government has now taken significant steps towards delivering on its commitment.

Ms O. Mitchell: I did not absorb the whole of the Minister's reply but I welcome the fact that some sort of a decision appears to have been made. Is the Minister aware of how bad the transport situation has become in Dublin in recent months, particularly since early September when the schools reopened and the full impact of the upgrade to the M50 made itself felt? The impact of 100 buses on that situation will be minuscule. A major input of buses is now required.

I take it that the money being made available will provide 100 additional buses. The Scott Wilson report, prepared for Dublin Bus five years ago, estimated that by this year an additional 500 buses would be required but none has been pro-

vided, which illustrates how far behind schedule we are.

I am not clear about what has been agreed with the Progressive Democrats on competition and the involvement of the private sector. I understood from the Minister's reply that 15% of new routes would be put out to tender. Is that correct?

Mr. Cullen: They will be exclusively available for the private sector and there will be a tendering process for them.

Ms O. Mitchell: Is it only 15%?

Mr. Cullen: The first 15% will be exclusively for the private sector. After that the whole market will be opened up.

Ms O. Mitchell: The whole market will be opened up.

Mr. Cullen: Beyond the first 15% everybody will be able to compete for new services.

Ms O. Mitchell: Is the Minister going beyond the promise of his predecessor, Deputy Brennan, that 25% of all routes would be opened up?

Mr. Cullen: No. It is an entirely different proposal.

Ms O. Mitchell: Are only additional routes to be opened up?

Mr. Cullen: Yes.

Ms O. Mitchell: That is very disappointing in the context of the volume and extra capacity required in Dublin. I welcome the fact that there are to be some improvements. Can the Minister let us know when these buses will come on stream? I know the Ryder Cup buses are available. Does the Minister agree that they must be targeted in the vicinity of the M50, to bring people who live on the far side of that road into the city? It has become unbearable for people living on either side of the M50. It was supposed to liberate us but the M50 has become like a wall, imprisoning people inside and outside it. In my constituency I can travel right around all the new communities on the north side, such as those who use the Navan Road, and they now experience appalling delays, not just on the M50, its approach roads and slip roads but in trying to get in and out of estates, which they cannot do because the traffic has become so bad.

It is necessary to target new buses not at existing routes but at new routes, because it is very important that those people can get into Dublin city. I am sure the Minister is aware we are facing another five years of traffic chaos with the M50 upgrade and something has to be done as a matter of urgency.

Mr. Cullen: I am pleased that, after many discussions with stakeholders, both in the public and private sectors, the proposals on which I was working met with favour in Government. This is an evolutionary approach to a planned opening up of the market and is in line with EU competition law.

I have already conveyed the need for Dublin Bus to provide an additional 100 buses into the market in Dublin. Dublin Bus is responsible for its own day-to-day operations but I and others in the House have articulated the need for as many buses to come on stream as quickly as possible. We also want to provide 100 extra buses to the private sector, as additional buses are required, particularly on the periphery of the city, as the Deputy made clear.

Ms O. Mitchell: Is the Minister to give 100 buses to the private sector?

Mr. Cullen: We will support the entire pool of buses for subvented routes, as provided for in Transport 21, because subvention is involved.

Ms O. Mitchell: Does the Minister mean capital subvention?

Mr. Cullen: We will wait for proposals to come forward but I am not averse to it. The immediate requirement, however, as indicated by Dublin Bus network planning, was for 100 buses, which it has now received. It is often forgotten by people looking purely at the numbers in the present fleet that the capacity has increased by 40%, owing to a change in the type of buses the company uses. One cannot simply compare numbers with numbers — capacity is important.

I agree, as I set out in Transport 21, that the bus market and the role of the bus fleet in the public transport network is fundamental and crucial to the delivery of public transport, not just in Dublin but around the country. That is why I am providing such substantial moneys through Transport 21 for both Dublin and the rural market. I have also met Bus Éireann's requirement for 160 new buses.

Ms Shortall: I trust the Chair will give ten minutes to my question. I asked the Minister if it is still Government policy to encourage people from private to public transport. There is no evidence that it is. Between 2001 and this year only 20 buses were provided in the Dublin area. As I have often said to the Minister, on Westmoreland Street every evening one can see hundreds, if not thousands, of people being refused access to buses because the number of buses is inadequate. The Minister has mentioned various figures today. Under the NDP, by the end of this year he is supposed to have provided Dublin Bus with 183 additional buses. They are still owed to Dublin Bus. The Minister tried to long-finger this over

the past 18 months. He asked for and received a review early this year and was told Dublin Bus could provide the services required to meet demand if it received an extra 200 buses. The Minister has said he will authorise 100 buses. Can he clarify what he intends regarding the other 100 buses Dublin Bus says it requires?

It is cold comfort to those who live close to the quality bus corridors recently provided at great inconvenience to drivers and considerable expense to see that there is not a single bus on them. This is intolerable and the Minister should be ashamed of it. There is an urgent need for buses to be provided on those QBCs and to enhance the number of buses on existing routes, as the queues at any bus stop morning and evening will demonstrate. Will the Minister explain his proposals on the second batch of 100 buses? These buses are overdue.

Will the Minister also explain what regulation he plans? He is about to dismantle a good, integrated and co-ordinated network that encompasses a degree of expertise on the wider Dublin area's bus needs. There is a danger that if the Minister dismantles that he will appoint a new regulator who will know nothing about the area and will not have the expertise, and it could take a number of years to recover and return to the current position. Will the Minister confirm that Dublin Bus will still manage the overall network? It is a specialised area in which there is limited expertise.

Mr. Cullen: I do not know how the Deputy can question the Government's significant commitment to getting people on to public transport in Dublin and throughout the country. There seems to be some confusion on her part. Some 22 million people use the Luas each year.

Ms Shortall: We are talking about buses.

Mr. Cullen: The question is whether the Government is committed to public transport.

Ms Shortall: In respect of buses.

Mr. Cullen: The evidence is clear that there is serious commitment by the Government, more than any other Government in history, both in planning resources and in large investment in improving public transport in general.

Ms Shortall: Not in buses. They are always the poor relation.

Mr. Cullen: In Luas, Dart, commuter services and inter-city rail our commitment has been unbelievable. The Labour Party has a difficulty with it because it finds it hard to see Fianna Fáil continuing such a commitment.

Ms Shortall: We are talking about buses, which the Minister forgot in Transport 21.

Mr. Cullen: There has been significant investment in the capacity of Dublin Bus. Deputy Shortall is fighting an old battle that not even the unions and Dublin Bus are fighting. She should talk to them.

Ms Shortall: The figures show that only 20 buses have been provided in five years.

Mr. Cullen: Hundreds of new buses with huge increase in capacity——

Ms Shortall: They were not extra buses. The Minister has provided only 20 extra buses.

Mr. Cullen: Dublin Bus asked me for 100 buses immediately and I am delighted to say that is in place and the money is being provided to Dublin Bus to deliver them.

Ms Shortall: Has the Minister read this review? It says 200 buses are required.

Mr. Cullen: They will be delivered over two years. The second 100 will be made available immediately to private sector companies for procurement on a competition basis which will form part of guaranteeing the next——.

Ms Shortall: The Minister does not even have the legislation in place.

Mr. Cullen: Does Deputy Shortall want me to answer the question?

Ms Shortall: How long will this take? We do not have the legislation for the authority that the Minister says will regulate the market. People want extra buses today and tomorrow, not some time next year or the following year.

Mr. Cullen: If the Labour Party and Fine Gael were in power it would take forever, however unlike Deputy Shortall I make decisions and deliver.

Acting Chairman (Mr. McGinley): Deputy Ryan has a question on the same subject.

Mr. Eamon Ryan: The key figure of the Government's record is that capacity has increased by 40%. I agree with Deputy Shortall that more buses were promised that were not delivered. According to Dublin Bus official figures the volume of bus passengers in this city decreased last year while transport numbers increased by 80%. Is that not an example of the incompetent manner in which the Government has managed our transport system? Bus passenger numbers decreased at a time when we needed

to switch people to buses and they were queuing at the stops, as Deputy Shortall said.

I have three questions for the Minister. Why, in August 2000, were we able to produce a report on a new institutional regulatory framework for public transport, page 19 of which recommends that within a year we would establish a regulatory authority to do exactly what the Minister has committed to do today? It was promised six years ago. What happened six years ago to prevent that from being implemented? What has been happening over the past five years as that sat on the shelf and Dublin passengers stood on the side of the road?

The new regulator should be given the full strategic role of designing the bus network in this city. It needs to be radically changed. We need to leave the 1950s and enter the 21st century. We require a mesh of bus services and new routes, not just in the expanding communities of which Deputy Mitchell spoke, but in existing areas. In my area the 75, 17 and 18 orbital bus routes do not work. One never knows when the buses are coming and they go all around the world. We need new orbital bus services to replace those services and provide fast frequency services. Will the regulator be able to regulate the routes and design the network for Dublin Bus routes as well as the private ones?

I am still uncertain of the Minister's meaning. If only 15% of the new routes are to be opened and 100 buses made available to the private sector, the Progressive Democrats have obviously caved in. I would like the Minister to explain it in more detail. What roll-out to the private sector does the Minister envisage? Will it apply only to new routes? Will the changes consist only of new private sector routes tagged onto the existing network or does the Minister plan a comprehensive review of the Dublin bus service? A comprehensive review is needed.

Acting Chairman: I ask the Minister to be brief as we have almost exhausted our time.

Mr. Eamon Ryan: I ask the same respect that other Members got in their responses.

Acting Chairman: I realise that and am trying to do my best. Two other Deputies are waiting to ask their priority questions. If Deputies would ask questions without making speeches we would be further on.

Mr. Cullen: Dublin's public transport capacity has been greatly increased over recent years.

Mr. Eamon Ryan: The number of passengers has decreased.

Mr. Cullen: There has been a significant increase in the number of public transport modes and the number of people using public transport.

Mr. Eamon Ryan: Passenger numbers decreased last year.

Ms Shortall: Only 20 extra buses were provided.

Mr. Cullen: That is the object of the exercise, as the Deputy knows. The Opposition had no confidence in Luas and said it would never be built but 22 million passengers have answered that.

Mr. Eamon Ryan: We had no confidence in the Government.

Ms Shortall: Only 20 extra buses.

Mr. Cullen: Seven further extensions and new lines under Transport 21, four of which are already under way, will form part of the service.

Ms Shortall: Most people have no choice about their transport.

Mr. Cullen: The 100 buses I mentioned for the private sector are not the total. They form part of an immediate guarantee ring-fenced for the private sector so that it can get a strong foothold in the market. In respect of regulation, the Dublin Transport Authority will discuss with Dublin Bus and the various operators how the network is working in Dublin and throughout the greater Dublin area. There is a need for many new services on the orbital routes and interconnectivity both with other modes of transport and the city.

It is proper not to dismantle a network that works. We are trying to add capacity and work within EU competition law and the EU directives to ensure that we achieve a modern regulatory framework that brings competition into the market and opens the market in a measured way, unlike the big bang approach taken in other countries, following which whole systems collapsed.

Mr. Eamon Ryan: Is the Minister saying that the new regulator will have the authority to tell Dublin Bus to amend its existing routes or service levels?

Mr. Cullen: I said that the DTA, which will be a strong body, will be responsible for the integration of all the services in Dublin. We will have to take an overview. The Deputy seems to presume that the DTA will have an adversarial role. The DTA will work with Dublin Bus and the private operators in expanding the route and maximising the public transport system, the bus networks, to the benefit of the customer. That is what we want to see. I think that is what the Deputy is saying.

Acting Chairman: I call Ceist Uimh. 3 in the name of Deputy Gregory.

Ms O. Mitchell: The Minister has made a significant announcement.

Acting Chairman: I am sorry. We have exceeded our time.

Parking Regulations.

3. **Mr. Gregory** asked the Minister for Transport the progress made by his Department regarding the proposal for residents only parking on major event or match days in areas within a certain radius of stadia; and if he will make a statement on the matter. [30292/06]

Mr. Cullen: I am aware that parking problems arise on the roads in the environs of stadia such as Croke Park on match and other event days when a large influx of motorists from outside the area park on residential roads for the duration of the events.

An examination in my Department of the present road traffic legislative provisions indicates that there is no legislative provision to reserve parking on a specified public road on specified dates exclusively to the persons who reside in premises on that road and their guests, as mooted in respect of residential roads that are outside the cordon area put in place by the Garda Síochána in respect of the streets in the immediate vicinity of the Croke Park stadium.

The call to reserve parking to local residents is a complex matter. It has also been drawn to my attention that inconvenience can also be experienced by residents where parking congestion can arise daily on public roads in residential areas in other circumstances countrywide, such as, for example, where day-long parking is availed of by commuters or persons who work nearby.

My Department is examining the regulatory road traffic legislative provisions available to road authorities when applying restrictions and prohibitions on the parking of vehicles to ascertain if new measures to reserve parking to local residents in any circumstances are appropriate or feasible. The issue has been referred to the Office of the Attorney General and when advice is received, I intend to commence a full public consultation process on the issue.

Mr. Gregory: I thank the Minister for his reply. He refers to parking problems around Croke Park. Does he appreciate the seriousness of the issue for the communities in that area? They are closed off and shut down on major event or match days in Croke Park. People cannot get access to their homes. This is in dramatic contrast to the clinical traffic management witnessed around the K Club for the recent golfing event

there. There is absolute chaos around Croke Park and the residents are the main victims.

While I welcome the Minister's remarks and acknowledge that there are other circumstances in other urban areas where residents are demanding residents only parking because of commuter traffic and so on. This is a major issue for people in the cities. Can the Minister give us a timeframe for the process he is putting in place? How long does he envisage that this will be with the Attorney General? It is some months since the Minister indicated in a written reply to me that the matter was going to the Attorney General and it is still with him. Will the Minister give some sort of timeframe and say whether he is committed to trying to address this issue in the public consultation process to which he refers?

Mr. Cullen: I agree with the Deputy who knows that I met a delegation of which I think he was part, when Councillor Fitzpatrick brought a group to me. I accept that there is a problem but neither I nor any Minister of the day could legislate nationally for one stadium. The issue arises in Thurles and other grounds throughout the country. We must therefore consider it comprehensively. It is with the Office of the Attorney General. My officials and officials in his office have been working on this. I did not want to proceed with the public consultation process without some legal basis for what we should do, and then fit a policy objective into it. I am anxious to get a result quickly and set up a public consultation process because there are many different views that people want to express on this.

I know Croke Park and go there regularly, not that Waterford reaches many finals but we have at least got as far as some all-Ireland semi-finals in recent years. It is difficult for the residents in the area as in other places. As soon as I get a response on the area with which I can deal, I will hold a public consultation process. I will place a time limit on that which will be helpful to everybody.

Mr. Gregory: I thank the Minister for his reply.

Port Development.

4. **Ms O. Mitchell** asked the Minister for Transport when a decision on future port capacity will be made, as this is a critical national issue. [30174/06]

Mr. Cullen: The Government's ports policy statement, which I launched early last year, aims to equip the port sector and its stakeholders better to meet national and regional capacity and service needs. One of the key challenges that lie ahead is the provision of adequate in-time port capacity, especially for unitised trade, lo-lo and ro-ro. The policy statement sets out a framework to ensure that capacity needs are identified,

planned and progressed in a co-ordinated manner.

As part of this process, my Department appointed in September 2005 a firm of consultants expert in this field, Fisher Associates, to help determine whether the anticipated capacity requirement to 2014 and beyond can be efficiently and adequately met through the successful advancement and implementation by the port sector of some combination of the various proposals under development in the sector.

Detailed submissions outlining proposals for new capacity for unitised trade were received from the following ports and evaluated by Fisher Associates: Cork, Greenore, Dublin, Drogheda, Rosslare, Shannon Foynes and Waterford. The final report of Fisher Associates was completed in June 2006 and the Government noted its conclusions in July 2006. It is intended to publish the broad conclusions of the report in an information paper shortly, which will be available on my Department's website at www.transport.ie.

In summary, the study concludes that there is significant available capacity for lo-lo traffic at Irish ports. Available capacity for ro-ro traffic also exists, although less so than in the case of lo-lo. The conclusions of the study clearly demonstrate that the projects being progressed by the ports sector have the potential to deliver adequate capacity, in line with the Government's ports policy.

I can assure the Deputy that my Department will closely monitor the progress of these proposals, and for its part will certainly do what is necessary to ensure the statutory and other corporate governance requirements are dealt with expeditiously. If there is a sound business case for these projects, the Minister for Transport and the Minister for Finance, as shareholders in the State-owned port companies, will be positively disposed towards them.

While the Government, as shareholder and policymaker, has a clear interest in ensuring the provision of adequate, cost-effective port capacity, the development of the necessary capital projects is primarily a matter for the individual port companies and their boards. This is in line with the commercial mandate given to the port companies under the Harbours Act 1996.

Ms O. Mitchell: I am well aware these investments have to stand up commercially. It is up to the ports to make the investments. However, the Minister for Transport is responsible for making broad strategic decisions about where capacity will be provided. When the Minister spoke earlier about buses, he said he was great at making decisions and that we would be hopeless at making decisions. He is the world's greatest ever procrastinator. The reality is that decisions on port capacity and, in particular, container capacity in ports have been postponed indefinitely. Many

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reports and policy statements have been published, but no policies have been outlined. Policy frameworks have been promised and the Fisher report has been completed, but no decisions have been taken. As a result, no strategic direction for the ports has been indicated. Is the Minister aware that the growth in capacity requirement that was originally envisaged by the Government is just half the level of growth that is anticipated by IBEC? When will the Minister make some kind of strategic direction known? Putting something on a website is not the same as making a policy decision or taking the kind of proactive position that is expected of the Government. The Minister and Ministers of State in the Department of Enterprise, Trade and Employment, who have joined the Taoiseach on many occasions when he has gone around the world to tout for trade, are aware that our ports cannot accommodate an increased level of trade.

Mr. Gallagher: We would not have any problem with port capacity in the future — there may be a shortfall in meeting the requirement of 12.2 million tonnes by 2014 — if it were not for the success of the economy. I am making a political point when I say that.

Ms O. Mitchell: I am not disputing the success of the economy.

Mr. Gallagher: The most objective observers are suggesting we will continue to enjoy growth of between 5% and 6% in each of the next few years. There will be a long lead-in time because it is not possible to provide additional capacity in the short term. For that reason, I launched the ports policy statement in January 2005, when I was Minister of State at the Department of Communications, Marine and Natural Resources. I appointed Fisher Associates to compile a report shortly thereafter. We have been proactive. The Fisher report was cleared by the Cabinet in July — this is the end of September. I am taking the opportunity to meet representatives of the Irish Ports Authority at its meeting in Galway tomorrow. I will pursue this matter even further at that forum. As we speak, a number of ports are making progress. The various ports, including those in Dublin and Waterford, are at different stages. The purpose of this process is to establish what is required and how it can be delivered. I have been impressed with the ports. I believe they can provide additional capacity from their own resources. As I have said previously, if it is necessary for the ports to sell non-core assets, they can do so. The State might be in a position to assist them in exceptional circumstances.

Ms O. Mitchell: The Minister of State has been proactive in commissioning reports, but he has not been proactive in making decisions. Will the

Minister of State make a strategic decision? Will he give strategic direction to the ports? Will he outline where he thinks capacity should be provided? Will he ensure capacity is provided in a way that could integrate with our rail freight policy, if we had a rail freight policy?

Mr. Gallagher: While the port authorities are responsible for making decisions of this nature, they will have to come to us for approval. I will discuss this matter with the Minister, Deputy Cullen. After they have made their decisions and issued their recommendations, we will certainly co-operate with them to ensure the additional capacity can be provided.

Ms Shortall: That is as clear as mud.

Question No. 5 answered with Question No. 1.

Other Questions.

Road Safety.

6. **Caoimhghín Ó Caoláin** asked the Minister for Transport if there has been co-operation on a North-South basis regarding the issue of road safety; and if he will make a statement on the matter. [29880/06]

10. **Mr. Morgan** asked the Minister for Transport if there have been discussions in relation to improving road safety on an all-Ireland basis. [29876/06]

103. **Ms B. Moynihan-Cronin** asked the Minister for Transport when he expects mutual recognition of penalty points to be introduced on both sides of the Border with Northern Ireland; and the other areas of cooperation his Department is working on currently. [30076/06]

Mr. Cullen: I propose to take Questions Nos. 6, 10 and 103 together.

In December 2000, the transport sector of the North-South Ministerial Council approved a programme for enhancing North-South co-operation on road safety. The council agreed that joint road safety campaigns would continue to be promoted by the Department of the Environment in Northern Ireland and the National Safety Council in this jurisdiction, with one such campaign envisaged each year. Joint road safety awareness campaigns are particularly suitable for North-South co-operation. They generate economies of scale in terms of production costs and television and other media exposure. The Department of the Environment in Northern Ireland and the National Safety Council have well-established co-operation arrangements in this area. Nine joint

advertising campaigns have been developed by the Department of the Environment in Northern Ireland and the National Safety Council since 1999. The campaigns have targeted speeding, seat belt wearing, drink driving, vulnerable road users, motorbike safety, driver and pedestrian inattention and child safety.

The Road Safety Authority has taken responsibility for road safety advertising and promotion. It will continue to co-operate with the Northern Irish authorities in the area of road safety. A further joint campaign relating to child safety and seat belt wearing will be launched in Belfast on 3 October next. The Minister of State, Deputy Gallagher, will attend the launch of the joint safety campaign on Monday. The issues of driver disqualification and offences which attract a lesser penalty are being dealt with at two levels. A framework for the mutual recognition of driver disqualifications is contained in the EU convention on driving disqualifications, 98/C216/01. The convention relates to disqualifications arising from a range of specified traffic offences including drink driving, speeding and dangerous driving. Irish legislation to support the application of the convention is contained in the Road Traffic Act 2002.

In advance of the convention fully coming into force and following a ministerial meeting of the transport sectoral group of the British-Irish Council on 9 February 2006, I have formally agreed with the UK junior transport minister to enter into bilateral arrangements on the mutual recognition of driving disqualifications, as envisaged in the EU convention. The UK junior minister wrote to me recently to advise me that the UK and Northern Ireland authorities are working to complete the necessary legislative and consultative processes to enable mutual recognition to be in place by April 2007. The various officials are continuing to work to ensure the necessary administrative arrangements are in place to enable the relevant administrations to recognise and take action on driving disqualifications occurring in the other jurisdiction.

In relation to lesser offences, the North-South work programme, as agreed by the North-South Ministerial Council, includes a commitment to examine the mutual recognition of penalty points between the Republic of Ireland and the North. Not only do separate penalty point systems operate in the two jurisdictions on this island, but the system that operates in Northern Ireland also differs from that applying in Great Britain. Therefore, it was agreed that it would be more appropriate to pursue the question of mutual recognition of penalty points on the basis of the operation of the three systems and that it would be more appropriate to deal with it under the auspices of the British-Irish Council. As Northern Ireland has the lead role for transport matters in the council, the authorities in that jurisdiction are

taking the lead in considering this issue. It was agreed at the British-Irish Council meeting on 9 February last that officials should examine the prospects for greater co-operation in the treatment of road traffic infringements where the penalty falls short of disqualification. Arising from the work in this area, I have agreed with the UK junior transport minister the terms of reference which have been proposed for a study of the feasibility of greater co-operation between us on lesser road traffic infringements, with a view to our officials undertaking a study on that basis and reporting back to us next year.

Aengus Ó Snodaigh: I welcome the Minister's response. The television campaigns that have been promoted by the two road authorities in Ireland to date have been welcome, hard-hitting and quite effective. Road safety goes beyond that, however. Does the Minister agree there is a need to consider the harmonisation of road signs, speed limits, driver education and testing and, as he mentioned, penalty points? Does he agree there is a need to accelerate the recognition of penalty points in the form he outlined? Is there an indicative timeframe for when that will come about? I refer not only to offences which attract penalty points, but also to offences which attract penalties which are less serious than disqualification. Can the Minister indicate when the EU convention on disqualifications will come into effect? He mentioned that he hopes the bilateral agreement will come into effect within a few months. Has any work been done on different road surfaces and signals? It would be practical and effective to introduce measures in respect of a number of different aspects of road safety. All of us on the island of Ireland should benefit from the exact same road safety campaigns, speed limits, road signs and driver testing procedures. We could even bring the criteria used to test cars in our national car test and the test offered by the Department of the Environment in Northern Ireland into line with each other.

Mr. Cullen: The convention will come into place when all signatory member states have ratified it. It allows for member states to move ahead with bilateral arrangements if the opportunity presents itself as it did to us and the Northern Ireland authorities. This was discussed at a recent British-Irish Council meeting and several Ministers agreed with it. We have also been to the fore at European level in the recognition of these issues, particularly the recognition of penalty points on a European basis. It is the logical way to go and will provide the best results for road safety.

In this jurisdiction many advances have been made in the past two years with road and signage quality. Similar road signage and so on would be helpful to all drivers on the island. Currently it is

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difficult for drivers coming from Northern Ireland into the Republic and *vice versa*. Road safety strikes me as an issue that could be dealt with on an all-island basis. It would have a good impact on road safety for the benefit of all drivers.

We have moved with our counterparts in Northern Ireland on a bilateral arrangement. There are, however, three different systems between the jurisdictions. It was agreed that the best method would be to have a harmonised approach rather than matching one system up with another and unscrambling an existing one. The Northern Ireland Office is the lead party in the British-Irish Council on this and it is working through a system. It keeps in touch with departmental officials and has a timeframe to report back early next year at the next British-Irish Council meeting.

Ms Shortall: I welcome such co-operation and joint road safety awareness campaigns. I hope we will move towards an all-island road safety strategy. My principal concern is with penalty points. I do not under-estimate the difficulty in co-ordinating the two systems. Much time, however, has been lost. If we are to move on a trilateral or a Europe-wide basis, it will take forever. The urgency is in respect of Northern Ireland and the South. One only has to drive on the M1 to see what is happening. Invariably, cars that overtake on the M1 at enormous speeds are northern registered cars and similarly, on the northern side of the Border, southern registered cars have no regard for speed limits. The accident statistics will bear that out in the northern regions. There is a definite urgency in reaching agreement on mutual recognition of penalty points between Northern Ireland and the South. Will the Minister consider fast-tracking this? If we are looking to the rest of Europe to move with us, it will take for ever.

Mr. Cullen: I do not disagree with the Deputy. That is why we have moved ahead of the European level. I have raised this matter at the EU transport meetings. It is not a question of some countries being more committed than others. However, getting a harmonised system in place is a formidable challenge. Because of that, we felt our immediate target should be on the island of Ireland. That is why I moved with my Northern Ireland counterparts on this. I am only one party involved in this process. The feedback was that it would have to be done on a UK-Northern Ireland-Republic of Ireland basis.

The Deputy correctly identified that it will be a longer process at European level. However, we have forced the pace in moving ahead. The primary objective is the island of Ireland result. We have in place the mutual recognition of driv-

ing disqualifications, a major step. When that is properly functioning, the penalty points issue should be resolved. I want one system of penalty points on the island of Ireland and the laws between the two jurisdictions to be harmonised to reflect this. Road safety and issues of that matter lend themselves to an all-island approach. The appetite is there for progress on the matter but one has to tread at a certain pace in these matters

Energy Resources.

7. **Mr. Gormley** asked the Minister for Transport the role his Department played in the development of the new Government Green Paper on energy policy; and the long-term forecasts his Department has for the use of energy in the transport sector to the year 2030. [29916/06]

Mr. Cullen: Substantial work was undertaken by the Department of Transport in preparing input for the energy Green Paper that will be published by the Department of Communications, Marine and Natural Resources shortly. As set out in the Department's statement of strategy 2005 to 2007, a key objective is to secure a sustainable transport network that balances economic, social and environmental considerations. We are mindful, in particular, of the need to reduce the energy intensity of the transport sector.

With regard to long term-energy demand forecasts for the transport sector, Sustainable Energy Ireland prepares forecasts for energy trends. It recently published a report, *Energy in Ireland 1990-2004 — Trends, Issues, Forecasts and Indicators*, which developed forecasts for energy demand in all sectors including the transport sector up to 2020.

Mr. Eamon Ryan: That reply tells me nothing. It tells me what Sustainable Energy Ireland has done but nothing of the Minister's views. The report by Sustainable Energy Ireland on energy and transport paints a bleak picture for Ireland in a world where oil is getting more expensive and carbon emissions must be reduced. Our energy use has increased by 150% in the past 15 years. Last year it increased by 8%. Road freight has gone through the roof. Not surprisingly under the Minister's management, rail freight has disappeared.

We are facing two major political challenges. Global oil production is about to peak, making it increasingly difficult for Ireland, one of the most oil dependent countries in the world. We have a moral obligation to tackle climate change. This requires radical cuts in emissions. The fastest growing sector for emissions is transport. What are the Minister's long-term plans to cut those emissions and reduce our use of oil? Future generations will look back and ask what were we

doing? Were we asleep? Did we read the signs and not plan for the long term?

Why are we not cutting oil use and transport emissions? Our current policies are heading in the wrong direction. This year, not one public transport project will be opened. Instead, the Minister will cut the opening ribbons on a dozen roads. How will we reduce the 8% annual increase in oil use when oil prices are doubling? The Minister's reply gave me nothing in this regard.

Mr. Cullen: This is the essential dilemma for the Green Party and whoever it might want to be with in Government.

Mr. Timmins: Fianna Fáil.

Mr. Cullen: The Deputy presents all the advances made in the economy as negative. The answers to some of his questions are issues of which we should be proud. For example, our employment numbers have doubled from one million to two million people and prosperity has come with that. Ireland has one of the most modern, efficient and open economies in the world. Demand for our goods and services has gone through the roof. I will not deny this has placed a heavy burden on our transport system. Ireland, like many other countries, is grappling with the global impact of energy costs on transport and emissions. However, there are no simple solutions to this.

In Transport 21, I did not present a "more roads" solution for Dublin and other areas. I presented a €16 billion investment in public transport, a large commitment to getting people out of their cars with a resulting impact on vehicle emissions. There is clearly a major onus on manufacturers in this regard and some are beginning to make serious advancements in terms of better use of fuel economies in cars, lorries, trucks and even buses. As part of our energy policy, I intend that some of the new buses that will shortly begin to come on stream will be more fuel efficient vehicles in terms of the energy sources they use.

The Government has enormous commitment to energy efficiency. As a former Minister for the Environment, Heritage and Local Government, I understand the issues involved and our commitments under the Kyoto Protocol. These targets are not easy to achieve because they are, to a degree, in conflict with the demands of the burgeoning, fantastically successful modern economy which this country now enjoys, led by the policies of the Government in the past ten years. There has been a price to pay for this but we should not write it all off as negative. I am interested in whether the Green Party does not want to build roads or have people drive their cars. What does the party want?

Mr. Eamon Ryan: The Green Party utterly disagrees with the paradigm the Minister presents of a choice between the economy and the environment. We agree with the views expressed by Al Gore in his recent film on climate change, which outlines the simple realities of the situation and refutes the Minister's image of a weighing scales with the economy on one side and the planet on the other. Without a planet, we will not have an economy.

Mr. Cullen: I agree.

Mr. Eamon Ryan: The public has the sense to realise that the solutions that will deliver a new green future are positive for society and the economy. The Luas service, for example, will allow for the development of enterprise, and more rail lines will benefit the economy in the future. It is ridiculous that each time the issue of our emissions and climate change is raised, the response is that the Green Party will wreck the economy. That is not the issue. Unless we reduce our use of fossil fuels, the Minister will wreck our economy because he is leaving us exposed to the future peak in global oil production.

There are a dozen changes the Minister could make tomorrow. As highlighted by this report, the fuel efficiency of vehicles is decreasing. He should ask the Minister for Finance to address this so that we begin to purchase leaner vehicles. The Minister could choose to begin building a rail line to Navan tomorrow morning instead of running a motorway through the Hill of Tara. He could build a spur to Shannon so that air passengers can access the airport by rail.

Mr. Cullen: We are taking all these actions.

Mr. Eamon Ryan: The Minister's lack of ambition and delivery is failing the public. The shocking aspect is that he does not even address these questions with any real intent.

Mr. Cullen: It is clear that the Green Party would crush this economy if in Government with Labour and Fine Gael. I do not know how they will figure this out. They would crush the hopes and dreams of people in this country.

Mr. Eamon Ryan: That is nonsense.

Mr. Cullen: It is clear the Deputy has not read Transport 21 because all the projects to which he referred are not only no longer dreams on paper but are becoming a reality. Work has begun on all those projects in terms of design, looking at alignment, land routes and so on. More resources have been provided by this Government than any other in the past. Given the size and scale of this country, the €34.5 billion allocated in a ten-year framework represents one of the greatest investments *per capita* in public transport development

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in the world. Neither I nor Fianna Fáil and the Progressive Democrats in Dublin need any lectures from the Green Party about commitment to the environment.

Mr. Eamon Ryan: The figures speak for themselves.

Mr. Cullen: It is a challenge for all governments to find a way of harmonising economic advancement with respect for the impact of that development on the environment. I am committed to meeting that challenge.

Ms O. Mitchell: The Minister can show his concern for the environment by taking one simple action. He must stop the sale by CIE, which it is currently undertaking, of the freight infrastructure and all the equipment associated with the Guinness contract. It is being sold off because CIE failed to secure the contract. I suspect it did not try very hard. It is now selling off the capacity that would allow that service to be recommenced by another operator. If CIE does not want to provide it, somebody else should do so.

The Minister must show his concern in this matter. Our roads are being completely clogged with heavy goods vehicles, HGVs, which are more likely to be involved in accidents and are completely destroying the environment. Per tonne carried, rail freight produces only one tenth of the emissions produced by HGVs. Will the Minister order CIE to stop the sale of not only the infrastructure associated with the transportation of the Guinness kegs but the property and equipment it is selling throughout the State?

Mr. Cullen: It is not doing so.

Ms O. Mitchell: The Minister keeps telling me that is the case but I can give him chapter and verse on the reality of the situation. He is sitting back and allowing this to happen. We will never be able to bring this equipment back. It may not be economically viable to CIE but it may be so to somebody else. The economics are changing daily given the increasing cost of oil and in terms of the fees we will have to pay to the EU for emissions.

Mr. Cullen: I am the first Minister for Transport in decades——

Ms O. Mitchell: Will the Minister answer the question? Will he stop the sale of this equipment?

Mr. Cullen: ——to restore the rail network and build new rail lines.

Ms O. Mitchell: Will the Minister say whether he will stop the sale of the equipment?

Mr. Cullen: I am answering the question. On Monday of this week we began the launch of the western rail corridor. The rail link to Navan will be opened and we will develop other commuter routes. It is now open to the private sector to participate in rail freight.

Ms O. Mitchell: However, CIE is the regulator and while it does not want the equipment, it does not want anybody else to have it either.

Mr. Cullen: I am as concerned as the Deputy that companies are choosing not to use the rail system for their freight. The truth is it is expensive when compared to the road network.

Ms Shortall: The Minister is subsidising the road network.

Mr. Cullen: If Deputy Mitchell gives me details of the infrastructure that is being sold off, I will be happy to deal with it.

Ms O. Mitchell: I can give the Minister chapter and verse on that.

EU Directives.

8. **Mr. Sherlock** asked the Minister for Transport the requirement under EU law to establish a national motor insurance database; the progress to date in this regard; the body or bodies responsible for establishing such a database; the manner in which it will be funded; and when he expects such a database to be operational. [30079/06]

Mr. Cullen: The fifth motor insurance directive, No. 2005/14/EC, in regard to insurance against civil liability in respect of the use of motor vehicles was adopted on 11 May 2005. The directive amends and expands on the previous four motor insurance directives. The fifth directive must be implemented by 11 June 2007. It requires each member state to establish a national motor insurance information centre. The purpose of the information centre is to make available, on request, insurance and other details to involved parties in the event of a motor traffic accident. Persons involved in accidents will therefore have a means to confirm the insurance and vehicle details of other parties to the accident.

The fourth motor insurance directive already requires the establishment of an information centre to provide details of insurance and vehicle ownership in the case of accidents involving foreign registered vehicle which occur in this country. The Motor Insurers Bureau of Ireland currently discharges this function and provides this information by accessing the national vehicle file maintained by the vehicle registration unit of the Department of the Environment, Heritage and Local Government. The fifth directive therefore extends the requirements of the fourth

directive to cover all motor traffic accidents, irrespective of where the vehicles are registered.

My Department, with the assistance of the Irish Insurance Federation, commissioned preliminary studies into the establishment of the expanded national information centre. The consultants, Aspen Connect and Tekenable, have proposed a technical solution to enable the necessary information to be accessible to the information centre on request.

My Department has primary responsibility for the establishment of the information centre and discussions have taken place with the insurance industry and with the Vehicle Registration Office of the Department of the Environment, Heritage and Local Government in that regard. Over the coming months, it is planned to run a pilot project before full implementation, with a view to having the information centre in operation by June 2007. The funding requirements have yet to be determined.

Ms Shortall: The problem is that nobody has agreed to fund the database. The Garda faces a major difficulty in dealing with road traffic offences, particularly those involving injury and loss of life, because it has no way of discovering information on whether a particular driver is insured. There is no national database accessible to the Garda. That information should be available on the hand-held computers of gardaí. This lack of access to adequate information is part of the reason it is so difficult to enforce road traffic legislation.

The Minister is ultimately responsible in this regard. My understanding is that a turf war is ongoing between the relevant Departments and the insurance companies in regard to who will pay for this service. It is the Minister's responsibility to cut through that and to ensure we comply with the directive and, more important, that access to vital information in respect of motor insurance is available to the Garda in processing cases. Does he intend to take action in this regard by living up to his responsibilities to put a database in place as promised and required under the directive and, if so, when does he propose to do so?

Mr. Cullen: As I said in my reply, this database must be in place by June of next year and I intend that to be done. I have obtained solutions from the technical experts and they are currently working out the detail of that. A pilot scheme will commence early next year and the full system will be in place by June. The funding implications will be finalised on the basis of the working solution that is established. This is an issue we need to have in place which is why I have decided to deal with it and meet the timeframe I am obliged to fulfil.

Ms Shortall: Is the Minister committed to funding this?

Mr. Cullen: The funding arrangements will depend on the solution reached. However it is funded, the funding agreement will be finalised in time to allow this system to be in place for June 2007, as agreed.

Ms Shortall: It seems late in the day to agree on the basic issue of funding. Can the Minister commit to saying it will be publicly funded or that an arrangement will be in place well before June 2007?

Mr. Cullen: Others have responsibilities also. I am not convinced that all the costs should be borne by the taxpayer exclusively. I am sure the Deputy would agree on that point.

Ms Shortall: My concern is that these delays will continue and we will not meet the June 2007 deadline.

Mr. Cullen: We have a timeframe and an objective and we must tackle this.

Rail Services.

9. **Mr. Timmins** asked the Minister for Transport the changes which have been made to the rail service to Greystones, County Wicklow since 1 January 2006; and if he will make a statement on the matter. [30080/06]

Mr. Cullen: There has been significant investment in infrastructure and services on the DART network and on the Dublin to Rosslare inter-city railway route serving Greystones in recent years. Notably, Greystones has benefited from expansion in the DART fleet, with the number of carriages almost doubling from 80 to 154 since the year 2000. In conjunction with the €176 million DART upgrade project, which delivered longer platforms and station improvements to cater for eight-carriage trains, major peak time capacity benefits have resulted.

Improvements have also been delivered on the Arklow commuter service serving Greystones and now extended to Gorey. The Dublin to Rosslare line track renewal was completed in 2004, with almost 80 miles of track upgraded from old jointed track on timber sleepers to modern continuous welded rail on concrete sleepers, yielding safety and journey time benefits. Combined with the introduction of new commuter railcars in 2003, these investments have resulted in higher capacity and reliability improvements on the route.

I understand from Iarnród Éireann that since December 2005 the number of daily services to and from Greystones has increased from 55 to 58 services. As part of the planning process for next December's timetable, Iarnród Éireann is considering improvements to the morning peak

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service from Greystones and also providing some additional off-peak services.

Further safety and efficiency benefits to inter-city services serving Greystones will be delivered through a €15.8 million resignalling project which is under way. However, the benefits of all investments to date will culminate and be apparent to passengers with the deployment of some of the 150 inter-city railcars on the route during 2007 and 2008. These will deliver the highest standards of quality, comfort and reliability and will also allow Iarnród Éireann to make further frequency increases on the route.

Mr. Timmins: I thank the Minister for his detailed reply. I tabled this question for two reasons. The evening peak time service from Dublin to Gorey was reduced from six carriages to four. However, I have had correspondence from Iarnród Éireann since I tabled the question that this has been restored to six.

Also, Councillor Mitchell, the local mayor, had written to the new chief executive of Iarnród Éireann, Mr. Fearn, who I wish well in his new appointment, seeking to organise a meeting that would also be attended by Councillors Jones and Killilea and a Mr. Dwyer of a local action group. He sought an enhanced rail service to be provided during December. The Minister mentioned in his reply that this is under consideration and I hope it proceeds.

The population of Greystones is 16,000 and has increased by 33% since 2002. The Minister stated that the frequency of the rail service has increased, which it has, but it has not kept pace with the growth in population. The station in Greystones is also used by people further south in Wicklow, Arklow and down the Wexford coast. I understand that the DART track between Malahide, Howth and Bray uses double track and that south of Bray this is not the case due to technical difficulties involving Bray head. However, a report, the name of which I cannot recall, recommended double track be laid down south of the tunnel in Bray. This could be done, allowing trains to meet on a small section with an area for one train to pull in, and would greatly enhance the service to Greystones. The costs would be in the region of €1 million. I ask the Minister to consider raising this issue with Iarnród Éireann, because a small amount of money could facilitate the improvement of this service. It is reasonably good and has served the people well, but there will be increased demand for it.

Mr. Cullen: I thank the Deputy for his acknowledgement of the investments made and the increases in services in the area in recent years. However, Iarnród Éireann faces capacity problems in trying to enter Dublin from commuter routes, DART routes and inter-city routes.

We are bursting at the seams. The planning involved in the new docklands station in Dublin is an example of how this is being approached. We are trying to create more options for traffic in Dublin so we can further increase capacity. I believe Iarnród Éireann is considering increased peak and off-peak traffic for the Deputy's area during December and I hope it can deliver. I am not familiar with the last point raised by the Deputy but I will raise it with Iarnród Éireann on his behalf.

Question No. 10 answered with Question No. 6.

Dublin Transport Authority.

11. **Mr. Cuffe** asked the Minister for Transport when he expects the new Dublin Transport Authority to be established; the powers the authority will have over other transport agencies within Córas Iompair Éireann, the Railway Procurement Agency and the National Roads Authority; the implications the establishment of the new authority will have for staff within existing agencies such as the Dublin Transport Office. [29911/06]

36. **Mr. Quinn** asked the Minister for Transport his plans in relation to the establishment of a Dublin Transport Authority; the transport functions it will have; the planning and development functions it will have; the bodies or authorities it will replace; and the bodies or authorities that will sit on its board. [30048/06]

44. **Mr. Bruton** asked the Minister for Transport when a Dublin Transport Authority will be established. [29711/06]

50. **Mr. McCormack** asked the Minister for Transport if he will report on the recommendation he received from a person (details supplied) on the putative transport authority which he requested from them in November 2005. [29698/06]

69. **Mr. Connaughton** asked the Minister for Transport the progress towards the setting up of the transport authority for Dublin. [29701/06]

Mr. Cullen: I propose to take Questions Nos. 11, 36, 44, 50 and 69 together.

As the House will be aware, I established a team, following the launch of Transport 21, to make recommendations on the establishment of a transport authority for the greater Dublin area. The team reported to me earlier this year. Since then, my Department has undertaken significant preparatory work and the matter has been considered by Government. As a result, the drafting of legislation establishing a Dublin Transport

Authority is now at an advanced stage of preparation.

In my earlier reply to one of the Priority Questions, I indicated that the Government has decided that the regulation of the bus market and future decisions on the allocation of public subsidies for bus services in the greater Dublin area will be undertaken by the new Dublin Transport Authority. I will make an announcement on the other functions of the Dublin Transport Authority soon.

Ms O. Mitchell: The Comptroller and Auditor General, Mr. Purcell, issued a report yesterday on integrated ticketing. The cost to the taxpayer of this issue has been around €9 million so far, and it has been almost as many years in the making. We have nothing to show for all this, not even a smart card, except that the cost is rising on a daily basis. The Comptroller and Auditor General did not blame the operators and actors involved, including CIE, Dublin Bus, the Railway Procurement Agency and the private operators. He blamed the Government because there was nobody to co-ordinate the integrated ticketing system. He detected uncertainty in all those involved regarding the scale and nature of their roles in the Dublin transport network. The lack of a Government decision or anyone to co-ordinate critical transport issues in Dublin is creating traffic chaos. We discuss it every year but it has now reached the point where the suburbs of this city are unbearable.

When can we hope to see a transport authority in place? I see it is down for publication this term. If it does not have a statutory basis, will the Minister set up an authority that can co-ordinate the major traffic issues facing this city on an interim basis? This includes the port tunnel, the upgrade of the M50, integrated ticketing, buses and all the elements that need to be examined in this city. Can the Minister give the House a timescale, if not for a legislative procedure, then for an interim body?

Mr. Cullen: The issue of integrated ticketing came to my attention shortly after I joined the Department of Transport. I found trying to deal with it deeply frustrating. It was not possible, for whatever reasons under the structure that was in place, to get the agencies to co-operate with each other. This was apparent, although I am not laying any blame.

Ms Shortall: There was a reason for this: bad governance.

Ms O. Mitchell: Bad leadership.

Mr. Cullen: This is a statement of fact. Following on from that I invited an independent group in to advise me on the best way forward and—

Ms Shortall: Resulting in more delays.

Mr. Cullen: —under the Department of Finance guidelines a peer review was conducted on the project. The review group suggested setting up this establishment board, on which I have already moved, following their report. The board is under the chairmanship of a former Secretary General. It involves the chairman and all of the chief executives—

Ms O. Mitchell: Is the Minister answering the question on integrated ticketing or the Dublin transportation authority?

Mr. Cullen: One leads into the other. The Deputy spoke for five minutes about integrated ticketing and I am giving her the answers with regard to what is already happening.

Ms O. Mitchell: I was using integrated ticketing as an example of the need for a co-ordinating body.

Mr. Cullen: In response to the Deputy I have moved ahead and am not waiting for legislation. I have put an establishment board in place already. I will do the same with the Dublin Transport Authority. Once the legislation on it is published, I will put it in place, at least in shadow form, as I have done with many other bodies, so that it can get on with the work that is clearly required over a range of areas. Much of the work the authority will deal with is already happening. There are very good people already dealing with many of the areas. What we need now is a co-ordinated approach to some of the overlapping issues affecting the different bodies.

Ms Shortall: With regard to the issue of buses, integrated ticketing and many other areas, the procrastination surrounding the Dublin Transport Authority has been incredible.

Mr. Cullen: The Deputy is being unfair. I am making all of the enormous decisions.

Ms Shortall: The authority was first promised in the programme for Government.

Mr. Cullen: I can only speak for my two years as Minister.

Ms Shortall: A year later it was scrapped. The Minister was in Government at that time.

Mr. Cullen: I know that and I am delivering.

Ms O. Mitchell: The Minister is delivering promises, not action.

Ms Shortall: The Minister was serving in the Department of the Environment, Heritage and Local Government.

Mr. Cullen: The Deputy will have nothing left to talk about by the time of the election. That is what is bothering her. It will all be done.

Ms Shortall: Deputy Cullen was in the Department of the Environment, Heritage and Local Government and had direct responsibility for the promised Dublin transport and land use authority. The authority was a joint initiative between the Departments of the Environment, Heritage and Local Government and Transport. When that became too difficult, it was scrapped. Nothing happened for another two years and then, as an after thought to Transport 21, the Minister came up with this idea.

It has been glaringly obvious for more than a decade, if not as far back as the 1980s——

Mr. Cullen: Why did the Deputy's party not do something about it when it was in Government for three years?

Ms Shortall: When it was first proposed, the Labour Party took steps to——

Mr. Cullen: It did not. It did nothing. It simply talked about it, as usual.

Ms Shortall: Its efforts were stymied by a Fianna Fáil led Government. We are now in a position where the Minister announces a major investment programme of €34 billion but there is no body to implement it. I have never heard such nonsense.

As a complete afterthought, the Minister then came up with this idea.

Mr. Cullen: Deputy Shortall is being silly.

Ms Shortall: Under pressure, the Minister decided that he needed a body to implement the investment programme. He set up a high level group under Professor Margaret O'Mahony, which was fine. We all recognise her expertise in the area. The Minister received the group's report last March. It is now almost October and there has been no movement on it.

In an earlier reply, the Minister said that the second tranche of 100 buses for the Dublin market is to be allocated by the new authority. Bearing in mind that additional buses were needed yesterday and given that we have not even seen the promised legislation, will the Minister give us some idea of the timescale involved with regard to the publication and passage of the legislation and the establishment of the new authority? When will the authority be in a position to deal with the issue of the additional 100 buses? From the point of view of the passengers waiting for a bus on the side of the road this evening, it does not matter who is running the buses. They just want more buses but it seems that under this long-fingered proposal, it is likely to be at least

the end of next year before the proposed Dublin transport authority is in a position to deal with the additional buses. Therefore, I ask the Minister to set out the timescale he has in mind.

Mr. Cullen: I fundamentally disagree with some of the assertions made by the Deputy but I will leave that for another day. I am trying to get greater capacity in all modes of public transport and buses are a very important element of that. Following the Government meeting yesterday, we have made €30 million available immediately to Dublin Bus to acquire 100 new buses for next year.

Ms Shortall: I ask the Minister to tell us the timescale he has in mind rather than repeat what he has already said.

Mr. Cullen: I said earlier, in response to another question, that the legislation based on the report on the Dublin Transport Authority is well advanced and almost complete. I have talked to the various bodies concerned and will continue to do so to bring it to a conclusion. In the meantime I will move to set up a board for the Dublin transport authority, in shadow form, as I did with the Road Safety Authority and other bodies, to allow it to get on with the process of dealing with some of the issues.

I agree with Deputy Shortall and want to see the opening of the market move very quickly. I want to see a smooth process of getting another 100 buses on to the market in Dublin through the private sector. I will do that over the coming months.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Ó Caoláin — that the Minister address the crisis in hospital services in the North East region in the wake of the report into the death of Patrick Joseph Walsh; (2) Deputy Gregory — the measures that will be taken to prevent any recurrence of yesterday's attempt to smuggle large amounts of heroin by private jet into a private aerodrome in this state; (3) Deputy Catherine Murphy — the need for primary legislation and interim remedies for those affected by management companies; (4) Deputy Burton — to discuss the lack of surveillance by the Revenue and Customs authorities at private airports in Ireland.

The matters raised by Deputies Gregory, Burton, Ó Caoláin and Murphy have been selected for discussion.

Adjournment Debate.

Hospital Services.

Caoimhghín Ó Caoláin: The Teamwork report is the latest in a long series of reports on hospital services in the north east region. Most of these reports have been commissioned for the purpose of supporting the increased centralisation of hospital services and the downgrading of the smaller hospitals in the region. This highly centralised model of hospital care is preferred by the Government and the HSE but it is vitally important to state that this is not the only model of hospital care that exists. At all times, we must challenge the argument that the highly centralised model is the only safe way to deliver hospital services. It is not. Other countries and some parts of this country, to some extent, are doing it differently.

The bottom line is that the Teamwork report recommends the further loss of services at existing hospital sites in the region, namely Monaghan, Cavan, Navan and Dundalk. It is basically a re-hash of the Hanly report, which made similar recommendations about hospitals throughout the 26 counties. The difference with the Teamwork report is that it also holds out the promise, but only the promise, of a new regional hospital. While the carrot of a major new hospital facility will be attractive for some, for the vast majority of people throughout the north east, it spells the end of our hospitals as we have known them and it places that same majority at an even greater risk, given the distances, road and weather conditions that must be faced in journeying to a far-off new hospital location.

The answer to the long standing crisis in our hospital services in the north east lies in the reversal of decisions taken in recent years by the health board and HSE managers, at the behest of the Department of Health and Children and the Minister of the day. We know we cannot have all services available at all sites but we firmly believe that our existing hospital network should be retained, with essential services provided at all five hospitals and specialist services available on an apportioned basis, where appropriate.

The Teamwork report envisages only the most basic of care provision at all existing hospital sites. Minor injuries, routine diagnostics and outpatient clinics will be the order of the day. All surgical and medical emergencies and all accident and emergency treatment will be centred in the new regional hospital. What of travel times from all parts of the north east? What of the so-called "golden hour"? Under this plan, more people are being condemned to death because the doors of hospitals will be closed against them.

The Teamwork report presents an idealised picture of hospital services in the north east, with

a new regional hospital in place and with the five existing hospitals working under the new regime. What happens in the meantime, as we wait for years for the new regional hospital to be built, if it is ever built? Already, services have been downgraded further at Monaghan, Dundalk and Navan and ever more pressure is being placed on Cavan General Hospital and the Lourdes Hospital in Drogheda. The picture painted by the Teamwork report relies heavily on an ambulance service which is fully staffed with fully trained paramedics. We do not have such a service. Only a tiny proportion of ambulance crews — some 2% — is trained up to this level, yet under Teamwork, paramedics will be responsible for emergency care until patients reach the new regional hospital.

Do we oppose a new regional hospital? Certainly not, but it must be a hospital that will provide services in addition to, and as an enhancement of, those already being provided at the existing five hospitals. Certainly, major change and real improvements will have to take place in the region. Key services and specialties will be located in the regional hospital, but our focus must be on services as near to the patient and community as possible. Sinn Féin wants to see the configuration of all hospitals to ensure that emergency services are available as locally as possible. For the vast majority of the population, these services should be located less than 45 minute's travel time away. No one should be more than one hour's travel time from an accident and emergency unit, when the three critical access factors of hospital location, road conditions and ambulance provision are taken into account.

The report on the death of Mr. Pat Joe Walsh and the HSE's response to that report fails completely to acknowledge that the embargo on acute surgical services and surgical emergencies being dealt with at Monaghan General Hospital led to that tragic death. The embargo meant that staff at Monaghan General Hospital were prevented from performing a life-saving operation on Pat Joe Walsh. No amount of placing blame on others will dispense with that fact. As highlighted in the report, the matter was compounded by the failure of Cavan and Drogheda hospitals to accept the transfer of Pat Joe Walsh, despite his critical condition and the availability of beds therein.

Monaghan General Hospital is being turned into a five-day week, limited service medical centre. There is consternation at the HSE, which has the full backing of the Minister for Health and Children, Deputy Harney, and her Fianna Fáil colleagues in Government, who are dealing the final death blow to Monaghan General Hospital. It is doing a grave disservice to the memory of Pat Joe Walsh that the report emanating on his death is now being used as a tool to aid the objective of further eroding services at the

[Caoimhghín Ó Caoláin.]

hospital, given that such erosion already contributed to his tragic death.

My party and I pledge our continued and outright opposition to what I can only describe as the scorched earth policy of the HSE and the Government regarding acute hospital services in the north east region.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I am taking this matter on behalf of my colleague, Deputy Harney, the Minister for Health and Children.

The Government did not write this report or any previous report on Monaghan General Hospital. External consultants were retained to write the reports. One of the consequences of the agitation regarding this hospital is that as each complaint is made about a particular incident, a report is then compiled which does not find favour with those concerned about services in the hospital. All involved should reflect on that fact.

The Health Service Executive has recently established a steering group and a north east project group to oversee a programme designed to improve safety and standards across the acute hospital network in the north east region. The decision was taken having regard to the issues raised in the report prepared for the HSE by Teamwork Management Services, *Improving Safety and Achieving Better Standards — An Action Plan for Health Services in the North East*, and taking account of the findings of the recent report into the death of Mr. Patrick J. Walsh. Led by the HSE's National Hospitals Office, the steering group has representation from key stakeholders such as clinicians and primary care providers. The project group is being led by a consultant surgeon from outside the region.

The report concluded that the present system, in which five local hospitals deliver acute care to relatively small populations in the region, is exposing patients to increased risks and creating additional professional risks for staff. The report highlights the need to develop a high quality and responsive emergency and planned service, in line with international standards, by developing local services within existing hospitals and other local centres supported by a new regional hospital.

The HSE recently published the report of the independent inquiry into the death of Mr. Walsh. The report details the difficulties that arose in trying to secure his transfer from Monaghan to either Our Lady of Lourdes Hospital, Drogheda, or Cavan General Hospital. It also exposes a failure in communications between clinicians and hospitals in the region.

Since the death of Mr. Walsh, a new protocol in respect of patient transfer has been put in place. It provides that all requests for transfer from Monaghan General Hospital to Cavan

General Hospital or Our Lady of Lourdes Hospital, Drogheda, should be granted and processed immediately.

International best practice demonstrates that patients have better outcomes when treated in hospitals with appropriate numbers of specialist staff, high volumes of activity and access to the right diagnostic and treatment facilities. Patient safety and quality must be paramount and must be the key drivers in the reconfiguration of our acute hospital services. The policy of the Government is to provide safe, high quality services that achieve the best possible outcomes for patients. This will mean rebalancing service delivery so those services that can be safely delivered locally are delivered locally and that more complex services that require specialist input are concentrated at regional centres.

The HSE has assured the Minister that, in progressing the implementation of the Teamwork report and the report of the independent inquiry into the death of Mr. Walsh, there will be no discontinuation of existing services until suitable alternative arrangements have been put in place.

Planning Issues.

Ms C. Murphy: I first raised this matter on 29 September 2005 and highlighted the misuse of management companies in traditional housing estates. I was surprised by the reply to that debate. It was very clear that the information I had placed on the record was news to the Minister. I gave the Minister my evidence and followed it up with a priority question which was afforded to me by my Independent colleagues. The Minister was quite clear in his reply that management companies were not to be used by local authorities to sidestep their responsibilities in taking estates in charge.

I am interested in finding resolutions to the many problems that have been highlighted to me since first raising this matter. I have always accepted the need for management companies in the context of apartment blocks. The regulation of these ranges from good to appalling. I received a phone call yesterday from someone who took up occupancy of an apartment under the affordable housing scheme earlier this year. The person received a bill for €900 from the management company yesterday and is being asked to contribute towards a sinking fund for a lift. However, there is no lift in the apartment block in question and the person is being asked to contribute towards public lighting and public liability insurance in the overall estate, which is a mixed development.

Initially, most management companies' directors are friends or relations of the developer of the scheme. On completion of the last dwelling, the shareholders, in other words the owners of the apartments, are supposed to be called to a meeting at which a new set of directors should be

elected by the shareholders. These meetings are either not being called or, where they are being called, there is often reluctance to take on responsibility for what is in effect a company governed by company law.

I typically find that a minimum of one third of the bill charged by a management company is for administrative purposes, even in the early stages. In Kildare, quite a number of the dwellings that will be provided under Part V of the Planning and Development Act 2005 will be apartments, some of which will be of the social and affordable variety. There are already problems in that the council is telling residents to contact their management company and very often, they do not respond. It is not clear how the council will be represented on these management companies and the person or persons representing the council will need to be sufficiently competent in company law or problems will arise for it. I ask that this issue be considered seriously.

Consider those living in housing estates where a management company was or is mandatory. Conditions of this kind are sometimes attached to the planning permission but many are conditions of sale. Not only does the developer want to make a killing on the price of the house but he wants the residents to pick up the tab for all the maintenance obligations until the estate is taken in charge. While it appears local authorities no longer impose these conditions, which is very welcome, management companies continue to be imposed as part of a condition of sale in many locations. This needs to be addressed in legislation.

In some locations, including my own, there is a considerable backlog. Kildare has front-loaded the taking in charge of estates where a planning condition was imposed requiring a management company. However, it depends on the estate being finished satisfactorily. Some local authorities, particularly those in areas with continuous and rapid development, are concerned with the costs they will incur when large numbers of estates are taken in charge. While they might have large capital receipts that will go towards the provision of infrastructure, there is a serious problem with the revenue accounts. That needs to be factored into the local government fund if the problem is to be resolved properly.

The staff embargo also needs to be considered. Restrictions are such that where a development control unit is put in place, it is done at the expense of other sections of the council. In the case of Kildare, there seems to be an ever-increasing list of unauthorised developments and the price is being paid for it.

The Office of Corporate Enforcement is receiving large numbers of complaints about management companies not being run properly. I constantly get calls from people asking if they should go along to the annual general meeting and

whether they should allow the developer to walk away. The planning conditions attaching to a development are often not complied with. Residents cannot see what they are paying for. A number of initiatives have been suggested and a consultation paper is expected shortly. The National Consumer Agency is to produce an information document, but it depends what is in it. The amendment to company law expected later this year seems to be piecemeal in comparison with the extent of the problem, which requires legislation in its own right.

Mr. B. Lenihan: I reply on behalf of Deputy Roche, the Minister for the Environment, Heritage and Local Government.

I thank the Deputy for raising this matter. I accept there is much concern about the management of multi-unit developments. Many of the issues in the area involve several different parties in the public and private sector. I know the Department of the Environment, Heritage and Local Government is actively engaging with those parties. The Department looks forward to the publication by the Law Reform Commission of the consultation paper on the management of multi-unit structures. It is expected shortly and will be followed by a final report that will enable the Government to consider what legal measures must be taken in the area.

In the meantime, several developments have taken place regarding this matter. Planning authorities traditionally required, as a condition of planning permission, that a management company be established for apartment developments. In response to concerns that planning conditions requiring management companies were being inappropriately applied to other residential estates, the Department of the Environment, Heritage and Local Government carried out a survey of county, city and borough councils in late 2005 and early 2006. It found that planning authorities had been attaching planning conditions requiring management companies in mixed developments of apartments and houses, but generally only to the apartment elements. Regarding estates comprising houses only, planning authorities had occasionally attached such conditions, but only in very specific circumstances, for example, holiday home or gated developments.

The Department issued a circular letter to planning authorities on the matter in July 2006. It states that a management company should not be conditioned by a planning authority for a "traditional" housing estate, that is, estates of houses with individual private gardens, except in very specific circumstances, for example, if a particular service or facility is provided for residents' use only, such as a playground. The Department has also advised planning authorities that they should attach planning conditions to the ongoing man-

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[Mr. B. Lenihan.]

agement of shared facilities only in circumstances where they judge that they are clearly required for the benefit of residents of an estate.

A previous circular issued in January 2006 had already reminded planning authorities of their responsibilities under the Planning and Development Act 2000 regarding the taking in charge of such estates.

The question of who should be responsible for the maintenance of certain shared facilities in the newer type of mixed estate, that is, whether and to what extent planning authorities should take those in charge or what responsibilities residents should have for maintenance, requires further consideration.

The Department has therefore established a working group representative of the interests involved to look further at those matters. Its first meeting is being held today.

The property services regulatory authority will have the function of licensing, regulating and dealing with complaints relating to managing agents. These are commercial firms engaged by management companies to carry out day-to-day management and maintenance. The authority will also have a public information function regarding property management. The authority and its functions will be provided for in legislation currently being prepared by the Department of Justice, Equality and Law Reform. I understand an implementation group and a director designate are already in place.

The National Consumer Agency is to publish a report on the issue of management charges very shortly and also intends to publish a consumer information document, which should help reduce the information deficit.

The Law Reform Commission, LRC, has already recommended certain changes to company law to avoid problems for management companies regarding company law requirements. Proposals for the amendment of company law are expected to be made to the Government later this year, and the Minister expects those to include certain changes relevant to management companies.

The Minister is conscious these are matters of great concern, and every effort is being made to address them in the most appropriate manner.

Customs and Excise.

An Leas-Cheann Comhairle: The remaining two matters are related. I will call on Deputy Burton, who has five minutes, and Deputy Gregory, who also has five minutes. The Minister of State will give a single reply.

Mr. B. Lenihan: I can give a joint reply, but I have two separate texts, since the issue raised by Deputy Gregory is being addressed by the Mini-

ster for Justice, Equality and Law Reform, Deputy McDowell.

An Leas-Cheann Comhairle: In that case, they can be taken separately. I call Deputy Burton.

Ms Burton: I have raised the issue of airport smuggling checks on several occasions, as have certain party colleagues. As the Minister of State has pointed out, customs regulation is ultimately a function of the Department of Finance and the Revenue Commissioners. I call for the introduction of permanent customs and security checks at Weston Executive Airport and all the other small airports around the country following yesterday's seizure of drugs from a passenger and the arrest of the pilot and co-pilot on a flight to Belgium that originated there.

Small airports dotted around the country unsurprisingly offer great opportunities for smuggling drugs, goods and even people into Ireland and the EU. I congratulate gardaí on the success of their operation in co-operation with Belgian police. They intercepted a massive quantity of heroin that would otherwise have made it onto the streets of Ireland, Britain or mainland Europe and brought misery to people's lives.

However, that two Irishmen were arrested and that the flight originated at a private Irish airport, that an Irish plane was used, and that no security was in place suggests that our small airports risk being used as staging-posts in the international drugs trade. Criminals are clearly able to charter private aircraft and proceed to rendezvous points either in this country or abroad without the authorities knowing of their cargo or the purpose of their journey. That is extraordinary, and the Government must move quickly to address that anomaly, particularly as we all know that in Celtic tiger Ireland there has been massive growth in the ownership of private aeroplanes and helicopters.

Moreover, it is staggering that private individuals can lease their aircraft or allow them to be used by others, as was the suggestion yesterday regarding Mr. Mansfield, the owner of the plane. I understand his company also owns Weston Aerodrome. He appears to have been completely in the dark regarding what the aeroplane was being used for. There must clearly be a wholesale review of security arrangements, and especially customs arrangements, at every airport in the country. We cannot have Ireland as a drop-off point or staging-post for the international drugs trade.

Weston's location in west Dublin and the severe problems of gang and drug violence on the entire west side of the city, of which I know the Minister of State is acutely aware, make it a particularly vulnerable target. If one adds to that the absolute lack of community policing there and the intelligence that such policing would provide, one sees that we are very vulnerable. We

want the kind of surveillance at those small airports that one has nowadays in Dublin Airport. Statistics on seizures there show that the use of sniffer dogs and more up-to-date technology to track flights and so on will, over a period, produce results.

We clearly now have an unlocked door at small airports regarding smuggling and the international drugs trade. We saw in the Ryder Cup the massive use of private helicopters and aircraft in and out of Weston and similar locations on the west side of Dublin. Thankfully, what happened this time has ended with some success for the policing authority. However, a plan must be put in place immediately, and we clearly require the co-operation not only of the customs authorities and the Minister for Finance but of the Garda and policing authorities.

Mr. B. Lenihan: I make this reply on behalf of the Minister for Finance and the Customs Service of the Office of the Revenue Commissioners. I thank Deputy Burton for raising this matter.

The Customs Service of the Office of the Revenue Commissioners has primary responsibility for the prevention, detection, interception and seizure of controlled drugs at importation. It has particular responsibility for implementing import controls at points of entry to the State, specifically at ports and airports, including licensed airfields, and on the land frontier. The control of licensed airfields in the State is carried out by customs enforcement teams. Those are dedicated anti-smuggling teams that focus on the smuggling of prohibited drugs and fiscal products.

Other duties undertaken by officers in attending licensed airfields include the clearance of aircraft and passengers arriving from third countries, spot checks on EU flights, the verification of fuel drawback claims, verification of end-use authorisations, clearance of aircraft under transfer of residence, and checks on private aircraft to ensure compliance with import procedures.

Best practice in customs administration worldwide shows that the development of information and intelligence is critical to the detection of drug smuggling. In Ireland, this has become very important since the completion of the Single Market in 1993, based as it is on the free movement of goods and people within the Community. As EU citizens have the right of free movement, Revenue has no power to stop an EU citizen except on the basis of a suspicion, normally grounded in specific intelligence.

A number of years ago, Revenue introduced a memorandum of understanding initiative, which involved reaching agreement with a number of organisations, trade associations and individual companies in the transport industry to encourage them to join the fight against drug smuggling as part of the Customs Drugs Watch programme.

The programme incorporates a coastal and air-field reporting system whereby local customs officers visit all licensed aerodromes and airfields regularly. They have put in place a confidential system of communication between the licensed aerodrome operators and customs enforcement. Through this network, which is two-way, officers have discussed with the operators such matters as known methods used by drug smugglers and indicators of suspicious activity. This can help the operators in identifying situations and activities that may indicate a drug smuggling operation is under way and which they should report. This reporting system is an important element in the fight against drug smuggling.

In addition to local intelligence, the Customs and Excise shares and receives information and intelligence on drug smuggling from a number of international bodies, including the World Customs Organisation, United Nations Drug Control Programme, Interpol, Council of Europe, Europol and the UK's Serious Organised Crime Agency.

Customs and Excise liaises on an ongoing basis with other national and international enforcement services such as the Garda Síochána, the Naval Service, the Air Corps, and foreign customs and police services. It takes part regularly in European, bilateral and national surveillance operations focused on specific drug smuggling methodologies, including general aviation. Some of these operations have been specifically directed at light aircraft and helicopter movements.

The Deputy will appreciate that it would be inappropriate for the Minister to comment in detail on specific operations in the criminal area of drug smuggling. The reported seizure earlier this week in Belgium of 50 kg of heroin, the arrest of three Irish nationals and the seizure of an aircraft based at Weston Aerodrome are of major concern to the Revenue Commissioners. To give an indication of the volume of arrivals in the State through Weston, the Minister understands that from February 2006 to the end of July 2006 there have been 142 flight arrivals from EU countries there and five from non-EU countries. This is in comparison with 1,500 flights every week arriving in Dublin Airport. It should be noted that drugs to the value of €6.7million have been seized by Customs and Excise to date in 2006 at Dublin Airport.

In 2004, officers attached to the Dublin enforcement district carried out 12 planned and six unplanned visits to Weston. During 2005, ten planned and six unplanned and to-date in 2006, 11 planned and three unplanned visits have been made to Weston by officers of the Revenue's customs service.

In light of the Belgian seizure this week, the Minister is advised that the Revenue Commissioners are reviewing the risks attached to the operation of, and procedures attaching to, all 27

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licensed aerodromes in the State, including in particular Weston. I am assured that the monitoring of licensed aerodromes in the State by the Revenue Commissioners is in line with international standards. The Revenue's customs service is continually engaged in the analysis and evaluation of seizure trends, routes and smuggling risks and consequential resource deployment. All Customs and Excise operations are risk focused, and staff are deployed to combat areas of greatest risk. The level of activity at licensed aerodromes is constantly monitored from a risk perspective.

However, in light of the concerns raised by the seizure this week, the conditions under which the Revenue Commissioners approve licensed aerodromes will be immediately reviewed. The review will include options for improving the level of control and prior reporting of arrivals from EU and non-EU countries. Revenue will also review the frequency of checking incoming flights to these aerodromes.

Mr. Gregory: My issue is substantially the same. I am glad to hear the Minister of State state that the Customs and Excise cover is now being reviewed. The local Independent Deputy for the Weston area, however, Deputy Catherine Murphy, who is present, raised this issue with the Minister on Question Time in February this year. In the reply on that occasion, the Minister accepted that customs officers should visit the aerodrome regularly as a check against the landing or exploitation of prohibitive goods, in particular controlled drugs, but it did not happen. It is now water under the bridge, but I hope the Minister will be somewhat more attentive when these issues are raised in the future.

I note that the Minister of State, Deputy Brian Lenihan, in his reply on behalf of the Minister for Finance, said that the total value of drugs that came into Dublin Airport in one year which were seized came to €6.7 million. Despite this, one flight to Weston yesterday could have brought in €10 million worth of the worst of drugs, heroin. It is no wonder that licence cover should now be reviewed. This is in the context of the seizure of a consignment of heroin valued at €7 million at Ratoath, County Meath, a couple of months ago. These amounts of heroin are unprecedented in the history of the drugs crisis in this State. It seems to be in the context of the enormous heroin crop in Afghanistan in recent times. What ever happened via Weston when the Belgian authorities were able to seize the drugs demonstrates the sophisticated level the international drugs trade has reached. Unfortunately, the replies to Deputy Catherine Murphy in this House indicate that this State has not reached the same sophisticated level in response to these

issues. I hope to heaven that it does respond effectively.

One other aspect of this concerns me. Apparently an executive jet with half a dozen people on board or whatever can land at Weston and they can just step into a taxi on the tarmac and drive off. That is quite incredible in this day and age. There is no check by the Garda or Customs and Excise or anybody. We know the owners of Weston have not got a great record in terms of their respect for the law of this land. I am not sure why the Minister of State, Deputy Brian Lenihan, finds this so amusing. I do not find it amusing. Neither do I believe does Deputy Catherine Murphy, who has raised this issue for a long time, find it amusing.

The reality is that this plane was owned by Mr. Mansfield. It came-----

An Leas-Cheann Comhairle: The Deputy should not raise the names of private individuals in the House as they have no way of defending themselves.

Mr. Gregory: It is not the first time he has been mentioned here. The Leas-Cheann Comhairle did not mention that to the previous speaker who raised his name. However-----

An Leas-Cheann Comhairle: He should not be mentioned in this context. The Deputy should not abuse the privilege of the House.

Mr. Gregory: I am simply stating something that is a matter of public record, namely, that he has no regard for the planning laws of this State in particular. I find that an additional worrying aspect to the manner in which this airport has been used by the international drugs trade. I hope all these issues are addressed. I have already raised this issue on the floor of the House in the context of the Criminal Justice (Mutual Assistance) Bill today. I called on the Minister to ensure that the Criminal Assets Bureau thoroughly investigates all those connected with that drugs operation in Belgium.

Mr. B. Lenihan: I thank Deputy Gregory for raising this important issue and giving me the opportunity, on behalf of the Tánaiste and Minister for Justice, Equality and Law Reform, to update the House on this matter.

The reported seizure earlier this week in Belgium of 50 kg of heroin, the arrest of three Irish nationals and the seizure of an aircraft based at Weston Aerodrome is a matter of major concern to the Government. All attempts at large-scale smuggling of illegal drugs into this country need to be considered in the context in which such activity takes place. The global illicit drugs trade, according to the United Nations Office for Drugs and Crime, is reputed to exceed billions of dollars annually.

The key drivers for this phenomenon include both economics and the attitude of societies towards illicit drug consumption.

The economic environment impacts on illicit drug consumption and supply in two principal ways. First, the increased prosperity brought about by globalisation and the by the development of our own economy has provided significant disposable income to most citizens. This has pulled the demand for drugs within the State, as well as making Ireland a popular market for criminal organisations involved in the international drugs market. Second, globalisation itself has caused international trade in both goods and services to increase exponentially over the past decade, making it easier for criminal networks to conceal illicit commodities within legitimate freight. As a small open economy Ireland is particularly vulnerable. The economics of drug trafficking make it a particularly attractive activity for criminal organisations. This is principally driven by the considerable financial rewards which can accrue at each stage of the trafficking process. With the potential for high profit margins which the business of drug trafficking can facilitate, it is hardly surprising that drug trafficking and distribution is such an attractive prospect for organised crime.

The second major factor influencing the illicit drugs trade is the attitude within societies to the consumption of illicit drugs. Ireland continues to record significant levels of drug prevalence, as demonstrated by the results of the most recent comprehensive drug prevalence study conducted by the national advisory committee on drugs in 2002 and 2003. The significant demand for illegal drugs by Irish citizens fuels the drugs trade as well as the organised criminal gangs that supply and distribute illegal drugs within this society. The national drugs strategy addresses the problem of drug misuse across a number of pillars — supply reduction, prevention, treatment, rehabilitation and research — and implementation of the strategy across a range of Departments and agencies is co-ordinated by the Department of Community, Rural and Gaeltacht Affairs.

The criminal justice response is primarily, though not exclusively, in the area of drug supply control and the Garda plays a key role in tackling the problem of drug misuse locally, nationally and internationally. Garda strategies for dealing with drug offences are designed to undermine the activities of organised criminal networks involved in the trafficking and distribution of illicit drugs. These strategies include gathering intelligence on individuals and organisations involved in the distribution of drugs, conducting targeted operations on criminal networks based on intelligence gathered and working in collaboration with other law enforcement agencies within and outside the jurisdiction to address the national as well as international aspects of drug trafficking and dis-

tribution. These strategies continue to result in operational successes as evidenced by the ongoing levels of drugs seized by the Garda. The trafficking and distribution of all illicit drugs at local, national and international level is constantly monitored by the Garda.

The Customs and Excise Service of the Revenue Commissioners has primary responsibility for the prevention, detection, interception and seizure of controlled drugs at importation. The service has particular responsibility for implementing import controls at points of entry to the State, specifically at ports, airports, including licensed airfields, and on the land frontier. A number of the specific measures being undertaken by both the Garda and the customs service to address the issues raised by the Deputy include continued co-operation between the Garda and the Customs and Excise service under the terms of the memorandum of understanding in place between both agencies in the proactive investigation of persons suspected to be involved in international drug trafficking; continued liaison with various law enforcement agencies throughout Europe through Europol and Interpol; ongoing formal and informal contact with management of aerodromes throughout the country; ongoing liaison with the Irish Aviation Authority in regard to the registration of aircraft and licensing of flight crews; rigorous checks on the issue of airside passes at larger airports to flight crews of smaller aircraft; and the customs drug watch programme which incorporates a coastal and airfield reporting system whereby local customs officers visit all licensed aerodromes and airfields regularly. This also includes a confidential system of communication between the licensed aerodrome operators and the Customs and Excise Service. In addition to local intelligence, the customs service shares and receives information and intelligence on drug smuggling from a number of international bodies.

In light of the Belgian seizure this week, the Minister has been advised that the Revenue Commissioners are reviewing the risks attached to the operation of all 27 licensed aerodromes in the State, including Weston. The Government has been assured that the monitoring of licensed aerodromes in the State by the Revenue Commissioners is currently in line with international standards. The Customs and Excise Service is continuously engaged in the analysis and evaluation of seizure trends, routes and smuggling risks and consequential resource deployment. All customs operations are risk focussed and staff are deployed to combat areas of greatest risk. The level of activity at licensed aerodromes is constantly monitored from a risk perspective. However, in light of the concerns raised by the seizure this week, the conditions of under which the Revenue Commissioners approve licensed aerodromes will be immediately reviewed. This

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review will include options for improving the level of control and prior reporting of arrivals from EU and non-EU countries. The Revenue Commissioners will also review the frequency of checking incoming flights to these aerodromes.

The Government's top policing priority for 2006 is to target organised crime, including drug

trafficking, and to ensure that the necessary strategies and measures are in place to tackle the problem.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 3 October 2006.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 11, inclusive, answered orally.

Road Network.

12. **Mr. G. Mitchell** asked the Minister for Transport when it is envisaged the Phase 2 of the M50 upgrade will commence and when it will be completed. [29703/06]

89. **Mr. Stanton** asked the Minister for Transport the status of the phase 2 and phase 3 contracts planned as public private partnerships for the upgrade of the M50; if he will clarify if either of these two contracts have yet been signed; and if he will indicate the anticipated completion date of all M50 upgrade works. [29720/06]

99. **Mr. G. Mitchell** asked the Minister for Transport the status of the PPP process for the second phase of the M50 upgrade. [29702/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 12, 89 and 99 together.

At the outset, I should explain that overall responsibility for the planning, design and implementation of national road improvement projects, including the M50 upgrade, is a matter for the National Roads Authority (NRA) and the local authorities concerned. I have no function in relation to the day-to-day operation of these projects.

In addition, the statutory power to levy tolls on national roads, to make toll bye-laws and to enter into toll agreements with private investors in respect of national roads, including the M50, is vested in the National Roads Authority (NRA) under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000).

The upgrade work on the M50 is being undertaken in three phases. Phase 1 comprises the widening of the carriageway between the N4 (Galway Road roundabout) and Ballymount

interchanges and the upgrading of the N4, N7 and Ballymount interchanges. This work is currently under way and is expected to be completed in mid-2008. Phase 2 which is being administered as a Public Private Partnership project will comprise of the widening of the remainder of the M50 (other than the 3.2km West-Link section between the N3 and N4 junctions) and the upgrade of the other interchanges. The contract for Phase 2 is to be awarded in 2007 and construction is expected to be completed in 2010. Phase 3 comprises the widening of the 3.2km West-Link section between the N3 and N4 junctions which is expected to be completed by mid 2008.

Separately the NRA are procuring the replacement of the current West Link toll plaza with barrier free tolling. It is intended that this will be introduced during 2008 in tandem with the completion of phase 1 of the M50 upgrade.

I expect, therefore, that significant improvements in the situation on the M50 will take place in 2008. Further improvement will take place on completion of the later phases of the upgrade in 2010. In the meantime, traffic management in the area is being monitored on an ongoing basis with measures being taken where possible to alleviate traffic congestion resulting from the road works.

Public Transport.

13. **Ms C. Murphy** asked the Minister for Transport when integrated ticketing will be introduced among public transport providers; and if he will make a statement on the matter. [29756/06]

41. **Mr. Costello** asked the Minister for Transport the expected final cost of the integrated ticketing project; when it is expected the project will be concluded; the target date for the full introduction of integrated ticketing; the person who has charge of the project since it was taken from the Railway Procurement Agency; the expertise of the new person or body charged with concluding

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ing the project; the budget, timescale and terms of reference they are operating to; the amount of funding which has to date been wasted; the way in which it is to be recovered; and if he will make a statement on the matter. [30065/06]

91. **Mr. Eamon Ryan** asked the Minister for Transport the amount which has been spent to date on the smart card project for integrated ticketing; the ticketing system that is being proposed; and the estimated final cost and date when such tickets integrating Luas, other rail and bus services will be introduced. [29907/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 13, 41 and 91 together.

Two independent reviews of the integrated ticketing project were undertaken earlier this year. Both strongly recommended continuing with the project, albeit with enhanced governance arrangements being put in place. On foot of these reviews, I announced last July that I was in the process of establishing an Integrated Ticketing Project Board with responsibility for delivering the project.

The Project Board has now been established and is chaired by Mr. David O'Callaghan, a former Secretary General at the Department of Defence. The Board comprises the Chairman, the Chief Executives of the Railway Procurement Agency (RPA), Dublin Bus, Irish Rail, Bus Eireann and a representative of licensed private bus operators. An Assistant Secretary from my Department is also on the Board and a senior representative of the Department of Social & Family Affairs also attends as required.

The Project Board is responsible for the successful delivery of the smartcard technology required to deliver an integrated ticketing system within an agreed specification, timeline and budget. The Board is also to consider such other technical scope and design issues as may be necessary to complete delivery of the smart card technology (e.g. technical design issues in relation to possible fare structures and levels, ticket products, revenue collection strategies, data requirements etc). Before a public transport operator can proceed with any of its own ticketing investment proposals, the operator will be required to satisfy the Board that the proposed equipment is consistent with the integrated ticketing requirements.

Some €10.5 million has been paid out to date by the Exchequer on integrated ticketing since commencement of the project in 2002. During the period of the recent reviews, my Department recognised that there were ongoing costs associated with the project pending the completion of both reviews. It took the view, subsequently endorsed by both reviews, that if the project team and associated expertise were to be lost, it would have resulted in significant nugatory expenditure

and would have been difficult to resurrect the project in its current form.

On its establishment, I set the Board a number of immediate tasks, including to review and settle by way of agreement the scope, timelines and budget for the phased completion of the integrated ticketing project. I have asked the Project Board to report back to me by September, 2006 with an agreed delivery strategy for the integrated ticketing project, including an assessment of the scope, timelines and budget. I expect to receive this report in the coming days.

Airport Development Projects.

14. **Mr. Sargent** asked the Minister for Transport the reason his Department has not sought the Dublin Airport Authority's cost benefit analysis in respect of the proposed runway project; the process under which a decision will be made on whether a new runway will be built; and the expected timetable for such a process. [29917/06]

Minister for Transport (Mr. Cullen): As I have stated previously in the House, proposals in relation to the development of Dublin Airport, including the planning and provision of runway capacity, are in the first instance a matter for the Dublin Airport Authority (DAA) which has statutory responsibility to manage, operate and develop the airport and to provide such facilities and services as it considers necessary for aircraft and passengers.

Accordingly, the issue of cost benefit analysis in relation to the proposed second runway at Dublin Airport is a matter which falls within the responsibility of the management and board of the DAA. The DAA are of course required to comply with the capital appraisal guidelines issued by the Department of Finance and responsibility for compliance with the guidelines rests with the Board of the company.

Light Rail Project.

15. **Ms Shortall** asked the Minister for Transport when and the way in which the controversy over the possible over-grounding of metro north through Ballymun Road in Dublin 9 will be dealt with. [30046/06]

Minister for Transport (Mr. Cullen): The Railway Procurement Agency (RPA) is currently undertaking extensive work in relation to the Metro North.

The RPA has completed the public consultation process for the route alignment. The selection of the route is a matter for the RPA. I understand that the Board of the RPA expects to make a formal announcement in the near future regarding the preferred alignment. The Chairman of the Board will be meeting me next week to brief me on this announcement.

Further public consultation on the detailed design of the preferred route will be carried out by the RPA in the New Year. Thereafter, there will be a formal Public Inquiry procedure giving further opportunity to stakeholders to raise any issues or concerns regarding the project.

Road Safety.

16. **Mr. English** asked the Minister for Transport if he will introduce legislation requiring the daytime use of car lights, in view of the fact that an EU Directive is imminent. [29689/06]

Minister for Transport (Mr. Cullen): The European Commission has indicated that it intends to propose measures for the mandatory use of Day-time Running Lights (DRL) on motor vehicles. In a consultation paper on the matter which it published last month, the Commission outlined the approach it prefers for EU legislation on this matter. The preferred proposed strategy would require new vehicles sold after a particular date to be equipped with dedicated DRL that automatically switches on once the engine is running and for existing vehicles to be driven with dipped headlights on at any time.

The Commission proposals are likely to be brought forward soon. Against that background the Road Safety Authority will assess the situation in the context of an overall road safety strategy and advise me on any legislative action that may be appropriate ahead of the impending EU proposals.

Road Traffic Offences.

17. **Mr. Coveney** asked the Minister for Transport if he will legislate for a clearly delineated schedule of penalties in respect of dangerous driving offences. [29718/06]

40. **Mr. Coveney** asked the Minister for Transport if he has introduced a penalty point offence under the heading dangerous driving or if he plans to do so. [29719/06]

68. **Mr. Howlin** asked the Minister for Transport if his attention has been drawn to the low rate of prosecutions for dangerous driving and drink driving that result in a disqualification and the action he is taking to strengthen legislation to ensure a sufficient deterrent exists and that current legislation is robust enough for Gardaí to pursue cases with confidence. [30051/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 17, 40 and 68 together.

Dangerous driving and drink driving are amongst the most serious road traffic offences and as such lead to a direct court summons rather than coming within the administrative option of paying a fixed charge and accepting penalty points.

In the case of dangerous driving, where a person is convicted of the offence, he/she faces a fine of up to €2,500, or where death or serious injury was caused €15,000. In addition, a person convicted of a first offence of dangerous driving may face disqualification from driving for one year, and for a second and subsequent offence, two years. Where death or serious injury occurs, the person can be disqualified for 2 years for a first offence and 4 years for a second or subsequent offence.

The intended effect of the penalty points system is to instil greater caution and responsibility in motorists in relation to their driving and to change the behaviour of drivers who recurrently breach road traffic law. A six-month driving disqualification arises from the accumulation of 12 penalty points.

The most serious driving offences (including dangerous driving and drink driving), which can attract automatic disqualification upon first court conviction, therefore, do not come within the penalty points system or the system of fixed charges.

The Road Traffic Act 2006, which was enacted in July, has strengthened the legislative position in relation to drinking and driving. The Act provides for the operation of Mandatory Alcohol Testing (MAT) checkpoints which have been operating since then. The increased levels of enforcement arising from the introduction of the MAT system, should have a significant deterrent effect on those who would otherwise drink and drive. The 2006 Act also proposes increases to both the fines and periods of disqualification relating to dangerous driving and drink driving offences. These provisions will be brought into effect shortly, once the necessary administrative and technical arrangements have been settled by the agencies concerned.

Rail Network.

18. **Ms Burton** asked the Minister for Transport when he expects the feasibility study for the extension of rail line and services to Navan to commence; and his target date for making a railway order for the provision and upgrade of this line. [30067/06]

Minister for Transport (Mr. Cullen): The planning and design of the Navan Rail Link is a matter for Iarnród Éireann in the first instance. I understand that the old Navan rail line will be reopened in two phases with the first phase running off the Maynooth line, at Clonsilla, to the M3 interchange at Pace, near Dunboyne. There will be a major Park and Ride facility at Pace on the M3 interchange.

The current position regarding this phase is that detailed design work is underway and Iarnród Éireann expect to submit a Railway Order application in mid 2007 for statutory approval to enable the railway upgrade works to

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proceed with a view to completion of phase 1 in 2009 as provided for in Transport 21.

It is proposed to extend the rail line to Navan within the period of Transport 21. Iarnród Éireann and Meath County Council are developing terms of reference for a scoping study for the extension to Navan. I understand that the scope of work for the feasibility study has been defined and the procurement process for the engagement of consultants to carry out this work is expected to be completed by November and that the study should commence shortly thereafter.

Public Transport.

19. **Aengus Ó Snodaigh** asked the Minister for Transport when will he deliver on his commitments and release funding for Dublin Bus to purchase 100 extra buses. [29883/06]

32. **Mr. Crowe** asked the Minister for Transport if he will release the required funding in order that Dublin Bus can purchase an extra 100 buses in the short term; and if so, when will he do this. [29875/06]

55. **Ms C. Murphy** asked the Minister for Transport the way in which he intends to implement the recommendations of the Dublin Bus Network review; the timeframe for its implementation; if he is considering only Dublin Bus for the allocation of 200 extra buses, or if any other providers will also be considered when allocating these buses; and if he will make a statement on the matter. [29755/06]

100. **Mr. Quinn** asked the Minister for Transport when he proposes to provide Dublin Bus with the extra buses it requires to service current demand. [30064/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 19, 32, 55 and 100 together.

I refer the Deputy to my reply to Question No. 5 of today.

Road Network.

20. **Mr. Noonan** asked the Minister for Transport when it is envisaged that the toll barrier on the M50 will be removed. 1 [29693/06]

75. **Mr. P. Breen** asked the Minister for Transport the timetable and status of plans to introduce barrier free tolling on the M50. [29687/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 20 and 75 together.

The statutory power to levy tolls on national roads, to make toll bye-laws and to enter into toll agreements with private investors in respect of national roads, including the M50, is vested in the

National Roads Authority (NRA) under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000).

As the Deputy is aware, in January of this year, the NRA decided to replace the West-Link toll on the M50 by a single-point barrier free toll in 2008. The installation of barrier free tolling is a crucial element of the M50 upgrade which is underway at present. In that context, the NRA have initiated a tender competition for the provision of free flow tolling services with the objective of having free flow tolling arrangements operational on the M50 by mid 2008.

Rail Services.

21. **Mr. McCormack** asked the Minister for Transport if he will seek expert independent advice on the changing economic arguments for rail freight which, unless steps are taken soon to preserve infrastructure and capacity, will be impossible to revive. [29699/06]

64. **Mr. Neville** asked the Minister for Transport the steps he intends to take to salvage the rail freight sector and ensure that rail freight considerations underpin a new Ports policy. [29691/06]

71. **Mr. M. Higgins** asked the Minister for Transport the reason for his inaction in stopping the dismantling of Irish rail freight infrastructure. [30070/06]

106. **Ms Lynch** asked the Minister for Transport the action he has taken to increase the efficiency of freight movement here both from an economic and environmental point of view; and if he will make a statement on the matter. [30071/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 21, 64, 71 and 106 together.

The Strategic Rail Review, commissioned by my Department, contained a comprehensive examination of the rail freight business and its realistic potential to support economic development and contribute to sustainable development.

Iarnród Éireann, in responding to the challenges contained in the Review, developed a business plan with regard to freight. The company's goal is to return the rail freight business to profitability. To help achieve this turnaround, Iarnród Éireann withdrew from loss-making groupage, palletised and single container rail transport. However, Iarnród Éireann continues to pursue a policy of growing its rail freight business where opportunities present such as in bulk and train-load traffic. This has resulted in the deficit on rail freight being reduced by 50% in the last three years.

Since 1999, Iarnród Éireann has invested over 1.5 billion euro in rebuilding the railways, with

Government and EU support for the investment programme. This has delivered improvements in new trains, upgraded infrastructure and customer facilities. While such investment has primarily focused on improving passenger services, the investment in improving rail infrastructure also has a direct beneficial impact on freight activities. Iarnród Éireann has no plans to eliminate capacity or freight infrastructure.

Iarnród Éireann has made progress in growing the rail freight business in areas where it holds a competitive advantage over road haulage, including mineral ore and pulpwood. For example Iarnród Éireann has:

- increased the trainload pulpwood business by modifying surplus wagons and providing additional services for Coillte between the West of Ireland and the South East;
- altered rail schedules and is currently providing three additional trains per week for Tara Mines with a potential to carry an extra 85,000 tonnes of lead and zinc between Navan and Dublin Port per annum, and
- modified surplus platform wagons to provide a trainload service for containers between Ballina and Waterford Port.

I have introduced the European Communities (Access to Railway Infrastructure) (Amendment) Regulations 2005 (S.I. No. 780 of 2005), implementing EU Directive 2004/51 on the development of the Community's Railways. These Regulations open the freight market to competition from both domestic and foreign operators, from 1 January 2006 in the case of international freight, and from 1 January 2007 in the case of domestic freight operations.

I should add that Iarnród Éireann has undertaken extensive engagement with industry and transporters around the country to try and identify long-term sustainable business opportunities. They have had genuine difficulty in identifying business opportunities that offer reasonable volumes of business on a regular basis. It is not feasible to run trains with one or two containers and Iarnród Éireann has not identified sufficient business to group a number of separate activities together to form a viable trainload. Most Irish industry is focused on 'just in time' transport and as our road network continues to expand and improve across the country, the role of rail freight becomes more problematic because all rail journeys involve road movements at each end of the logistics chain. Furthermore, in Ireland distances are short. The experience across Europe is no different. Rail freight activities are most economic where distances are long, where there are large volumes to be transported and where the freight to be carried is not time sensitive.

As part of the engagement with industry Iarnród Éireann works closely with port authorities, such as in Dublin relating to transport of

lead and zinc and Waterford relating to container traffic, to increase rail based freight. The Government's Ports Policy Statement recognises the need for the integration of ports as a fundamental link in the supply chain, with other transport modes including rail. The assignment of responsibility for maritime transport, including ports to my Department will facilitate the pursuit of this objective.

I am open to any views on how we can expand rail freight but the business environment is such that I have not seen any real opportunities identified. The market for rail freight will be fully liberalised in a matter of months and if there were opportunities I would welcome expressions of interest.

Public Transport.

22. **Mr. Noonan** asked the Minister for Transport if it is envisaged that the promised regulator for the Dublin Bus market will be based in the promised Transport Authority. [29692/06]

43. **Ms Enright** asked the Minister for Transport when a regulator for the Dublin Bus market will be appointed. [29695/06]

58. **Mr. McGinley** asked the Minister for Transport when he intends to allow meaningful competition in the Dublin Bus market. [29709/06]

74. **Ms McManus** asked the Minister for Transport when he proposes to publish the Public Transport Commission Bill; and the reason for the delay in doing so. [30062/06]

86. **Caoimhghín Ó Caoláin** asked the Minister for Transport the details of his proposals to privatise Dublin Bus; the percentage he will privatise; and when he will implement his plans. [29881/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 22, 43, 58, 74 and 86 together.

I refer the Deputy to my reply to Questions Nos. 1, 2 and 5 today. Furthermore I have no proposals to privatise Dublin Bus.

National Car Test.

23. **Mr. Broughan** asked the Minister for Transport the action he has taken on foot of the mid-term review of the National Car Test service. [30053/06]

Minister for Transport (Mr. Cullen): I announced the findings of the mid-term review of the National Car Testing Service (NCTS) on 30th July 2006 and made arrangements for the full report of the independent review completed by PricewaterhouseCoopers to be placed on my Department's website.

The table set out below provides a summary of the PricewaterhouseCoopers report recom-

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mendations and the action taken to date concerning their implementation.

Responsibility for the NCTS has now passed to the Road Safety Authority since 13th September

2006 as a consequence the Road Safety Authority (Conferral of Functions) Order 2006.

No.	Test item	PwC Recommendation	Update on implementation
1.	Conformity of registration plates with legal requirements.	NCTS to provide, free of charge, registration plate stickers with relevant county name in Irish. Otherwise, conformance of registration plates to legal requirements should remain unchanged.	Accepted and implemented by NCTS since 31 July 2006
2.	Lamps on registration plates	Registration plate lamps should be considered for omission from the test.	As above
3.	'Amberness' of indicator lamps	Test for 'amberness' of indicator lamps should be considered for relaxation of tolerance or omission from the test.	As above
4.	Replacement of light bulbs	There should be no change to the current arrangements in the event of bulb failure: this should remain a fail/refusal item.	As above
5.	Cracked or chipped windscreens	Guidelines for interpretation of windscreen faults should be reviewed by Technical Advisory Forum (see recommendation 17), otherwise remain unchanged.	Recommendation accepted; technical consensus required to support any change. See recommendation 17 concerning the establishment of a Technical Advisory Forum
6.	Windscreen washer operation	Windscreen washer operation should be limited to basic test of functionality with water available for owner to top-up reservoir if necessary.	Accepted and implemented by NCTS since 31 July 2006
7.	Retesting cars with new tyres	Tyre failures should be classified as visual only and retested free of charge unless there are other faults requiring the use of the ramp.	As above
8.	Wheel nut checks	The Department should consider removing the requirement to check wheel nuts as part of the test.	Implementation of recommendation deferred pending further consideration.
9.	Engine stress due to high revving during tests	The current method of emissions testing should continue for the present.	Recommendation accepted; technical consensus required to support any change. See recommendation 17 concerning the establishment of a Technical Advisory Forum
10.	Test data different from local garages	NCTS should offer to benchmark underlying test results data (not just pass/fail) with local garages.	Recommendation accepted and to be implemented from 1 October 2006
11.	Test accuracy and consistency	NCTS should continue to explore best practice in respect of ensuring consistency of its own test processes and procedures.	Recommendation accepted.
12.	Additional test centres	The Department should consider the feasibility of provision of a test centre at Inishowen.	NCTS is expected to advertise for a new centre in Inishowen shortly
13.	Test waiting areas	NCTS should investigate the reasons for customer dissatisfaction and undertake a programme of improvement to the waiting areas.	Recommendation accepted and to be undertaken by 1 January 2007
14.	Internet booking	NCTS should introduce an optional pre-payment system for internet bookings.	As above
15.	Improve staff-customer communications	NCTS should provide additional training on customer care and should consider the introduction of comment sheets for customers.	Accepted and implemented by NCTS since 31 July 2006

No.	Test item	PwC Recommendation	Update on implementation
16.	Calculation of test due dates for imported vehicles	We recommend that the test due dates for imported cars should be calculated with reference to the date of first registration in Ireland.	Recommendation accepted; implementation subject to IT modifications to the National Vehicle and Driver File. Subject to the necessary modifications being finalised, it would be the intention to implement this recommendation from 1 January 2007
17.	NCTS/ VRU communications	We recommend that the Vehicle Registration Unit and NCTS work to implement full file transfer of data to NCTS, as soon as possible.	As above
18.	Technical advisory forum	A technical advisory forum should be set up with representatives of, inter alia, the Society of Irish Motor Industry, NCTS, motoring organisations and An Garda Síochána.	Terms of Reference for the proposed Technical Advisory Forum are being finalised.
19.	Mutual recognition of car testing	The Department should participate, at European level in any discussions that could lead to mutual recognition of testing standards in various EU member states	Recommendation accepted.

Driving Tests.

24. **Mr. Rabbitte** asked the Minister for Transport his plans to introduce a statutory requirement for novice drivers to continue supervised practice and training after they have passed the practical driving test; and if he will make a statement on the matter. [30059/06]

25. **Dr. Upton** asked the Minister for Transport when he intends to revise the regulation of driver licensing to ensure that provisional drivers are no longer allowed to drive unaccompanied; if he has a target national average weekly wait for the driving test at which point this reform will be introduced; and if he will make a statement on the matter. [30050/06]

29. **Ms Shortall** asked the Minister for Transport when he intends to revise the regulation of driver licensing to ensure that drivers may not continually renew their provisional license without taking a driving test. [30049/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 24, 25 and 29 together.

I have indicated on previous occasions that I am not happy with the current driving licence system and that I am anxious to bring in reforms to the system.

Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority has responsibility for the oversight of the operation of the driver licensing system. In addition under the Road Safety Authority Act 2006 it is open to the Road Safety Authority to make recommendations in relation to the promotion of better driving standards and to draw up road safety programmes.

The Road Safety Authority will be examining the driver licensing system and will make recommendations as to what further reforms might be introduced in the interests of road safety. The requirements concerning accompaniment and supervision of learner drivers would of course be a matter to be considered by the RSA in such deliberations as would be the desirability of requiring novice drivers undergo further training or supervision.

Deputies will be aware of the significant measures that have been taken to help reduce the waiting times for driving tests. I have not set a precise target waiting time at which any reforms of the licensing system will be introduced. Rather, I will keep the matter under review having regard to the impact that the introduction of measures will have on the waiting times, and the desirability of introducing reforms in the interests of road safety. In this regard, I might mention that reforms may be introduced on a phased basis rather than all at once.

I should point out that at present provisional licence holders are generally required to be accompanied by and under the supervision of a person qualified to drive the category of vehicle being driven. The only exception to this is where the driver holds a second provisional licence in respect of a car or is the holder of a provisional licence to drive motorcycles or tractors/work vehicles.

As regards renewal of provisional licences, it is a regulatory condition for eligibility for renewal of a provisional licence that the person has generally within the proceeding period of two years undergone the driving test. This condition does not apply where the applicant satisfies the licensing authority that because of illness, as certified by a registered medical practitioner, the person was not in a position to submit to a driving test.

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Otherwise, the person must produce evidence to the licensing authority that a driving test has been arranged for that person. The conditions concerning renewal will be considered as part of the review of the licensing system.

Aer Lingus Flotation.

26. **Mr. J. O’Keeffe** asked the Minister for Transport if his attention has been drawn to reports that the percentage of Aer Lingus retained by the State is 25 per cent and not 25.1 per cent as indicated to the Dáil when the sale was sanctioned. [29716/06]

52. **Aengus Ó Snodaigh** asked the Minister for Transport if he has satisfied himself with the amount that the State will receive from the sale of Aer Lingus. [29882/06]

82. **Mr. Durkan** asked the Minister for Transport if he has satisfied himself that the flotation of Aer Lingus is proceeding satisfactorily and as planned; and if he will make a statement on the matter. [30082/06]

101. **Mr. Crowe** asked the Minister for Transport the amount the State will make from selling the majority of its shares in Aer Lingus; and if he is satisfied with this amount. [29874/06]

254. **Mr. Durkan** asked the Minister for Transport the degree to which the flotation of Aer Lingus is progressing according to plan; and if he will make a statement on the matter. [30394/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 26, 52, 82, 101 and 254 together.

In its decisions of 18 May 2005 and 4 April 2006, the Government agreed to the State reducing its shareholding in Aer Lingus, whilst retaining a significant stake, by way of an Initial Public Offering (IPO) and on 6 July 2006, the general principles of the sale of shares in Aer Lingus were approved by Dáil Éireann.

The offer price was decided on Tuesday 26th September 2006 and conditional dealings in the shares commenced on the Irish and London Stock Exchanges yesterday. Formal admission of the shares to the Official Lists of the Irish Stock Exchange and the UK Financial Services Authority will take place next Monday (2 October) and unconditional dealings will commence on that date.

The Government’s overarching objective has always been to provide the Company with access to new equity to enable it to compete effectively and fund the growth of its business. The company will, through the issue of new shares, raise gross proceeds of the order of half a billion Euro.

In addition, I expect that the State will raise gross proceeds of around €200m. I have said on

several occasions that the State would retain a minimum shareholding of 25.1%. The State’s retained shareholding is now expected to be approximately 28.3%. Approximately 2.8% of this shareholding is subject to a call in favour of the Employee Share Ownership Trust, and to protect against the dilution effect of the issue of bonus shares to certain investors in twelve months time.

National Car Test.

27. **Mr. Crawford** asked the Minister for Transport if he has made or will make arrangements to ensure that illegalities uncovered in the course of the National Car Test are communicated to the Garda Síochána. [29714/06]

Minister for Transport (Mr. Cullen): Oversight arrangements for the National Car Testing scheme are now vested in the Road Safety Authority since 13th September 2006 as a consequence of the Road Safety Authority (Conferral of Functions) Order 2006.

I understand from the Authority that the remit of the national car test (NCT) scheme is to determine periodically the roadworthiness condition of passenger cars and small public service vehicles. Where such vehicles fail a roadworthiness test, they are not issued with a NCT test certificate and the owner is provided with a test report in accordance with the rules for the scheme. There are no proposals under consideration to alter the remit of the current NCT scheme.

In so far as issues concerning breaches of the law are concerned including those relating to the unlawful use of vehicles, these are matters for the Garda Síochána to investigate and prosecute if appropriate. If the Deputy has specific information concerning breaches of the law, these should be brought to the attention of the Garda Síochána.

Finally, should the Deputy have particular proposals concerning the national car testing scheme, these can be sent to me or alternatively to the Chief Executive Officer of the Road Safety Authority.

Airport Development Projects.

28. **Mr. J. O’Keeffe** asked the Minister for Transport the current planning status of the new terminal planned for Dublin Airport in accordance with his policy announced in May 2005; if the increased size of Terminal 2 has implications for Terminal 3; and when the planning process for Terminal 3 will commence. [29717/06]

35. **Mr. Sargent** asked the Minister for Transport the estimated final cost of the second terminal for Dublin airport and associated infrastructure; and the way in which the project is to be funded. [29918/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 28 and 35 together.

Following a wide-ranging consultation process involving users, statutory authorities and other interested parties, the Dublin Airport Authority (DAA) recently published its proposals for a second terminal at Dublin Airport (T2). A detailed planning application for the terminal and related facilities was submitted to Fingal County Council on 31 August 2006. Subject to the outcome of the planning process, construction of the new terminal will begin in summer 2007.

The DAA has informed me that as part of this consultation process it was made aware of the updated expansion of some of the key airlines operating out of Dublin Airport. To accommodate this growth the DAA decided to develop a 75,000 sq. metre terminal instead of the initially planned 50,000 metre facility. This 50% expansion in the scale of the development, and the attendant increase in the complexity of some of its features, are the key reasons for the increase in the cost of the facility which is now estimated to be €395m and which will be funded by the DAA. DAA is working to deliver the terminal by late 2009.

The consultants appointed by my Department to verify the specification and cost of the proposed Terminal Two at Dublin Airport, have now completed their work and submitted their report. The following are the main findings of the Boyd Creed Sweett report:

- the consultation process with stakeholders in the development of requirements for the new terminal and the methodology, approach and execution of the planning objectives and considerations for passengers accords with best practice;
- the development of the structural proposals is in accordance with best practice and the scheme chosen is comparable with that used in similar airport terminal buildings;
- the estimated cost of Terminal Two on a cost per square metre basis lies at the mid point range of a UK terminal buildings benchmarking study; and
- the benchmarking study and the Terminal Two cost plan have been independently verified by the consultants, who conclude that the estimated cost of the new terminal is within industry norms for this type of project in a European capital city.

It is envisaged by the DAA that additional terminal facilities will be required after 2015. Fingal County Council has included provision for a third terminal on the western campus in its Dublin Airport Masterplan in June last and this is an

important aspect of facilitating timely additional capacity.

Question No. 29 answered with Question No. 24.

Driving Instructors.

30. **Mr. Ferris** asked the Minister for Transport if he or his Department have had discussions with the Road Safety Authority regarding the regulation of driving instructors; and the timescale he envisages for their regulation. [29878/06]

Minister for Transport (Mr. Cullen): The registration of driving instructors will be the responsibility of the Road Safety Authority. On the 19 June last I launched a document entitled “Consultation on the Regulation of Driving Instruction in Ireland” which was prepared by my Department in consultation with the Road Safety Authority. Submissions from stakeholders were sought by the 8 September 2006. Submissions have been received and are being considered by the RSA.

In the document it was proposed that from 1 July 2007 all new entrants to the driving instruction industry must be approved and registered before being allowed to instruct for reward and that existing driving instructors must be approved and registered by 1 July 2008.

State Airports.

31. **Dr. Cowley** asked the Minister for Transport when the additional essential funding will be provided to enable Ireland West Airport, Knock develop and increase capacity as being demanded by the general public; his views on the fact that given the constant increases in passenger numbers at this airport, would it not be prudent for this Government to invest in this project; and if he will make a statement on the matter. [29753/06]

67. **Dr. Cowley** asked the Minister for Transport to provide details of the long term financial-investment plans he has for Ireland West Airport, Knock; and if he will make a statement on the matter. [29754/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 31 and 67 together.

The level of Exchequer funding for capital expenditure at Ireland West Airport Knock and at the other regional airports in the years ahead will be determined within the framework of a new scheme recently introduced by my Department to ensure that such funding is in compliance with the legally-binding EU guidelines on financing of airports which were published towards the end of last year.

Under the Capital Expenditure Grant Scheme, applications from the regional airports will be assessed by reference to a planning and implementation framework extending to 2010 and a

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budget of €65 million out of the total of €100 million for which Transport 21 provides up to 2015. As well as the continuation of grant assistance for essential safety and security capital expenditure under the NDP, all regional airports are eligible for capital expenditure grants where demand for additional air services can be demonstrated and where an economic case can be made to justify increased investment.

At my Department's request, all of the regional airports including Ireland West Airport Knock have submitted proposals for funding under the new scheme. These grant applications will be assessed and prioritised by my Department with the assistance of expert advice and I expect to be in a position to announce each airport's allocation under the scheme by the end of November this year.

Question No. 32 answered with Question No. 19.

Aviation Regulations.

33. **Mr. S. Ryan** asked the Minister for Transport if he is satisfied that the regulation of flight time limitations is being routinely and rigorously enforced by the IAA; the basis for the conclusion in this regard; and the information available to him on the level of activity of the IAA in enforcing flight time regulations. [30066/06]

Minister for Transport (Mr. Cullen): The regulation of flight time limitations is an operational matter for the Irish Aviation Authority (IAA). I am advised by the IAA that they rigorously enforce the relevant regulations through ongoing surveillance of Irish airlines. The IAA conducts a series of audits on flight time limitations in all Irish airlines to ensure compliance with current regulations and approved flight time limitations schemes (typically every six months). I understand that in 2005 in excess of 3,500 individual records were examined on this topic alone.

The IAA is subject to routine audits by the International Civil Aviation Authority (ICAO), the Joint Aviation Authority (JAA), the Department of Transport and IAA internal audits which verify IAA effectiveness in this regard.

Road Safety.

34. **Mr. Gilmore** asked the Minister for Transport when he proposes to introduce legislation for the compulsory fitting of cyclops mirrors to all large vehicles; and if he will make a statement on the matter. [30042/06]

Minister for Transport (Mr. Cullen): Since 13 September 2006 as a consequence of the Road Safety Authority (Conferral of Functions) Order 2006 responsibility for matters relating to vehicle standards, including requirements in relation to mirrors on vehicles, has passed to the Road

Safety Authority. Prior to the Road Safety Authority taking over the responsibility for these matters, I had made considerable progress on the issue of the voluntary fitting of vision-enhancing mirrors to HGVs and buses and I have no doubt that the Road Safety Authority will continue in that vein working with the motor trade and other stakeholders to ensure best practice in relation to these critically important motor components.

I am favourably disposed, as is the Road Safety Authority, to the compulsory fitment of cyclops mirrors to existing HGVs and buses. However, before such a requirement could be introduced it would be necessary for a regulatory impact assessment of the proposal to be carried out and for the European Commission to be consulted. The RSA has indicated to me that it will soon embark on undertaking such an assessment of the proposal and will prepare, for public consultation, a draft regulation to bring about a compulsory situation, which the Authority may submit to me in due course.

Question No. 35 answered with Question No. 28.

Question No. 36 answered with Question No. 11.

Road Traffic Offences.

37. **Mr. Penrose** asked the Minister for Transport the action he is taking to address the anomaly in the law whereby drivers of vehicles with non-transparent windows can flout the new law banning driving while holding a mobile phone; the reason for his inaction when both the Gardaí and the vehicle registration unit expressed a concern regarding same almost 12 months ago; and if he will make a statement on the matter. [30075/06]

Minister for Transport (Mr. Cullen): I have asked the Road Safety Authority to examine this matter as a priority. The Authority will be seeking the views of the Technical Advisory Forum for the National Car Test (NCT) on the matter. The establishment of an Advisory Forum body to consider and make recommendations to the RSA in relation to vehicle technical matters associated with the NCT regime was recommended in the report of the mid-term review of the national car testing service.

I understand from the Authority that it will shortly be seeking nominations from relevant organisations and stakeholders to serve on the forum and that it expects the forum to be constituted in the next few weeks.

Driving Tests.

38. **Mr. Rabbitte** asked the Minister for Transport the projected demand for driving tests in 2006, 2007 and 2008 and the basis for his calcu-

lation; the projected supply of driving tests in the same period with a breakdown by source; and the way in which he proposes to reduce average waiting periods to below six weeks. [30058/06]

53. **Mr. Ferris** asked the Minister for Transport if progress has been made on resolving the driving test backlog. [29879/06]

56. **Mr. Crawford** asked the Minister for Transport if he will give a status report on progress to end the backlog of those awaiting a driving test. [29715/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 38, 53 and 56 together.

It is my objective to eliminate the backlog of driving tests by mid-2007. That means having a waiting list of no more than about 50,000 that can be scheduled in a 10 to 12 week period. The Road Safety Authority now has responsibility for the delivery of driving tests and will be working towards this objective.

The measures I have put in place to achieve this objective are: the redeployment of seven civil servants from the Department of Agriculture and Food as driver testers in April this year giving an annual additional capacity of about 10,000 tests; the recruitment of eleven driver testers on 2-year contracts who will provide additional capacity of about 15,000 tests in a full year; the introduction of a bonus scheme for driver testers from February, 2006 which has the potential to deliver up to 40,000 driving tests; and the outsourcing of a block of 40,000 tests to an outside agency which can be extended to 45,000 tests if necessary.

SGS Ltd., the company contracted to conduct driving tests, commenced issuing driving test appointment letters to test candidates during the week commencing 11 September. SGS Ltd. will begin conducting driving tests during the week commencing 23 October.

I expect to see a marked reduction in the waiting list by the end of this year. I also expect that the Road Safety Authority to formally review the position, taking account of all the above measures and take any action necessary to ensure a reduction in the waiting times in line with my objective.

In relation to demand forecasting a statistical forecasting model for driving test applications from 2000 to 2006 has been in use. Applications received were within range for the years up to 2003. In 2003, applications rose to a record level for a short period. It is this spike in applications that has caused the backlog in the testing system. Since then applications have returned to within predicted range. The Road Safety Authority will be preparing demand forecasts into the future.

Rail Network.

39. **Mr. M. Higgins** asked the Minister for Transport if he has finished his consideration of

Iarnród Éireann's business proposals in relation to phase one and two of the western rail corridor; and the plans to provide funding for the extension of the services northwards to Collooney, County Sligo. [30068/06]

42. **Mr. Gogarty** asked the Minister for Transport the progress which has been made on the development of the western rail corridor; when the existing rail line from Ennis to Athenry will be reopened; and the expected timetable and budget for the opening of passenger services on the first phase of the western rail corridor. [29914/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 39 and 42 together.

The development of the Western Rail Corridor from Ennis to Claremorris was included as a priority project under Transport 21, with provision also for the preservation of the line from Claremorris to Collooney. This was confirmed recently in Towards 2016, the new Partnership Agreement.

Transport 21 provides for the re-opening of the corridor on a phased basis, in line with the recommendations of the Report by the Expert Working Group on the Western Rail Corridor Chaired by Mr Pat McCann. The Ennis to Athenry section is to be completed in 2008, the Athenry to Tuam section in 2011 and the Tuam to Claremorris section in 2014.

The current situation is that on Tuesday last, I announced Government approval for funding of approx €100m for the development of the first phase of the Western Rail Corridor from Ennis to Athenry, which is expected to cost approx €100m at 2005 prices. I have asked Irish Rail to proceed now with the detailed planning and design of the project, with a view to commencing track renewal in mid-2007 and completing the project in 2008.

I also announced that, subject to some further studies to be completed by Irish Rail, the Government has approved funding in principle for the development of phase 2 of the corridor between Athenry and Tuam, scheduled for completion by 2011.

In relation to phase 3 of the project, the development of the section from Tuam to Claremorris, I expect to receive business case proposals from Irish Rail at the appropriate time and in accordance with the timetable announced under Transport 21.

In addition, on 18 September last, my Cabinet colleague Minister Ó Cuiv announced that funding for the preservation of the Claremorris to Collooney section of the corridor would be provided under the Clár Programme.

Question No. 40 answered with Question No. 17.

Question No. 41 answered with Question No. 13.

Question No. 42 answered with Question No. 39.

Question No. 43 answered with Question No. 22.

Question No. 44 answered with Question No. 11.

Insurance Industry.

45. **Ms McManus** asked the Minister for Transport the action he has taken to ensure that reductions in insurance compensation payments are passed on to the consumer through improved car insurance premia; the action he is taking to encourage more insurance companies to incorporate loadings or savings on their premia in respect of penalty point offences; and if he will make a statement on the matter. [30063/06]

Minister for Transport (Mr. Cullen): I have no direct responsibility in relation to setting of motor insurance premiums. Insurance cover is provided based on actuarial or statistical data or other underwriting or commercial factors.

It would be important to recognise at the outset that the Personal Injuries Assessment Board award compensation at the same level as the Courts. However the legal costs are substantially lower than processing a claim through the courts. The insurance industry points out that through their own research and using Central Statistic Office data, insurance premiums are now, in real terms, lower than at any time since 1992.

As stated earlier, motor insurance companies use a range of factors when assessing risk and arriving at different categories of insurance premiums. Penalty points are one such factor. The industry acknowledge the following criteria among their rating factor — age, gender, type of driving licence, claims experience, class of use, vehicle engine cc as well as other criteria. The Department understands that some motor insurers use penalty points as a specific rating factor, whereas others take a more general approach of acknowledging the effects of penalty points on the overall claims costs and price premiums accordingly.

The Government for its part initiated the Insurance Reform Programme in 2002 which has been very successful in bringing down the cost and increasing the availability of motor insurance. Between April 2003 and August 2006, overall motor insurance premiums have fallen by some 28.5 percent. The recommendations contained in the Motor Insurance Advisory Board's report form the bedrock of the insurance reform programme which my Department is implementing. The operation of the Personal Injuries Assessment Board and anti-fraud measures incorpor-

ated in the Courts and Civil Liability Act have already improved the environment for lower costs of claims resulting from personal injury claims and compensation. Random breath testing, increased resources to the Garda Traffic Corps and the roll-out of the penalty points system are also expected to deliver better driver behaviour and reduced frequency of traffic collisions.

Road Network.

46. **Mr. Stagg** asked the Minister for Transport the reports he has received from the National Roads Authority to date in relation to their proposal to buy out the private toll on the M50; the information supplied to him from any source on the likely charge to the Exchequer of buying out the toll; when the toll will be bought out; and the reason for the ongoing delay in bringing forward legislation for open road tolling on the M50. [30069/06]

Minister for Transport (Mr. Cullen): As the Deputy is aware, last January, the National Roads Authority (NRA) decided to terminate discussions with National Toll Roads plc (NTR) in relation to the upgrading of the West-Link toll facility. Instead the NRA is separately procuring a barrier free toll system, which will become operational in 2008. NTR will be compensated in accordance with the existing West-Link Agreement.

The exact details of the arrangements, including compensation, remain to be finalised between NRA and NTR and as these discussions are ongoing at present, I would not wish to pre-empt their outcome.

In relation to barrier free tolling legislation, my officials are currently preparing proposals for a Roads Amendment Bill 2006 to strengthen the statutory basis. I hope to bring the Bill before the Oireachtas before the end of this year.

Garda Equipment.

47. **Mr. Allen** asked the Minister for Transport the status of plans to outsource speed cameras. [29706/06]

Minister for Transport (Mr. Cullen): This is a matter for the Minister for Justice, Equality and Law Reform.

Road Traffic Offences.

48. **Mr. Boyle** asked the Minister for Transport the action he has taken to close the operational anomaly that penalty points do not appear on a driver's licence, that there is no penalty attached to the offence of failing to surrender a driving licence, thereby allowing drivers with 12 penalty points to continue driving. [29909/06]

Minister for Transport (Mr. Cullen): The Road Traffic Act 2002 provides that penalty points will

be endorsed on a person's licence record and not on the licence.

Under section 5(3) of the Road Traffic Act 2002 it is an offence not to comply with a direction to surrender your licence when you are disqualified having reached 12 points. This offence attracts a fine of up to €800 in the case of a first offence or a fine of up to €1,500 for a second or subsequent offence.

Anyone driving while disqualified is guilty of an offence under section 38 of the Road Traffic Act 1961 as amended and is liable to a fine of up to €5,000 or up to six months imprisonment or both.

Public Transport.

49. **Ms Burton** asked the Minister for Transport if he will provide an update on the metro west project. [30045/06]

Minister for Transport (Mr. Cullen): Metro West, which will be built on a phased basis, is intended to link Tallaght with Clondalkin, Lucan and Blanchardstown and connect with Metro North at Ballymun. The RPA have made good progress on identifying feasible alignments and I understand that the RPA will commence public consultation on the route options before the end of this year. Thereafter, it is expected that a preferred alignment will be identified early in 2007, pending the outcome of this stage of public consultation.

In line with the timeframes set out in Transport 21, Metro West is scheduled for completion in 2014.

Question No. 50 answered with Question No. 11.

Air Services.

51. **Ms Lynch** asked the Minister for Transport his policy in relation to the establishment of a confidential reporting system for the Irish Aviation Industry; and if he will make a statement on the matter. [30073/06]

Minister for Transport (Mr. Cullen): Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation includes an option for Member States to develop a confidential reporting system. Preparation of the Statutory Instrument to transpose this Directive into Irish law is well advanced.

Question No. 52 answered with Question No. 26.

Question No. 53 answered with Question No. 38.

Road Safety.

54. **Mr. Costello** asked the Minister for Transport if he is satisfied with the level of awareness among parents and drivers of the new law on seatbelts for children; the way in which this has been assessed; and if he will make a statement on the matter. [30072/06]

Minister for Transport (Mr. Cullen): An extensive public awareness programme to promote the child safety requirements of the European Communities (Compulsory Use of Safety Belts and Child Restraint Systems in Motor Vehicles) Regulations 2006 was initiated earlier this month by the Road Safety Authority. I understand from the Authority that the response to the campaign to date is very encouraging and that it has already brought about a significantly increase in public awareness of the need for children to be properly and safely restrained in motor vehicles. As a follow on from the awareness programme, the Authority will be conducting surveys in due course to determine awareness levels and seating wearing compliance by the public in relation to the use of safety belts and child restraint systems in motor vehicles.

Question No. 55 answered with Question No. 19.

Question No. 56 answered with Question No. 38.

Road Network.

57. **Mr. O'Dowd** asked the Minister for Transport the contact he has had with the National Roads Authority in respect of the cost and projected opening date of the Port Tunnel; and if he will make a statement on the matter. [29724/06]

Minister for Transport (Mr. Cullen): At the outset, I should explain that overall responsibility for the planning, design and implementation of national road improvement projects, including the Dublin Port Tunnel, is a matter for the National Roads Authority (NRA) and the local authorities concerned, in this case, Dublin City Council. I understand from the NRA that the estimated cost of the Tunnel remains at €751 million, which has been the estimate for some time.

As regards the opening of the Tunnel, I understand that the main construction and installation work in the Tunnel was completed in July. The latest indication from Dublin City Council and the NRA is that the Tunnel will open later this year. However, in the interest of public safety, the exact opening date will be contingent on satisfactory completion of the testing and commissioning of the Tunnel's operational and safety features, including the training of operational and emergency services staff.

My Department is keeping in touch with all stakeholders, including the NRA and Dublin City

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Council, on a regular basis to ensure that a co-ordinated strategy is developed for the opening of the Tunnel.

Question No. 58 answered with Question No. 22.

International Agreements.

59. **Mr. Hogan** asked the Minister for Transport the status of EU negotiations with the United States on Open Skies. [29704/06]

72. **Mr. Hogan** asked the Minister for Transport if there is failure to reach agreement on Open Skies; and if he will pursue a new bilateral with the United States. [29705/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 59 and 72 together.

As I indicated in a written answer yesterday in November 2005 EU and US negotiators concluded work on the text of a first-phase EU-US Open Skies agreement. The text was unanimously endorsed at the December 2005 Transport Council subject to sufficient progress by the US side on opening up ownership and control of US airlines to EU investors. The formal US process of changing its ownership and control rules was expected to be concluded in August 2006 so that a final decision could be taken at the October Transport Council. However, due to difficulties on the US side the rule-making process has been extended.

I am fully committed to the view that the liberalisation of air transport services between Ireland and the US will deliver major benefits for Irish business and tourism. I have written to EU Commissioner Barrot strongly urging the Commission to continue engagement with the US Authorities so that they can be in a position to bring forward a proposal for decision at the October Transport Council that will incorporate the Irish transition arrangements. In the absence of progress at EU level I intend to seek to implement, in accordance with the applicable Community law, the essential elements of the transitional arrangements by way of an amendment to the Ireland-US bilateral Air Services Agreement.

Planning Issues.

60. **Mr. Gormley** asked the Minister for Transport if development levies will be collected for developments situated adjacent to proposed new Metro lines; and if he will make a statement on the matter. [29915/06]

Minister for Transport (Mr. Cullen): It is a matter for each Local Authority to decide whether to introduce development levy schemes in their area for new Metro and Luas projects. I understand from the Railway Procurement Agency that it is currently in the alignment identi-

fication stage of each of these projects and is studying these routes in partnership with the relevant local authorities. Once final alignments have been agreed RPA will seek the implementation of development levies to support each project.

Section 49 of the Planning & Development Act, 2000, provides for the drawing up of supplementary development contribution schemes by Local Authorities in order to facilitate a particular public infrastructure service or project. Such development levy schemes can be used for rail, light rail metro or other public transport infrastructure and can help to bring forward the delivery of these projects. A development levy scheme has already been introduced by Dun Laoghaire Rathdown County Council in respect of the proposed Luas extension from Sandymount to Cherrywood. A similar scheme has been introduced by the Dublin Docklands Development Authority under its own legislation in respect of the proposed Luas extension from Connolly Station to the Point.

Public Transport.

61. **Mr. Wall** asked the Minister for Transport when he intends to revise fare-zoning as operated by public sector transport companies; and the discussions he has had with these companies regarding reducing fares on certain routes. [30047/06]

Minister for Transport (Mr. Cullen): I have no function in relation to this matter. The structure of fares is an operational matter for the CIE companies.

62. **Mr. Deasy** asked the Minister for Transport if his attention has been drawn to the fact that Waterford is the only city here that does not have a public bus service on Sundays and bank holidays; the discussions he has had with Bus Éireann regarding the provision of a Sunday service in Waterford; and if he will make a statement on the matter. [29759/06]

Minister for Transport (Mr. Cullen): The decision to operate public bus services on specific days of the week is an operational matter for bus operators. I understand that in the case of Bus Éireann, they are considering the introduction of such services, in the light of my announcement today on expanding the company's bus fleet.

Rail Services.

63. **Mr. Connaughton** asked the Minister for Transport if he will consider either the provision of a regulator for the rail freight sector or the seeking of tenders for an operator from the private sector to operate the service for a number of years. [29700/06]

Minister for Transport (Mr. Cullen): The European Communities (Access to Railway

Infrastructure) (Amendment) Regulations, 2005 (S.I. 780 of 2005), transposes Directive 2004/51/EC on the development of the Community's Railways. In line with developments across the EU, these Regulations allow for the opening of the freight market to competition from 1 January 2006, in the case of international freight, and from 1 January 2007 for domestic freight operations. The rail freight industry across the EU is aware of these developments.

I have said on a number of occasions that I welcome the development of a liberalised rail freight market and I am open to considering proposals from interested parties on any innovative or new approaches to rail freight which offer value for money, where a real and tangible return on Exchequer investment can be demonstrated. However, no formal applications have been received in my Department for a railway undertaking licence or for track access.

I have no proposals for the provision of an independent rail regulator for the rail sector.

Question No. 64 answered with Question No. 21.

Road Safety.

65. **Ms O. Mitchell** asked the Minister for Transport if, following his letter to the local authorities requesting a review of existing speed limits, he is now satisfied that all local authorities have carried out this review and if he can confirm that appropriate by-laws are, or have been, put in place on foot of that review. [29685/06]

84. **Ms O. Mitchell** asked the Minister for Transport following his letter to the local authorities about speed limits, if all special speed limits introduced prior to and post metrification have been made in accordance with the relevant by-laws. [29684/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 65 and 84 together.

Statutory responsibility for the application of special speed limits through the making of special speed limit by-laws is vested in the county councils and city councils. I understand that the majority of the 34 county councils and city councils have either completed a review of existing speed limits, have a review underway at present or are planning to carry out such a review later in 2006, pursuant to section 9 of the Road Traffic Act 2004, with a view to adopting new by-laws.

All 34 local authorities indicated that the special speed limit by-laws that were in place prior to 20 January 2005 were still applicable. Five of the authorities indicated that new additional by-laws had been adopted since January 2005 to apply special speed limits at further locations. My Department will continue to monitor this situation to ensure that the local

authorities follow through on their stated intentions as outlined above.

Light Rail Project.

66. **Mr. Gogarty** asked the Minister for Transport when he expects to make a decision regarding the proposed linking of the two existing LUAS lines in Dublin City centre; when he expects to receive a report from the Railway Procurement Agency on preferred route options; and the length of time for the line be delivered once a Government decision has been made to go ahead with the project. [29913/06]

Minister for Transport (Mr. Cullen): The RPA began a public consultation on five potential routes for linking the two existing Luas lines in the city centre in November 2005. This consultation is ongoing. The RPA is engaged in dialogue with the City Council, Dublin Bus and the Dublin Transportation Office in relation to the implications of the potential routes for other road users. Subject to satisfactory outcome of those discussions, the RPA expect to identify a preferred option in November 2006 and following this an application for a Railway Order will be made. Construction timescale will be dependent on the route chosen following the public consultation and the discussions with stakeholders.

Question No. 67 answered with Question No. 31.

Question No. 68 answered with Question No. 17.

Question No. 69 answered with Question No. 11.

Alternative Energy Projects.

70. **Mr. Hayes** asked the Minister for Transport his plans to encourage the production and use of renewable indigenous transport fuels. [29725/06]

Minister for Transport (Mr. Cullen): The Department of Communications, Marine and Natural Resources is responsible for the promotion and development of renewable energy which includes biofuels. To facilitate the formulation of a national biofuels policy, that Department has established an inter-Departmental Biofuels Group, in which my Department participates. My Department is committed to delivering a sustainable transport system designed to balance economic, social and environmental considerations in the development and delivery of transport policy. A range of policies and measures are being progressed which will facilitate the promotion of biofuels in the transport sector.

The CIE companies have committed to regular reporting to my Department on the progress made towards the substitution of fossil fuel with

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biofuel alternatives. Dublin Bus is currently piloting the use of 5% biodiesel blend in five vehicles in Dublin and Bus Éireann intends to commence a pilot of 5% biofuel blend in Cork in the near future.

Transport 21 provides funding for a range of sustainable transport initiatives. The purpose of these initiatives is to facilitate the mainstreaming of sustainability criteria into transport investment decision-making and to make cleaner, more environmentally-friendly vehicles available. These initiatives include pilot projects to test the feasibility of biofuel use in public transport bus operations and HGVs. The projects will build on the initiatives already underway in Dublin Bus and Bus Éireann and the results will be used to guide future policy development, particularly in relation to public transport investment.

Question No. 71 answered with Question No. 21.

Question No. 72 answered with Question No. 59.

Legislative Programme.

73. **Mr. Howlin** asked the Minister for Transport the reasons for his delay in extending whistleblowing legislation to all transport sectors here. [30052/06]

Minister for Transport (Mr. Cullen): Section 54 of the Railway Safety Act 2005 provides for staff of a railway undertaking or a person working under contract of services with a railway undertaking to inform the Railway Safety Commission of any information relevant to an investigation of a railway incident or of any risk to the railway in terms of its staff and passengers arising from the operations of the undertaking. The Act also provides that the member of staff cannot be disciplined or disadvantaged in any way following the provision of such information.

Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on

occurrence reporting in civil aviation includes an option for Member States to develop a confidential reporting system. Work is under way to transpose this Directive into Irish law. I have no further proposals at present in relation to whistleblowing legislation.

Question No. 74 answered with Question No. 22.

Question No. 75 answered with Question No. 20.

Road Safety.

76. **Mr. Stagg** asked the Minister for Transport the work of the Cabinet sub-committee on road safety; the number of times the committee has met since its establishment; the last time it met and the agenda; and the decisions taken and proposals adopted. [30060/06]

77. **Mr. Morgan** asked the Minister for Transport if he has had recent meetings or discussions with the Department of Education and Science regarding ensuring that road safety is placed on the school curriculum; and if he will make a statement on the matter. [29877/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 76 and 77 together.

The Cabinet Sub Committee on Road Safety was established in January 2006 to promote cross departmental road safety issues. The first meeting took place in early February. Further meetings were held in March, May and July. Following discussions on how to further enhance road safety, the Road Safety Authority will be working in partnership with the Department for Education and Science to develop a specific additional road safety resource suitable for transition year pupils. I understand that this work is currently underway and details can be obtained directly from the Road Safety Authority. In addition, the Road Safety Authority has a number of initiatives in place to ensure road safety is targeted at schools as outlined in the following table.

	Programme Title	Target
1.	"Seatbelt Sheriff"	1st & 2nd Classes all primary schools.
2	"Cycling Proficiency Training"	Co funded in 11 counties. (Primary schools)
3	"Be Safe"	5th & 6th Classes in Primary schools
4	"Streetwise"	1st to 4th Years secondary schools.
5	"Staying Alive"	Transition Year — Secondary Schools

These programmes are augmented with information materials for children, their parents and schools.

Rail Safety.

78. **Mr. Bruton** asked the Minister for Transport the action he intends to take following the

publication of the report on the collapse of the Cahir viaduct. [29710/06]

Minister for Transport (Mr. Cullen): The Report of the Inquiry into the Derailment of a Freight Train at Cahir was published on the 3 August, 2006. The implementation of the recom-

mendations of the report are a matter for Iarnród Éireann and the Railway Safety Commission. I understand from both the Railway Safety Commission and Iarnród Éireann that the latter is implementing the recommendations which focus on strengthening Iarnród Éireann's inspection and maintenance regime and its safety management systems. The Railway Safety Commissioner has advised my Department that he is satisfied that Iarnród Éireann are implementing the recommendations but he will continue to track overall implementation of the recommendations on an ongoing basis.

Most of the recommendations are being carried out and funded under the €512m Railway Safety Programme for the period 2004-2008. In relation to railway safety generally, the position is that this Government has prioritised investment in Railway Safety since 1999 and total investment over the period 1999 to date amounts to over €850m. This investment is providing a twofold benefit for passengers: a safer railway as well as better and more frequent passenger services. Since 1999, Iarnród Éireann has renewed approximately 760 kilometres of track, erected over 500 kilometres of new fencing, replaced and/or renewed over 170 bridges and closed or upgraded over 750 level crossings.

Other elements of the safety programme included investment in signals, telecommunications and electrification as well as in cuttings and embankments. The development of the company's safety management systems has also been addressed with over €80m expended on improving the safety management systems, procedures and practices and in promoting safety culture at all levels in the organisation.

As part of Transport 21, investment in railway safety will be maintained at a high level to ensure full implementation of the railway safety programme recommended by the Task Force on Railway Safety. In addition to the increased investment, the establishment of the Railway Safety Commission on 1 January, 2006 under the provisions of the Railway Safety Act, 2005 has provided a modern regulatory framework for railway safety. Increased investment combined with a modern legislative framework for railway safety will ensure a continuing high level of safety across the railway network.

Pension Provisions.

79. **Mr. S. Ryan** asked the Minister for Transport the steps he will take to address the deficit or deficiency in the Irish Airline General Employees superannuation scheme and to provide the indexation of pensions for employees of the Dublin Airport Authority and SR Technics in view of the recent provisions made for Aer Lingus pensioners. [30057/06]

Minister for Transport (Mr. Cullen): Pension entitlements for employees in the DAA and SR

Technics are primarily matters for the Trustees, the members of the relevant scheme and the companies involved. The pension scheme in question, the Irish Airlines (General Employees) Superannuation Scheme, is a multi-employer scheme in which these two companies and Aer Lingus participate. Under the rules of the Scheme indexation increases are not guaranteed and are not explicitly funded but depend on the performance of the pension fund and are paid at the discretion of the Trustees of the Scheme. I understand, however, that the practice by the Trustees has been to provide pension increases in line with CPI.

The provisions made in relation to Aer Lingus are particular to that company and were agreed in the context of the overall arrangements put in place for the Aer Lingus IPO.

Cycle Facilities.

80. **Ms B. Moynihan-Cronin** asked the Minister for Transport the published policies his Department have on fostering and facilitating cycling; the budget allocated to such policies; and the number of staff in his Department dedicated to cycling policy. [30078/06]

Minister for Transport (Mr. Cullen): The Government is committed to promoting cycling, as is made clear in the Programme for Government: "We will invest in expanding the national network of cycleways in order to encourage more people to cycle and to promote cycling as a safe and healthy mode of travel" — Programme for Government, Page 14, June 2002. It is Government policy to make provision for the bicycle as a separate mode in the design and maintenance of roads.

While the provision of cycle ways and cycle parking is, in the first instance, a matter for the relevant local authorities, my Department provides funding for cycle facility provision by local authorities in the Greater Dublin Area (GDA), through its Traffic Management Grants (TMG) Scheme, which is administered by the Dublin Transportation Office (DTO). €45m was set aside for Traffic Management Grants this year. Allocations are made to individual projects based upon proposals from local authorities and in order of priority based upon a multi-criteria analysis. The development of cycle facilities also takes place in conjunction with the implementation of bus priority schemes. Approximately €30m has been provided by the Exchequer for the provision of cycling facilities in the Greater Dublin Area since 1994, €1m of which was provided in 2005. €2.2m has been allocated for cycle facilities in 2006. Overall, there are now approximately 300 kms of cycle network in the GDA.

The DTO cycletrack design manual (Provision of Cycling Facilities: National Manual for Urban Areas), published in 1997, provides guidance on the design of cycle facilities in Ireland. It is avail-

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able on the DTO website at www.dto.ie/web2006/chapter1.pdf. The manual is supplemented by the DTO Traffic Management Guidelines, published in September 2003 in conjunction with the Department of Transport and the Department of Environment, Heritage and Local Government.

A new edition of the DTO cycle manual is now being drafted by the DTO, which will address, inter alia: Compatibility and integration with the DTO Traffic Management Guidelines 2003, especially in the area of road hierarchy, road layouts, parking etc. Clarifications in relation to legislation etc. Design-specific issues such as cycling and bus stops, cycle parking development, roundabout detailing, cycling and trams, cycling and trucks, cycling and bus lanes. Expanded junction design guidance.

The DTO Steering Committee adopted a Cycle Policy for the Greater Dublin Area (GDA) at its September 2006 meeting. The Cycle Policy is a statement of intent by the Dublin Local Authorities, the DTO and other members of the DTO Steering Committee. The policy proposes to enhance the cycling environment in the GDA and promote cycling by a variety of means, including creating a continuous cycle-friendly environment on cycle routes and training and education measures. The GDA cycling strategy will now be further developed by the establishment of a GDA Cycle Working Group, consisting of local authorities and other relevant implementing/funding agencies. Partnerships will be formed with other stakeholders as necessary.

Outside of Dublin, the framework for the promotion of cycling in the regional cities is set out in the relevant land use and transportation strategy or in the relevant Development Plan or Local Area Plan. The Cork Area Strategic Plan contains proposals to improve facilities for cyclists and promote safe cycling in the city, and Cork City Council has since also developed a cycle network strategy. In Galway, the City Development Plan includes proposals for improving facilities for cyclists. Limerick City Council approved a cycle strategy for Limerick in May 2004, while the Waterford City Development Plan includes proposals for improving facilities for cyclists.

The most significant development of cycle facilities in the Regional Cities, funded by my Department, has arisen as a consequence of the development of Green Routes, QBCs and bus lanes in those cities. Cork City Council is in the process of developing ten Green Routes, including cycling facilities, with funding from my Department. It is anticipated that the most significant development of cycle facilities in Galway in the near future will arise as a consequence of the development of bus lanes recommended by the Strategic Galway Bus Study. This study, funded by my Department, is expected to be

completed in the coming weeks. In the case of Limerick, my Department is funding a Green Route programme including the provision of cycling facilities, which form part of a planned integrated cycle network for Limerick. Waterford City Council, with funding from my Department, engaged consultants to prepare reports and to carry out design for the Waterford City N25 and Dunmore Road Green Routes. These projects will include provision for cycling facilities.

The staff in my Department's Accessibility, Rural Transport and Traffic Management Division, deal directly with the DTO and Local Authorities outside the Greater Dublin Area on traffic management matters, including cycling policy. No one individual is dedicated solely to cycling policy.

Greenhouse Gas Emissions.

81. **Mr. Hayes** asked the Minister for Transport his plans to reduce transport greenhouse gas emissions. [29726/06]

Minister for Transport (Mr. Cullen): The National Climate Change Strategy (NCCS), published by the Department of Environment, Heritage and Local Government in 2000, sets out Ireland's approach to meeting its Kyoto Protocol target of reducing national greenhouse gas emissions to 13% above 1990 levels by 2008-2012. A review of this document was published for public consultation in July 2006. The published Paper reviews the progress to date and also identifies a range of other measures, including measures in the transport sector, that might be considered for inclusion in the new Strategy which is to be published in the near future.

My Department is already pursuing a number of measures to control the growth of greenhouse gas emissions from transport, including a commitment to sustainability as a key objective in the Statement of Strategy 2005-2007.

Transport 21 will promote modal shift from private cars to public transport through significant rebalancing of investment in favour of public transport. The completion of projects identified in Transport 21 will see public transport capacity in the Greater Dublin Area almost double over its ten-year implementation period. In addition, major investment will take place in the national rail network, with improved and more frequent inter-city rail services, the development of the Western Rail Corridor and the Cork suburban rail network. There will also be significant investment in regional and local bus services.

Funding for a range of sustainable transport initiatives is also provided under Transport 21. The purpose of these initiatives is to facilitate the mainstreaming of sustainability criteria into transport investment decision-making and to make cleaner, more environmentally-friendly vehicles available, embracing public transport, the haulage industry and taxis. Pilot projects will be carried

out to test the potential of biofuels, hybrid-electric technologies and eco-driving.

Technological developments can improve the fuel economy, and therefore emissions, of passenger cars. Ireland supports the EU Voluntary Agreements negotiated between the Commission and the car manufacturing industry to progressively reduce CO₂ emissions from new passenger cars. Complementary to this, optimal vehicle operation enhances fuel efficiency. The National Car Test, which was introduced in 2000, facilitates improved vehicle maintenance.

Tackling transport emissions requires a cross-Departmental approach involving a number of Government Departments. I am determined to ensure that my Department will continue to play its part in ensuring that the transport sector makes its contribution to the important task of controlling national greenhouse gas emissions.

Question No. 82 answered with Question No. 26.

Road Safety.

83. **Mr. Neville** asked the Minister for Transport his views on whether vehicles without rear seat belts should be permitted on the road. [29690/06]

Minister for Transport (Mr. Cullen): Prior to 1 January 1992 it was not a requirement for the first registration of a passenger car for rear seats to be fitted with safety belts. There are no plans to prohibit the use on public roads of cars first registered prior to 1 January 1992 not having rear safety belts.

Question No. 84 answered with Question No. 65.

Road Network.

85. **Mr. O'Dowd** asked the Minister for Transport if a cost benefit analysis was undertaken in respect of the Port Tunnel; if so, the impact the cost and time over-runs had on this analysis; if he sought clarification on this issue; and if he will make a statement on the matter. [29723/06]

Minister for Transport (Mr. Cullen): At the outset, I should explain that overall responsibility for the planning, design and implementation of national road improvement projects, including the Dublin Port Tunnel, is a matter for the National Roads Authority (NRA) and the local authorities concerned. I have no function in relation to the day-to-day operation of these projects.

As with all major infrastructure projects Cost Benefit Analysis was carried out by the NRA in line with Department of Finance investment appraisal guidelines. In light of traffic growth in the Dublin area in recent years there are no indications that the conclusions of that Cost Benefit

Analysis have significantly altered. In line with Department of Finance guidelines, a post-completion Cost Benefit Analysis will be carried out in due course.

Question No. 86 answered with Question No. 22.

Road Traffic Offences.

87. **Mr. Wall** asked the Minister for Transport the action he is taking to make it easier for Gardaí to secure prosecutions for drug-driving. [30077/06]

Minister for Transport (Mr. Cullen): The Road Traffic Acts provides that a member of the Garda Síochána may, where he or she is of the opinion that a person in charge of a mechanically propelled vehicle in a public place is under the influence of a drug or drugs to such an extent as to be incapable of having proper control of that vehicle, require that person to go to a Garda station and further require that person submit to a blood test or to provide a urine sample which will then be subject to analysis by the Medical Bureau of Road Safety.

The Medical Bureau of Road Safety continues to analyse blood and urine specimens received under the Road Traffic Acts for the presence of a drug or drugs. In 2004, 569 specimens were tested for the presence of a drugs or drugs. 354 specimens tested positive and 215 were found to be negative for the presence of a drug or drugs.

There is no feasible basis for the introduction of a scheme of preliminary roadside testing for drugs at present. However, screening devices based on oral fluid specimens are being developed for the purpose of carrying out roadside drug testing. Such testing devices are in prototype stages and the Medical Bureau of Road Safety is keeping abreast of developments in this area.

The Bureau undertook a two-year research programme of drug analysis of blood and urine samples in 2001 and 2002. The complete confirmatory results of the survey identifies trends in the types of drugs being taken, their combination with alcohol, and the incidence of polydrug use. The confirmation analysis of specimens continued in 2003 and the data collection and report was published in June 2004.

The study indicates that 15.7% of all tested drivers were positive for one or more drugs; that of the drivers who were under the limit for alcohol, 33.1% were positive for one or more drugs; and that of the drivers with very low or zero levels of alcohol, 67.9% were positive for drugs.

The offence of driving under the influence of an intoxicant to such an extent that the driver is incapable of having proper control of the vehicle attracts a disqualification of not less than 2 years in the case of a first offence, and, not less than 4 years in the case of a second or any subsequent

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offence. The courts can also impose a fine of up to €2,500 and/or 6 months in jail.

In the case of a 2 year disqualification a person can only apply for a review of the period after the expiry of 9 months and one year of the disqualification must be served. Where a disqualification order is made for a period of 4 years, the request for a review may not be made until a period of 21 months has expired and the period of disqualification cannot be reduced to less than 2 years.

Road Safety.

88. **Mr. Gilmore** asked the Minister for Transport the reason information on road collision rates by license status is not currently published in the annual statistics bulletin on road collisions; and the steps he has taken to ensure that this data as well as other vital data is recorded by Gardaí and published annually by the National Roads Authority and the Road Safety Authority. [30043/06]

257. **Mr. Durkan** asked the Minister for Transport the action which has been taken to correlate the reports of the Gardaí, the health services, the fire services, the local authority roads department and coroners with a view to identifying the precise cause or causes of road traffic accidents with the objective of addressing the issues involved; and if he will make a statement on the matter. [30397/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 88 and 257 together.

The newly established Road Safety Authority intends to address the collection and collation of all relevant road safety data and statistics. The Authority will examine what information is currently available and what information is required on road traffic accidents from all the relevant Departments and Agencies, including the Gardaí. This may include the extension of the collection of data on matters raised by the Deputy. The Deputies' enquiry has been forwarded to the Road Safety Authority for direct reply.

Question No. 89 answered with Question No. 12.

Taxi Regulations.

90. **Mr. Eamon Ryan** asked the Minister for Transport the number of wheelchair accessible taxis working in the Dublin area; the expected timetable for the roll-out of more vehicles; and the provisions taxis will have to make for the carrying of children in view of the introduction of new rules regarding the seating of young children in motor vehicles. [29908/06]

Minister for Transport (Mr. Cullen): The Taxi Regulation Act 2003 established the Commission for Taxi Regulation as the independent body

responsible for the development and maintenance of the regulatory framework for the control and operation of small public service vehicles, including taxis, and their drivers. One of the specific objectives given to the Commission in the 2003 Act is to promote access to small public service vehicles by people with disabilities.

The Commission for Taxi Regulation has published a detailed Action Plan 2006-2007, Driving Forward, which sets out a range of changes the Commission proposes to make over the next two years in relation to the control and regulation of taxis, hackneys and limousines and their drivers. Among the specific proposals being developed by the Commission are measures aimed at improving accessibility. I understand that a further consultation process will be undertaken later this year by the Commission in relation to vehicle standards, with a particular emphasis on improving accessibility.

My Department's Sectoral Plan for Accessible Transport under the Disability Act 2006 was laid before the Houses of the Oireachtas on the 20th of July 2006, as required by the Act. The Plan sets out a programme for action on accessibility in a number of key transport areas, including the taxi and hackney sector. The plan in particular sets out actions for increasing the accessibility, availability and affordability of small public service vehicles for people with mobility, sensory and cognitive impairments. These actions will be progressed by the Commission for Taxi Regulation in consultation with the Department of Transport and disability organisations.

Data in relation to the overall number of taxis licensed to operate and the percentage of that total that are wheelchair accessible taxis would be available from the Commission for Taxi Regulation.

On 5 May 2006 I made Regulations entitled the European Communities (Compulsory Use of Safety Belts and Child Restraint Systems in Motor Vehicles) Regulations 2006 transposing into Irish law Directive 2003/20/EC relating to the compulsory wearing of safety belts and child restraint systems in motor vehicles.

The Directive provides that, in general, children who are less than 150 centimetres in height and 36 kilograms in weight must be restrained by an appropriate child restraint when travelling in cars and goods vehicles. The Directive gives Member States the option to allow children to travel without child restraints in the rear of small public service vehicles if restraints are not available. In allowing for such arrangements, the Directive recognises that child restraint systems come in a number of different weight classes and that it would not be reasonable to expect drivers of these vehicles to always have the appropriate child restraint available in their vehicles. For that reason, in making the Regulations to transpose the Directive into Irish law, the option in the Directive permitting children to travel without

child restraints in the rear of small public service vehicles was reluctantly exercised.

Notwithstanding the legal position, it would be my desire that owners of small public service vehicles would endeavour to provide child restraints in so far as it is practicable to do so. To that end, I have written to the Commissioner for Taxi Regulation requesting that he engage with the industry with a view to devising guidelines on best practice in relation to the carrying of children in small public service vehicles.

Question No. 91 answered with Question No. 13.

Port Development.

92. **Mr. McGinley** asked the Minister for Transport if he will make a statement on the critical state of Lolo capacity at Irish ports; and when he envisages a decision on the outcome of the Fisher Review. [29708/06]

Minister of State at the Department of Transport (Mr. Gallagher): The Government's Ports Policy Statement, which I launched early last year, aims to better equip the port sector and its stakeholders to meet national and regional capacity and service needs. One of the key challenges that lie ahead is the provision of adequate in-time port capacity, particularly for unitised trade (LoLo and RoRo). The Policy Statement sets out a framework to ensure that capacity needs are identified, planned and progressed in a coordinated manner.

As part of this process, my Department appointed in September 2005 a firm of consultants expert in this field, Fisher Associates, to help determine whether the anticipated capacity requirement to 2014 and beyond can be efficiently and adequately met through the successful advancement and implementation by the port sector of some combination of the various proposals currently under development in the sector.

Detailed submissions outlining proposals for new capacity for unitised trade were received from the following ports and evaluated by Fisher Associates: Cork, Greenore, Dublin, Drogheda, Rosslare, Shannon Foynes and Waterford.

The final report of Fisher Associates was completed in June 2006 and its conclusions were noted by the Government in July 2006. It is intended to publish the broad conclusions of the report in an Information Paper shortly, which will be available on my Department's website at www.transport.ie.

In summary, the study concludes that there is currently significant available capacity for LoLo traffic at Irish ports. Current available capacity for RoRo traffic also exists, although less so than in the case of LoLo. The conclusions of the study clearly demonstrate that the projects being progressed by the ports sector have the potential to

deliver adequate capacity going forward, in line with the Government's Ports Policy.

I can assure the Deputy that my Department will closely monitor the progress of these proposals, and for its part will certainly do what is necessary to ensure the statutory and other corporate governance requirements are dealt with expeditiously. If there is a sound business case for these projects, both the Minister and Minister for Finance as shareholders in the State owned port companies will be positively disposed towards them.

While the Government, both as shareholder and policy maker, has a clear interest in ensuring the provision of adequate, cost effective port capacity going forward, the development of the necessary capital projects is primarily a matter for the individual port companies and their boards. This is in line with the commercial mandate given to the port companies under the Harbours Act 1996.

Traffic Regulations.

93. **Mr. English** asked the Minister for Transport when the long promised national height restriction for lorries will be implemented. [29688/06]

Minister for Transport (Mr. Cullen): There is currently no height limit for goods vehicles in Ireland. However, I am considering the introduction of a height limit for vehicles taking account of more recent discussions with stakeholders. I expect to make a decision in this matter shortly.

Light Rail Project.

94. **Mr. Perry** asked the Minister for Transport if he has set a date for signing the railway order for the Luas Red Line Point Depot extension; and if he will make a statement on the matter. [29722/06]

Minister for Transport (Mr. Cullen): I would refer the Deputy to my reply of yesterday to Dáil Question No. 1087 in the same matter: "The Public Inquiry into the Railway Procurement Agency's (RPA) application for a Railway Order for a Luas extension of the Red Line from Connolly Station to the Point Depot concluded on 2 June 2006 and the Inspector's report on that Inquiry was published on 6 August 2006. I am currently considering the Inspector's report and all other relevant documentation in relation to the RPA's application with a view to making a decision on this matter in due course."

Road Safety.

95. **Dr. Upton** asked the Minister for Transport when he intends to bring all of the provisions of the Road Safety Act 2006 into force. [30061/06]

Minister for Transport (Mr. Cullen): All of the provisions of the Road Safety Authority Act 2006 came into force when it was enacted. The Road Safety Authority was established on the 1 September 2006 by the Road Safety Authority Act 2006 (Establishment Day) Order 2006 (S.I. No. 462 of 2006) made pursuant to section 2 of the Act. The functions to be carried out by the Road Safety Authority are specified in the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) made under section 4 of the Act.

Road Traffic Offences.

96. **Mr. Boyle** asked the Minister for Transport the reason the Garda PULSE system and the database of penalty points have not been properly linked; and the reason a company (details supplied) is still processing penalty point offences following notification of the abandonment of its involvement some weeks ago. [29910/06]

Minister for Transport (Mr. Cullen): When the penalty point system was introduced in 2002 the company referred to was engaged to convert data received in manual format from an Garda Síochána to electronic format for transmission to the Vehicle Registration Unit of the Department of the Environment, Heritage and Local Government for recording on an individual's licence record in the National Driver File.

When the Garda Fixed Charge Processing System became fully operational in April this year a process of converting over to a direct electronic transfer of data from an Garda Síochána to the National Driver File was put in place. For technical reasons the direct transfer could not take place until all manual receipts generated by the former manual receipt system operated by the Gardaí had been dealt with. This process is now almost complete and I understand that direct electronic transfer of data from an Garda Síochána to the National Driver File will commence shortly.

There is no direct link between the Garda PULSE system and the penalty point database as it is not necessary for a Garda to know how many penalty points are on a person's record. Where a person reaches 12 points and is disqualified the Gardaí are notified and this information is entered on the PULSE system.

Motor Taxation.

97. **Mr. P. Breen** asked the Minister for Transport the progress he has made in dealing with the obstacles to imposing a punitive tax on SUVs. [29686/06]

Minister for Transport (Mr. Cullen): I have no function in relation to the taxation of motor vehicles.

Road Traffic Offences.

98. **Mr. G. Murphy** asked the Minister for Transport the guidelines issued to Gardaí for the operation of mandatory alcohol testing. [29713/06]

Minister for Transport (Mr. Cullen): I have no function in relation to this matter.

Question No. 99 answered with Question No. 12.

Question No. 100 answered with Question No. 19.

Question No. 101 answered with Question No. 26.

State Airports.

102. **Mr. Allen** asked the Minister for Transport if he has made representations to the Department of Justice, Equality and Law Reform to ensure that the immigration booths are adequately manned to meet the demand created by arrivals at Dublin Airport. [29707/06]

Minister for Transport (Mr. Cullen): The manning of immigration booths at Dublin Airport is a matter for the Garda National Immigration Bureau (GNIB) in the first instance and I have no function in the matter. I understand that regular meetings take place between the Dublin Airport Authority (DAA) and the GNIB, to review any potential issues that may arise concerning the immigration service at the airport and to put the necessary solutions in place.

In this regard I understand that meetings have been held between both bodies to ensure that a full complement of immigration booths is available at key times.

With regard to the future, I understand that it is envisaged that when Pier D becomes operational in 2007 a new integrated GNIB facility will be provided, which will deliver an increased number of GNIB booths to service Piers A and D.

Question No. 103 answered with Question No. 6.

Rail Network.

104. **Mr. Timmins** asked the Minister for Transport the plans Irish Rail has to construct an under or over bridge on the rail line north of Wicklow Town to facilitate the development of the port road; and if he will make a statement on the matter. [30081/06]

Minister for Transport (Mr. Cullen): This is a day-to-day operational matter for the company concerned and not one in which I have a function.

Taxi Regulations.

105. **Ms O'Sullivan** asked the Minister for Transport the basis for the exemption of taxis from the new rules on child seatbelts; and if he will make a statement on the matter. [30055/06]

Minister for Transport (Mr. Cullen): The basis for the exemption contained in the European Communities (Compulsory Use of Safety Belts and Child Restraints Systems in Motor Vehicles) Regulations 2006 permitting children to travel without child restraints in the rear of small public service vehicles (i.e. taxis, hackneys and limousines) if appropriate child restraints are not available is provided for in Directive 2003/20/EC relating to the compulsory wearing of safety belts and child restraints. The Directive gives Member States the option to allow children to travel without child restraints in the rear of small public service vehicles if restraints are not available. In allowing for such arrangements, the Directive recognises that child restraint systems come in a number of different weight classes and that it would not be reasonable to expect drivers of these vehicles to always have the appropriate child restraint available in their vehicles. For that reason, in making the Regulations to transpose the Directive into Irish law, the option in the Directive permitting children to travel without child restraints in the rear of small public service vehicles was reluctantly exercised.

Notwithstanding the legal position, it would be my desire and that of the Road Safety Authority that owners of small public service vehicles would endeavour to provide child restraints in so far as it is practicable to do so. To that end, the Commissioner for Taxi Regulation has been requested to engage with the industry with a view to devising guidelines on best practice in relation to the carrying of children in small public service vehicles.

Question No. 106 answered with Question No. 21.

Road Safety.

107. **Ms O'Sullivan** asked the Minister for Transport when he expects to publish a new rules of the road booklet; his plans to improve other information for drivers on road traffic law and driver training material. [30054/06]

Minister for Transport (Mr. Cullen): The current Rules of the Road Booklet was first published in June 1995. My Department has been working on the revision of that publication. There has been a very considerable amount of work involved in that many significant changes in the overall area of road traffic law have to be reflected in the revised booklet. The draft document was placed on the Department's website for consultation in June 2006.

Submissions received have now been considered and a draft of the new booklet is being finalised for transmission within the next few weeks to the Road Safety Authority for design and publication.

Design and printing will of itself take a number of weeks to complete but the updated document will be made available on the Department's website during this period.

In addition to the new booklet being made available for sale, it will also be made available on-line by the Road Safety Authority. The Authority will ensure that, in the future, the booklet will provide up-to-date information on changes in traffic law and other requirements on an ongoing basis.

With regards to driver training material, the Road Safety Authority, which has taken over responsibility for the functions of the National Safety Council in relation to advertising, education and recommendations regarding road safety policy, launched the "Better, Safer, Driver" campaign in April 2006, which seeks to educate road users on various aspects within the rules of the road booklet.

Road Traffic Offences.

108. **Mr. Broughan** asked the Minister for Transport his plans to ensure that non-resident drivers do not escape punishment for road traffic offences. [30044/06]

Minister for Transport (Mr. Cullen): I am conscious that enforcing penalties on non-resident drivers raises many legal, organisational and procedural issues which make it very difficult for any one State to enforce such penalties. For that reason, my Department is pursuing this question at the European, British/Irish and North/South levels where mutual recognition and cross border enforcement possibilities are being considered.

Garda Operations.

109. **Mr. Costello** asked the Tánaiste and Minister for Justice, Equality and Law Reform the costs incurred on security by the Garda Síochána in relation to the holding the Ryder Cup competition; and if he will make a statement on the matter. [30269/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the total cost of the 2006 Ryder Cup to the Garda Síochána will not be available until all expenditure claims have been processed, which will take some time.

I will be in separate contact with the Deputy in due course when these figures are available.

Departmental Transport.

110. **Mr. Broughan** asked the Tánaiste and Minister for Justice, Equality and Law Reform

[Mr. Broughan.]

the number of Ministers who have taken delivery of hybrid or clean energy cars; if he has requested or obtained such a vehicle; the plans he and the Minister for Environment, Heritage and Local Government and the Minister for Transport are developing for public sector clean energy fleets; and if he will make a statement on the matter. [30339/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Ministerial State cars are placed at the disposal of Government Ministers and others pursuant to a long standing arrangement and are supplied to the following:

President
Taoiseach
Tánaiste
13 Government Ministers
Chief Whip
Ceann Comhairle
Attorney General
Director of Public Prosecutions
Chief Justice
Former Taoisigh & Presidents

A total of 5 Lexus GS 450H Hybrid vehicles have been procured this year for the Ministerial Fleet. Hybrid vehicles have significantly better fuel consumption and significantly reduced emissions compared to equivalent petrol models.

All the cars in the Ministerial Fleet are petrol driven models with the exception of the 5 Lexus Hybrid models which are electric/petrol combination vehicles. Factors such as fuel efficiency and safety are taken into account in making purchases for the Ministerial Fleet.

Garda Operations.

111. **Mr. Gregory** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will request a report from the Garda authorities on the steps they are taking in response to the vandalism to cars and other anti-social behaviours in the West Road area of East Wall, Dublin 3, particularly in the early hours of Saturday and Sunday; the number of arrests made and persons charged; and if he will make a statement on the matter. [30207/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that local Garda management has put an initiative in place in the area concerned, whereby additional Gardaí are deployed over two tours per day on two dedicated beats. This ensures a concentrated and visible Garda presence in the area. These patrols are in addition to the normal complement of community Gardaí

permanently allocated to this area. In addition, a dedicated patrol van with uniformed Gardaí patrols the area between 8 pm and 5 am every Friday and Saturday night. These patrols are backed up by the Divisional Crime Task Force, District Detective Units and the Divisional Drug Units which also actively patrol the area.

I am further informed that Operation Assist, which provides additional patrols by Garda Mounted and Dog Units in support of District and Divisional Units, is also in place in the area since 1 August, 2006.

I understand that seven persons have been arrested and charged with a total of 157 offences of the type referred to. Bail has been granted subject to strict conditions, including curfews, which are closely monitored by the Gardaí. There is also ongoing liaison between local Garda management and the local authority in the enforcement of the provisions of the Housing (Miscellaneous Provisions) Act, 2002.

I am advised that the Community Policing Unit maintains regular contact with residents of the East Wall area through the Neighbourhood Watch scheme. Local Garda management will continue to monitor the policing situation in the area concerned, ensuring that it receives regular and ongoing attention.

Garda Vetting Services.

112. **Mr. Kehoe** asked the Tánaiste and Minister for Justice, Equality and Law Reform when Garda vetting will be extended to all workers involved in the childcare sector, private and community based; and if he will make a statement on the matter. [30208/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be aware, the Garda Central Vetting Unit is currently engaged in a phased expansion of its vetting service to ensure that all organisations in the child and vulnerable adult care sectors are in receipt of vetting for their personnel.

This expansion process is being overseen by a multi-agency Implementation Group on Garda Vetting, and it involves a structured and negotiated engagement with all relevant State and non-State sectors. In this regard, the Childcare Directorate of the Office of the Minister for Children is represented on the Implementation Group.

The Childcare Directorate is responsible for the implementation of the Equal Opportunities Childcare Programme 2000-2006 and the National Childcare Investment Programme 2006-2010, which are major investment programmes to develop a quality childcare infrastructure through the provision of grant assistance to both private and community-based childcare providers.

I understand that discussions are ongoing with relevant stakeholders with a view to agreeing modalities for the expansion of the GCVU's vet-

ting service to private and community-based childcare providers. I am not in a position at this stage to indicate when these negotiations may be concluded.

Residency Permits.

113. **Mr. Curran** asked the Tánaiste and Minister for Justice, Equality and Law Reform when he intends to make a decision regarding an application for permission to remain in the State made by a person (details supplied) in County Dublin. [30209/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand the Immigration Division of my Department has been in correspondence with the person concerned. Upon receipt of the documentation requested, a decision will be made on the application.

Foreign Adoptions.

114. **Dr. Upton** asked the Tánaiste and Minister for Justice, Equality and Law Reform when the matter of foreign adoptions will be progressed; the reason there is an ongoing delay in processing adoption applications from Belarus; and if he will make a statement on the matter. [30210/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Lead responsibility for the management of foreign adoptions rests with the Adoption Board.

Garda Strength.

115. **Mr. Gregory** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number and rank of community gardaí in Store Street Garda Station, Dublin now and in September 2005; the number specifically assigned to the East Wall area of Dublin 3; and if gardaí on mountain bikes are available. [30225/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána increased to a record 12,762 on Friday, 8 September, 2006, following the attestation of 249 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June, 1997 and represents an increase of 2,060 (or 19%) in the personnel strength of the Force during that period. The Garda Budget now stands at €1.3 billion, a 13% increase on 2005 and an 85% increase since 1997 in real terms.

I have been further informed by the Garda authorities that the number and rank of community Gardaí in Store Street Garda Station as

at 30 September, 2005 and as at 27 September, 2006 was as set out in the following table;

Store Street	30/09/2005	27/09/2006
Inspector	1	1
Sergeant	2	2
Garda	24	21
Total	27	24

Local Garda Management state that there are four (4) Community Gardaí specifically assigned to the East Wall area. In addition there are six (6) Mountain Bikes deployed on operational duties in Store Street Garda Station of which three (3) exclusively patrol the East Wall area.

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 three groups of newly attested Gardaí under this accelerated recruitment programme came on stream in March, June and September of this year and the fourth such group will become fully attested members of the Force later this year. 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 Store Street Garda Station will be given the fullest consideration.

Departmental Expenditure.

116. **Mr. Hogan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if the moneys allocated to his Department in this year's Estimates will be fully and appropriately spent during 2006; if he has identified any allocated moneys which are not needed by his Department; and if so the amount of such moneys. [30237/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department and its associated bodies will utilise the financial resources allocated to it by the Government in 2006 to the maximum extent possible in the delivery of public services in the Justice and Equality Sector.

Visa Applications.

117. **Mr. Timmins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to a person (details supplied); and if he will make a statement on the matter. [30253/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in the Visa Office on 13th September, 2006. I am pleased to inform the Deputy that the visa application in question was approved on 25th September, 2006.

118. **Mr. Howlin** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to an application for visa under the family re-unification scheme in respect of a person (details supplied) who have resided here for many years; and if he will make a statement on the matter. [30254/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy is currently being examined in my Department and a decision will be made shortly.

Road Traffic Offences.

119. **Mr. Howlin** asked the Tánaiste and Minister for Justice, Equality and Law Reform if, in view of the introduction of random breath testing of motorists, he will determine and provide details of Garda policy in relation to breath testing of drivers involved in road traffic accidents; if the policy is that all such drivers are to be breath tested at the accident scene; and, if not, the reason for same; and if he will make a statement on the matter. [30255/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Section 4 of the Road Traffic Act 2006 provides the legal basis for mandatory alcohol testing (MAT). MAT checkpoints may be established only under written authorisation of a member of An Garda Síochána not below the rank of Inspector. An authorisation shall be in writing and shall specify the date on which, and the public place in which, the checkpoint is to be established and the hours at any time between which it is operated.

Section 4 confers a statutory power to administer the breathalyser to a motorist stopped at a MAT checkpoint without a member of An Garda Síochána being required to form an opinion that the motorist has consumed alcohol, been involved in a collision or breached a provision of the Road Traffic Acts.

This statutory power is without prejudice to any powers conferred on a member of An Garda Síochána by statute or at common law. These include the power under section 12 of the Road Traffic Act 1994 (as inserted by the Road Traffic Act 2003) to require a person in charge of a mechanically propelled vehicle in a public place to provide a breath specimen where in the opinion of a member of An Garda Síochána, the person, inter alia, is or has, with the vehicle, been involved in a collision.

As this power is discretionary, any policy to breathalyse all drivers involved in road traffic collisions would restrict the exercise of a discretionary power.

I am informed by the Garda authorities that it is their policy to make the fullest use of all legislative powers in investigating the commission of offences, including road traffic offences.

120. **Mr. Howlin** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that Garda recording of changed car ownership is several months in arrears and that as a result fixed penalty fine notices are being issued by Gardaí to former rather than current car owners where ownership has changed and that former owners receiving such notices are required to complete a ceased to be owner form for the Garda on each occasion when a fixed penalty fine is issued; his views on whether out of date Garda records could impede proper identification of victims in the event of road accidents involving cars with changed ownership; the reason the Garda does not access the Department of Environment, Heritage and Local Government's up to date records of car ownership changes pending improvement in their own records; if he will discuss this waste of Garda resources, and inconvenience to the public, with Garda authorities with a view to remedying the situation; and if he will make a statement on the matter. [30256/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that vehicle ownership records are provided on a weekly basis by the Department of Environment, Heritage and Local Government to An Garda Síochána. Change of ownership details are provided as part of this procedure. A difficulty has been identified with the transfer of details in a number of change of ownership cases. This difficulty has been notified to the Department of Environment, Heritage and Local Government and a change to the Department's system is currently being developed and tested.

I am also informed that parallel with this a programme of remedial work is being undertaken by An Garda Síochána to identify and update any change of ownership cases that could not previously be processed. An Garda Síochána is working with the Department of Environment, Heritage and Local Government to resolve the situation as a matter of priority.

Legislative Programme.

121. **Mr. Naughten** asked the Tánaiste and Minister for Justice, Equality and Law Reform the plans he has to introduce a Family Law Bill; and if he will make a statement on the matter. [30258/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): A general scheme of a Family Law Bill is currently being prepared by my Department. Details, when approved by Government, will be announced in the normal way.

Citizenship Applications.

122. **Mr. G. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will arrange for a thorough review of the application of a person (details supplied) in Dublin 15 for naturalisation. [30319/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister for Justice, Equality and Law Reform may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. Those conditions are that the applicant must

- be of full age, or by way of exception, be a minor born in the State
- be of good character
- have had a period of one year's continuous residency in the State immediately before the date of the application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years
- intend in good faith to continue to reside in the State after naturalisation
- have made, either before a Judge of the District Court in open court or in such a manner as the Minister, for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

In the context of naturalisation, certain periods of residence in the State are excluded. These include periods of residence in respect of which an applicant does not have permission to remain in the State, periods granted for the purposes of study and periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996.

The person referred to in the Deputy's question arrived in the State in 1994 for study purposes and his permission to remain was granted on that basis until September 2002. Reckonable residency for the purpose of naturalisation commenced after that date. Consequently when he submitted his application for a certificate of naturalisation to the Citizenship section of my Department on 8 December 2003, he did not satisfy the statutory residency conditions and was deemed ineligible to apply. His legal advisors were advised of this on 1 March 2006. It will be

open to the person in question to submit a fresh application as soon as he satisfies the statutory conditions applicable at that time.

123. **Mr. G. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will arrange for a thorough review of the application of a person (details supplied) in Dublin 14 for naturalisation. [30320/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister for Justice, Equality and Law Reform may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. Those conditions are that the applicant must be of full age, or by way of exception, be a minor born in the State; be of good character; have had a period of one year's continuous residency in the State immediately before the date of the application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years; intend in good faith to continue to reside in the State after naturalisation; and have made, either before a Judge of the District Court in open court or in such a manner as the Minister, for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

In the context of naturalisation, certain periods of residence in the State are excluded. These include periods of residence in respect of which an applicant does not have permission to remain in the State, periods granted for the purposes of study and periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996. The person referred to in the Deputy's question arrived in the State in 1995 for study purposes and his permission to remain was granted on that basis until September 2002. Reckonable residency for the purpose of naturalisation commenced after that date. Consequently when he submitted his application for a certificate of naturalisation to the Citizenship section of my Department on 8 January 2004, he did not satisfy the statutory residency conditions and was deemed ineligible to apply. His legal advisors were advised of this on 31 March 2006. It will be open to the person in question to submit a fresh application once he satisfies the statutory conditions applicable at that time.

Garda Stations.

124. **Mr. Timmins** asked the Tánaiste and Minister for Justice, Equality and Law Reform his plans to provide a new Garda station in Greystones, County Wicklow; and if he will make a statement on the matter. [30321/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda Authorities have recommended that a new station be provided for Greystones and I have accepted this advice. Accordingly, Greystones Garda station is included for development under the Garda Building Programme. To this end, the Office of Public Works has been requested to consider the options available, including the possibility of acquiring a new site, to advance the project. When the OPW report on the options for development is received consideration will then be given on how best to further progress the project. I should add that, as with all stations on the Garda Building Programme, progress in relation to a specific development is dependent on overall agreed priorities.

Asylum Applications.

125. **Mr. G. Murphy** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a person (details supplied) in County Cork can remain in the State on humanitarian grounds; the status of application; if he will make a decision on the application; and if he will make a statement on the matter. [30322/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned, a Nigerian national, arrived in the State on 19 June, 2003 and applied for asylum. Her application was deemed withdrawn and subsequently refused by the Office of the Refugee Applications Commissioner on 26 September, 2003. In accordance with section 3 of the Immigration Act 1999, as amended, the person concerned was informed on 14 October, 2003 that the Minister was proposing to make a deportation order in respect of her. She was, in accordance with the Act, given the option of making representations, within 15 working days, setting out the reasons why she should not be deported i.e. be allowed to remain temporarily in the State; leaving the State before the deportation order was made; or consenting to the making of the deportation order. She applied on 24 March, 2005 for permission to remain in the State on the basis of parentage of an Irish born child born before 1 January, 2005; her application was refused on 7 December, 2005. Representations setting out reasons why she should not be deported were subsequently received. On 7 September, 2006 the applicant was again notified that the Minister was proposing to make a deportation order in respect of her.

I expect the case file in this matter to be submitted to me for decision in due course. This decision will be taken having regard to considerations specified in section 3(6) of the Immigration Act 1999, as amended. These considerations include matters relating to the common good, the person's family and domestic circumstances, as well as humanitarian considerations. Consideration will also be given to the prohibition of

refoulement which is contained in section 5 of the Refugee Act 1996, as amended.

126. **Mr. G. Murphy** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a person (details supplied) in County Cork can remain in the State on humanitarian grounds; and if he will make a statement on the matter. [30323/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on the 20 August, 2005 and applied for asylum. Her application was refused following consideration of the 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, the applicant was informed by letter dated 12 June, 2006, 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. A decision on this case has been made by me in the last few days and will be communicated to the person concerned as soon as possible.

127. **Mr. G. Murphy** asked the Tánaiste and Minister for Justice, Equality and Law Reform the status of an application to remain here on behalf of a person (details supplied) in County Cork; and if he will make a statement on the matter. [30324/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question made an application for permission to remain in the State under the revised arrangements announced by me on 15 January 2005 for the processing of applications from the non-national parents of Irish born children born before 1 January 2005. As stated in my announcement, the closing date for the submission of applications for consideration under the revised arrangements was 31 March 2005. The person in question's application was received on 5 May 2005 and therefore, too late for consideration. She was informed on 29 November 2005 that her application for leave to remain could not be considered under the revised arrangements. Judicial Review proceedings were instituted on 20 February 2006 and accordingly, as the matter is *sub judice* I do not propose to comment further on the matter.

128. **Mr. G. Murphy** asked the Tánaiste and Minister for Justice, Equality and Law Reform

the status of the right to remain application of a person (details supplied) in County Cork; and if he will make a statement on the matter. [30325/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): It is not the practice to comment in detail on individual asylum applications. As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. A final decision on this application will be made upon receipt of the decision of the Refugee Appeals Tribunal.

Garda Transport.

129. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of marked cars, unmarked cars, vans,

Marked Vehicles

Cars	Vans	Bikes	4x4’s	M/Buses	Lorries	Total
571	147	199	57	40	6	1,020

Unmarked Vehicles

Cars	Vans	Bikes	4x4’s	M/Buses	Lorries	Total
963	100	21	34	16	0	1,134

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 three groups of newly attested Gardaí under this accelerated recruitment programme came on stream in March, June and September of this year and the fourth such group will become fully attested members of the Force later this year. 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 Divisions will be given the fullest consideration.

130. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of bicycles and other non-mechanical modes of transport available for use by the Garda. [30361/06]

lorries, motorbikes and other vehicles by category, currently available for use by the Garda. [30360/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána increased to a record 12,762 on Friday, 8 September, 2006, following the attestation of 249 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June, 1997 and represents an increase of 2,060 (or 19%) in the personnel strength of the Force during that period. The Garda Budget now stands at €1.3 billion, a 13% increase on 2005 and an 85% increase since 1997 in real terms.

I have also been informed by the Garda authorities that the total number of vehicles by category in the Garda Fleet, excluding vehicles in the Ministerial Fleet, is as set out in the following tables:

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána increased to a record 12,762 on Friday, 8 September, 2006, following the attestation of 249 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June, 1997 and represents an increase of 2,060 (or 19%) in the personnel strength of the Force during that period. The Garda Budget now stands at €1.3 billion, a 13% increase on 2005 and an 85% increase since 1997 in real terms.

I have been further informed by the Garda authorities that the current Garda Mountain Bike fleet comprises 168 bikes, eleven (11) of which are allocated to the training function, the remainder of which (157) are deployed nationally on operational duties. There are currently twelve (12) horses attached to the Garda Mounted Unit. 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

[Mr. McDowell.]

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 three groups of newly attested Gardaí under this accelerated recruitment programme came on stream in March, June and September of this year and the fourth such group will become fully attested members of the Force later this year. 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 Divisions will be given the fullest consideration.

Garda Deployment.

131. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will provide a breakdown of the Garda stations that are permanently manned, those that are temporarily manned and those that operate a green man system; the opening hours for each; the number and rank of the Gardaí attached to each; and the resources available to each in terms of personal protective equipment, communications equipment, mechanically propelled vehicles and civilian staff. [30362/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána increased to a record 12,762 on Friday, 8 September, 2006, following the attestation of 249 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June, 1997 and represents an increase of 2,060 (or 19%) in the personnel strength of the Force during that period. The Garda Budget now stands at €1.3 billion, a 13% increase on 2005 and an 85% increase since 1997 in real terms. A list of all Garda stations by Division is available on the Garda website (www.garda.ie). All divisional and district headquarters are open on a twenty four (24) hour basis.

The personnel strength (all ranks) of each Garda Division throughout the country, as at 25 September, 2006, was as set out in the following table:

Division	Strength
Carlow/Kildare	363
Cavan/Monaghan	381
Clare	320
Cork City	629

Division	Strength
Cork North	256
Cork West	257
D.M.R. Eastern	571
D.M.R. North Central	647
D.M.R. North	617
D.M.R. South Central	720
D.M.R. South	582
D.M.R. West	693
Donegal	441
Galway West	396
Kerry	288
Laois/Offaly	285
Limerick	512
Longford/Westmeath	266
Louth/Meath	542
Mayo	273
Roscommon/Galway East	257
Sligo/Leitrim	282
Tipperary	338
Waterford/Kilkenny	369
Wexford/Wicklow	341

I want to see Gardaí provided with all necessary equipment up to best international practice. This is not just an aspiration. I am providing and will continue to provide the necessary resources for this to happen. In relation to protective equipment generally, I am of the view that in facing the dangers that they do on our streets members of the Force need protective and defensive equipment commensurate with that risk. In that regard, I wish to inform the Deputy that in relation to “Body Armour”, the Garda Síochána, has issued Requests for Tender (RFTs) for the supply and delivery of 12,500 Anti Stab/Ballistic Vests and 3,000 Retractable Batons. There is also a provision in these RFTs to purchase a further 4,700 vests and a further 12,000 Batons, if required, over the duration of the contract. Contracts are due to be signed in the very near future for the supply of these items and it is expected that the delivery will commence shortly thereafter.

An Garda Síochána constantly evaluate all available technology with a view to determining the technology best suited to their needs. Significant resources are being invested in technology for the Gardaí to assist them in the exercise of all their functions. The capital allocation for IT in 2006 is €33.323 million representing an increase of €5.065 (18%) on the 2005 outturn. One aspect of technology I am particularly committed to is the delivery of a state-of-the-art digital radio service for An Garda Síochána. To this end, the procurement of an outsourced Managed Service by the Department of Finance on behalf of An Garda Síochána, other blue light services and some non-commercial public bodies, is well underway. While the exact timeframe for roll-out

will be subject to contract negotiations with the successful bidder, the implementation of the new service is planned to commence later this year. The total allocation for communications for 2006 is €12.9 million.

I have also been informed by the Garda authorities that the total number of vehicles by category in the Garda Fleet, excluding vehicles in the Ministerial Fleet, is as set out in the tables hereunder:

Marked Vehicles

Cars	Vans	Bikes	4x4's	M/Buses	Lorries	Total
571	147	199	57	40	6	1,020

Unmarked Vehicles

Cars	Vans	Bikes	4x4's	M/Buses	Lorries	Total
963	100	21	34	16	0	1,134

As regards civilian resources, there are already over 1,850 civilians working with An Garda Síochána, including approximately 835 (whole time equivalent) clerical support staff in Garda stations across the country, in Garda HQ and in National Support Services in Harcourt Square. I should add that I have this week received formal sanction from the Minister for Finance for an additional 76 civilian clerical and administrative support staff to be distributed around the country. These will be recruited at the earliest opportunity. In addition, I should mention the Garda Information Service Centre (GISC) in Castlebar, which is now almost fully operational with some 150 civilian staff now employed there out of a sanctioned total of 160. Recruitment of the remaining staff is currently under way. The GISC allows Gardaí who would otherwise have to return to their Stations to input data on the PULSE system, to log the information with the GISC, while remaining on the beat. This frees up very significant amounts of Garda time for continued operational duty. The Garda authorities are already considering what other tasks could be devolved to the GISC which would release additional Garda resources to front-line policing. The more detailed information sought by the Deputy requires compilation and I will write to the Deputy as soon as, and to the extent to which, the information is available.

132. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the estimated cost of the provision of Garda resources at the Ryder Cup. [30363/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána increased to a record 12,762 on Friday, 8 September, 2006, following the attestation of 249

new members. This compares with a total strength of 10,702 (all ranks) as at 30 June, 1997 and represents an increase of 2,060 (or 19%) in the personnel strength of the Force during that period. The Garda Budget now stands at €1.3 billion, a 13% increase on 2005 and an 85% increase since 1997 in real terms.

I have also been informed by the Garda authorities that following negotiations between the Ryder Cup organisation and An Garda Síochána it was agreed that an amount of €1.7m would be paid by that organisation towards the cost of policing the 2006 Ryder Cup. An invoice for €850,000, being the first instalment due, has recently issued by the Garda authorities to the Ryder Cup organisation. A project code was established by An Garda Síochána to capture the costs associated with the policing of the 2006 Ryder Cup. A total costing of this event will not be available until all expenditure claims have been processed. Due to the large volume of claims involved and the fact that the Ryder Cup only concluded on Sunday last, 24 September, it will be a number of weeks before this information is to hand.

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 three groups of newly attested Gardaí under this accelerated recruitment programme came on stream in March, June and September of this year and the fourth such group will become fully attested members of the Force later this year. 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 Divisions will be given the fullest consideration.

133. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the level of resources currently allocated to the Garda national immigration bureau at each of the State’s airports; his views on whether the resources are adequate; his plans to crease such resources; and if he will make a statement on the matter. [30364/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána increased to a record 12,762 on Friday, 8 September, 2006, following the attestation of 249 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June, 1997 and represents an increase of 2,060 (or 19%) in the personnel strength of the Force during that period. The Garda Budget now stands at €1.3 billion, a 13% increase on 2005 and an 85% increase since 1997 in real terms. I have also been informed by the Garda authorities that one hundred and sixty-five (165) members of an Garda Síochána and thirty-six (36) civilian staff are currently attached to the Garda National Immigration Bureau (GNIB). Seventy-seven (77) Garda members of the GNIB are assigned to Dublin Airport. A further ten (10) are assigned to immigration control duties at Dun Laoghaire Port. In addition, there are a total of 455 other members of An Garda Síochána, 253 full-time and 202 on a part-time basis, appointed as Immigration officers and engaged on immigration control duties at the land border with Northern Ireland and at other Ports of Entry to the State, other than Dublin Airport and Dun Laoghaire Port. These members are Divisional resources in the Garda Division where the land border or Port of Entry is located. An additional pier is under construction at Dublin Airport and is to be completed by late 2007, while a proposed second terminal is expected to be operational in the second half of 2009. Enhanced immigration facilities will be a feature in both terminals and Garda management at the GNIB will liaise with the Dublin Airport Authority in this regard. The allocation of resources to immigration control duties is regularly reviewed and monitored by senior Garda management.

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 three groups of newly attested Gardaí under this accelerated recruitment programme came on stream in March, June and September of this year and the fourth such group will become fully attested

members of the Force later this year. 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 GNIB will be given the fullest consideration.

Garda Investigations.

134. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the status of the investigation into the death of a person (details supplied); and if he will make a statement on the matter. [30365/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my response to Parliamentary Question No. 206 of 28 June 2006. The position remains unchanged.

Proposed Legislation.

135. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform his plans to implement the remaining sections of the Children Act 2001; if he will provide a timetable for the coming into force of those sections, including when he envisages that the whole Act will be in force; and if he will make a statement on the matter. [30366/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Questions Numbers 388 and 389 of Wednesday, 27 September 2006. The position remains unchanged.

Garda Deployment.

136. **Mr. J. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the cost to the Garda of policing the Ryder Cup; and if moneys have been paid to the State by the organisation responsible for organising the Ryder Cup.. [30368/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána increased to a record 12,762 on Friday, 8 September, 2006, following the attestation of 249 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June, 1997 and represents an increase of 2,060 (or 19%) in the personnel strength of the Force during that period. The Garda Budget now stands at €1.3 billion, a 13% increase on 2005 and an 85% increase since 1997 in real terms.

I have also been informed by the Garda authorities that following negotiations between the Ryder Cup organisation and An Garda Síochána it was agreed that an amount of €1.7m would be paid by that organisation towards the cost of policing the 2006 Ryder Cup. An invoice for €850,000, being the first instalment due, has recently issued by the Garda authorities to the Ryder Cup organisation. A project code was established by An Garda Síochána to capture the costs associated with the policing of the 2006 Ryder Cup. A total costing of this event will not be available until all expenditure claims have been processed. Due to the large volume of claims involved and the fact that the Ryder Cup only concluded on Sunday last, 24 September, it will be a number of weeks before this information is to hand.

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 three groups of newly attested Gardaí under this accelerated recruitment programme came on stream in March, June and September of this year and the fourth such group will become fully attested members of the Force later this year. 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 Divisions will be given the fullest consideration.

Garda Investigations.

137. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to the request for an inquiry into the case of a person (details supplied); and if he will make a statement on the matter. [30369/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person referred to alleges that serious offences were perpetrated against her and other persons over a prolonged period. On 26 July, 2006 a meeting took place which included the person referred to, her legal representatives and officials of my Department. At the meeting the legal representatives of the person referred to handed over a substantial dossier of documents to the officials. The officials indicated that the dossier would be carefully considered. As part of that process the dossier has been forwarded to the Garda authorities for examination and report. The process of consideration is continuing and on completion officials of my Department will be in contact with the person’s legal representatives.

Garda Training.

138. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of recruit gardaí who completed their training and became full members of the Garda in each of the years 2002 to 2005; and the number of gardaí who for one reason or other ceased to be members during each of those years.. [30370/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities are compiling the detailed information requested by the Deputy and I will forward these details to the Deputy shortly.

Residency Permits.

139. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will offer extended residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [30371/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to Parliamentary Question No. 70 of Thursday, 15 June, 2006 and the written reply to that Question. The position is unchanged.

140. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position regarding an application for temporary residency status in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [30372/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on the 6 January, 2003 and applied for asylum. Her application was refused following consideration of the 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, the applicant was informed by letter dated 31 August, 2004, 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. 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), as amended. I expect the file to be passed to me for decision in due course.

141. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a person (details supplied) in County Kildare will be given leave to remain here for an extended period; and if he will make a statement on the matter. [30373/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I would refer the Deputy to my replies to his Dáil Questions Nos. 190 of 1 June 2006 and 336 of 27 September 2006. The status of the person concerned is as set out in my reply of 27 September 2006.

142. **Mr. Durkan** asked the Tánaiste and 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. [30374/06]

Tánaiste and 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. 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.

143. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the status of an application for family reunification in the case of a person (details supplied) in Dublin 15. [30375/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question made a Family Reunification application on behalf of his wife in November 2004 and his 2 children in May 2005. These applications were forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. These investigations are completed and the Commissioner

has forwarded a report to my Department. Applications of this type are dealt with in chronological order. These applications are currently under consideration by my Department and decisions will issue in due course.

144. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [30376/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to Parliamentary Question No. 248 of Thursday, 25 May, 2006 and the written reply to that Question. The position is unchanged.

Visa Applications.

145. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform when a person (details supplied) in County Kildare can update their visa; and if he will make a statement on the matter. [30377/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand the Immigration Division of my Department has been in correspondence with the person concerned regarding his immigration status in the State. Upon receipt of the documentation requested, a decision will be made on the application.

Garda Deployment.

146. **Mr. Broughan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the numbers of Gardaí assigned to Coolock, Raheny and Howth Garda stations for the years 1998 to 2005 and to date in 2006. [30378/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána increased to a record 12,762 on Friday, 8 September, 2006, following the attestation of 249 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June, 1997 and represents an increase of 2,060 (or 19%) in the personnel strength of the Force during that period. The Garda Budget now stands at €1.3 billion, a 13% increase on 2005 and an 85% increase since 1997 in real terms.

I have been further informed that the number of Gardaí (all ranks) attached to Howth, Raheny and Coolock Garda Stations as at 31 December, 1998 -2005 (inclusive) and as at 27 September, 2006 are as set out in the table hereunder:

Station	'98	'99	'00	'01	'02	'03	'04	'05	27/09/06
Howth	34	35	37	39	41	42	44	49	44
Raheny	59	61	63	61	64	60	66	59	67
Coolock	89	93	89	85	84	87	84	88	95

The Garda stations referred to by the Deputy form part of the Dublin Metropolitan Region, North Division. I would point out that the Division's resources are further augmented by a number of Garda National Units such as the Garda National Drugs Unit, the Garda National Immigration Bureau (GNIB), the Criminal Assets Bureau (CAB) and other specialised units.

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 three groups of newly attested Gardaí under this accelerated recruitment programme came on stream in March, June and September of this year and the fourth such group will become fully attested members of the Force later this year. 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 Garda Stations referred to by the Deputy will be given the fullest consideration.

Sale of Fireworks.

147. **Mr. Broughan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if the sections of the Criminal Justice Act, 2006 relating to fireworks are in effect and operational in the run-in to Halloween 2006. [30379/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to inform the Deputy that on 1st August, 2006, I signed an order bringing into immediate effect a range of new sanctions against the illegal possession and use of fireworks provided for in the Criminal

Justice Act 2006. These new provisions are as follows:

Possession of fireworks without a licence

€5,000 on summary conviction

€10,000 on conviction on indictment.

Igniting a firework in any place without a licence

€2,500 or 6 months imprisonment or both on summary conviction

€10,000 or 5 years imprisonment or both on conviction on indictment.

Throwing, directing or propelling an ignited firework at a person or property

€2,500 or 6 months imprisonment or both on summary conviction

€10,000 or 5 years imprisonment or both on conviction on indictment.

Possession of fireworks with intent to sell or supply, without a licence

€2,500 or 6 months imprisonment or both on summary conviction

€10,000 or 5 years imprisonment or both on conviction on indictment.

Asylum Applications.

148. **Mr. McGuinness** asked the Tánaiste and Minister for Justice, Equality and Law Reform the status of an application for family re-unification in the name of a person (details supplied) in County Kilkenny; if he will expedite the matter. [30380/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my answer given to his previous Parliamentary Question No. 552 of 6th July 2006. The Deputy will be aware that applications of this type are dealt with in chronological order. This application will be considered by my Department and a decision will issue in due course.

Crime Prevention.

149. **Mr. O'Connor** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will report on progress towards the introduction of anti-social behaviour orders. [30408/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The Criminal Justice Act, 2006 contains provisions to deal with

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anti-social behaviour. The Act empowers a senior member of the Garda Síochána to apply to the District Court by way of a civil procedure for an order which will prohibit an adult from behaving in an anti-social manner. In relation to children aged 12 to 18 years, specially tailored provisions, fully integrated into the Children Act 2001, provide for a number of steps. These culminate in court orders for those engaged in anti-social behaviour.

The relevant provisions of the Criminal Justice Act, 2006 will be commenced following consultations between my Department, the Office of the Minister for Children and the Commissioner of the Garda Síochána. Section 1(3) of the Act makes specific provision to this effect. The purpose of this is to ensure that these provisions will only be commenced after the Commissioner has had the opportunity to make the necessary internal arrangements to ensure the smooth introduction of these new procedures.

I want to emphasise again that separate provision is being made in relation to young people. The Criminal Justice Act, 2006 introduces provisions for behaviour orders for children aged 12 to 18 years into the Children Act, 2001 and the protections of that Act will apply. There has to be a series of incremental stages, with parental involvement, preceding an application for a behaviour order. These include a warning, a good behaviour contract and referral to the Garda Juvenile Diversion Programme. Only after these stages can a behaviour order be sought through the Courts. In addition to new administrative procedures within the Garda Síochána, behaviour orders require changes to the existing Garda Juvenile Diversion Programme provided for in the Children Act, 2001.

Garda Operations.

150. **Mr. O'Connor** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will report on the setting up of the Garda Reserve Force. [30409/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda Síochána (Reserve Members) Regulations 2006 were approved by Government in July 2006. Following this, a nationwide advertising and recruitment campaign, for both Garda Reserve trainees and full-time Garda trainees, was launched on 14 August 2006. The recruitment campaign for full-time trainees closed on 19 September 2006. Recruitment for the Garda Reserve will continue indefinitely.

Recruitment for the Garda Reserve is being carried out by the Public Appointments Service. Applications are being accepted by both internet and phone. The total number of applicants for the Garda Reserve at 19 September was 6,661. A full county by county analysis of internet applications is not yet available from the Public Appointments

Service. However, of the 3,664 phone applications, the breakdown by county is as set out in the table below.

	Number
Carlow	57
Cavan	62
Clare	112
Cork	376
Donegal	104
Dublin	907
Galway	195
Kerry	115
Kildare	180
Kilkenny	82
Laois	83
Leitrim	25
Limerick	121
Longford	41
Louth	125
Mayo	114
Meath	184
Monaghan	38
Offaly	78
Roscommon	77
Sligo	72
Tipperary	133
Waterford	77
Westmeath	104
Wexford	102
Wicklow	92
Northern Ireland	8
Total	3,664

These figures demonstrate the significant level of public interest in the Garda Reserve and the willingness of people to serve their local communities.

The process of selecting suitable candidates has already commenced. Interviews for the first tranche of reserve trainees were held from 12 September and medical examinations for candidates began last weekend. Candidates for the Garda Reserve are required to go through the same vetting process as full-time applicants and the process is underway.

In conjunction with this, senior members of An Garda Síochána have planned for training, equipping and deploying members of the Reserve. The first group of trainees is to commence Phase One training in the Garda College in Templemore this Saturday, 30 September. Reserve members will receive more than 120 hours initial training which will be in accordance with the best international standard. Training will consist of a comprehensive training programme of five phases as follows:

Phase One is a two day induction course which will give Reserve members an appreciation of the Garda Organisation and its culture.

Phase Two will consist of 56 hours training at evenings/weekends over an eight week period during which the trainee Reserve members will learn basic law and Garda procedures.

Phase Three is two days during which the trainee Reserve members will engage in role play exercises including radio procedures and be instructed in self defence, handcuff techniques and use of equipment.

Phase Four is a minimum of 40 hours at a nominated Garda Station during which the Trainee Reserve members will engage in accompanied beat patrol with a full-time Garda and Station duty under a Station Sergeant.

Phase Five is a one day graduation at the Garda College.

It is anticipated that the first group of trainees will be assigned to five different Garda stations throughout the State. These are: Sligo, Mill Street in Galway, Anglesea Street in Cork, Pearse Street, Dublin 2 and Store Street, Dublin 1. Once the full county by county analysis of applications is available from the Public Appointments Service further locations will be identified for deployment.

Architectural Heritage.

151. **Ms C. Murphy** asked the Minister for Finance if the Office of Public Works will continue to retain responsibility for the maintenance of Castletown House, Celbridge; and if he will make a statement on the matter. [30190/06]

152. **Ms C. Murphy** asked the Minister for Finance his views on purchasing Batty Langley Lodge, Castletown Demesne, Celbridge, County Kildare on behalf of the State due to the historical significance of the property; and if he will make a statement on the matter. [30191/06]

Minister of State at the Department of Finance (Mr. Parlon): I propose to take Questions Nos. 151 and 152 together.

The Office of Public Works is currently responsible for the maintenance of Castletown House and there are no plans to change this situation. In relation to the possible acquisition by the State of Batty Langley Lodge, I accept that there may be some merit in acquiring the property to strengthen the integrity of the Castletown Demesne. However, I do not consider its acquisition essential in the context of the overall strategy for the management and conservation of Castletown House and Estate. The matter will be kept under review as part of the ongoing management and development of the House and Estate by the Office of Public Works.

Garda Stations.

153. **Ms C. Murphy** asked the Minister for Finance when the Garda Station in Leixlip will com-

mence construction; and if he will make a statement on the matter. [30192/06]

Minister of State at the Department of Finance (Mr. Parlon): It is expected that work on the construction of the new Garda station at Leixlip, Co. Kildare will commence early in 2007.

Customs and Excise Service.

154. **Ms C. Murphy** asked the Minister for Finance in view of the fact that Weston Aerodrome has had its classification changed, the action which has been taken to increase the frequency customs inspections of flights there; if there are plans to install permanent customs officials at the aerodrome; and if he will make a statement on the matter. [30193/06]

Minister for Finance (Mr. Cowen): Weston Aerodrome has been re-classified as a Category C airport by the Irish Aviation Authority. This classification now means that Weston has controlled airspace in conjunction with Dublin and Baldonnel airports. This reclassification does not change the type or size of aircraft currently capable of using Weston.

I am informed by the Revenue Commissioners that there have been no alterations to the Conditions of Approval granted to Weston Ltd by the Revenue Commissioners. The Office of the Revenue Commissioners has responsibility for the collection of all import duties and the enforcement of prohibitions or restrictions which may apply at import. In particular the Office has primary responsibility for the prevention, detection, and seizure of controlled drugs at importation. They have responsibility for implementing import controls at points of entry into the State, specifically, at ports, airports, including licensed airfields, and on the land frontier.

Control of Weston Aerodrome, and other licensed airfields in the Dublin Region, is carried out by Customs Teams attached to the Dublin Enforcement District. These are dedicated anti-smuggling teams, which focus on the smuggling of prohibited drugs, and fiscal products. Other duties undertaken by Officers in attendance at Weston Aerodrome include clearance of aircraft and passengers arriving from third countries, spot checks on EU flights, verification of fuel Drawback Claims, verification of End-Use Authorisations, clearance of aircraft under Transfer of Residence, and checks on private aircraft to ensure compliance with import procedures (new means of transport).

In 2004, Officers attached to the Dublin Enforcement District carried out 12 planned and 6 unplanned visits to Weston. During 2005, 10 planned and 6 unplanned visits; and to-date in 2006, 11 planned and 3 unplanned visits have been made to Weston by Officers from this district. All Customs operations are risk focused, and staff deployed to combat areas of greatest

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risk. The level of activity at Weston Aerodrome is constantly monitored from a risk perspective. Revenue will, of course, review their risk assessments in light of the reported heroin seizure in Belgium earlier this week involving a Weston-based plane.

Tax Code.

155. **Dr. Cowley** asked the Minister for Finance if he will consider in the context of the forthcoming Budget, issuing of VAT refunds for visitors attending business conferences here; and if he will make a statement on the matter. [30194/06]

Minister for Finance (Mr. Cowen): As the Deputy will be aware from previous replies to similar questions on this issue, I want to make sure any such relief can work and does not open up the VAT system to other very costly demands. The examination of the matter is ongoing and I will consider it in the context of the forthcoming Budget.

Flood Prevention.

156. **Mr. Gregory** asked the Minister for Finance the reason a report from the Office of Public Works stating the reasons the strengthening of the river wall on the Tolka along East Wall Road by repointing the wall, has still not been carried out, despite preliminary work being completed some time ago; and when this necessary work will be done. [30224/06]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works is currently carrying out works in the Griffith Park area in Dublin City. The repointing of the wall along East Wall Road will commence as resources allow but it is hoped that this will occur before the end of the current year.

Departmental Expenditure.

157. **Mr. Hogan** asked the Minister for Finance

if the moneys allocated to his Department in this year's Estimates will be fully and appropriately spent during 2006; if he has identified any allocated moneys which are not needed by his Department; and, if so, the amount of such moneys. [30234/06]

Minister for Finance (Mr. Cowen): The 2006 revised estimate for my Department's vote is €110.831 million. Moneys from the Vote will be fully and appropriately spent in accordance with the ambit of the Vote. While the Outturn for the Vote will not, of course, be known until after end year, expenditure trends to date suggest a possible saving of the order of €10 million may arise at end 2006. Any Savings will be surrendered to the Exchequer or carried over to 2007, in accordance with the law.

158. **Dr. Cowley** asked the Minister for Finance the areas of overspend in the Border Midland Western regions as stated by him in September 2006; if he will elaborate on the expectations of the Government to the spending plan for the BMW region from now until 2008 as stated; the improvement the area can expect by 2008; and if he will make a statement on the matter. [30245/06]

Minister for Finance (Mr. Cowen): The National Development Plan/Community Support Framework (NDP/CSF) 2000-2006 is implemented through seven Operational Programmes. The most recent expenditure data on the Plan relates to the period to the end December 2005. This data is set out in Tables 1 and 2 below. Data for first six months of 2006 will be available at end October 2006 following the meetings of the Operational Programme Monitoring Committees.

Table 1 sets out the indicative total expenditure forecasts and the estimated total expenditure incurred under each Operational Programme in the Border, Midland and Western (BMW) Region for the period January 2000 to December 2005.

Table 1 — Total Profiled and Estimated Expenditure in BMW Region

January 2000 to end December 2005

Operational Programme	Original Profile	Estimated Expenditure	Expenditure versus Profile
	€m	€m	%
Economic and Social Infrastructure	5,863	5,435	92
Employment & Human Resources Development	3,653	3,449	94
Productive Sector	2,663	786	29
Border, Midlands & Western Regional	3,519	2,273	64
PEACE II & Technical Assistance	146	109	74
Total Expenditure	15,844	12,052	76

Profiles and Expenditure data includes all NDP sources of funding; Exchequer, EU and Private. The Exchequer forecast and estimated Exchequer expenditure incurred under each

operational programme in the BMW Region for the period January 2000 to December 2005 is set out in Table 2.

Table 2 –Profiled and Estimated Exchequer Expenditure in BMW Region
January 2000 to end December 2005

Operational Programme	Original Profile	Estimated Expenditure	Expenditure versus Profile
	€m	€m	%
Economic and Social Infrastructure	4,054	4,570	113
Employment and Human Resources Development	3,654	3,495	96
Productive Sector	1,741	600	34
Border, Midlands & Western Regional	2,566	1,920	75
PEACE II & Technical Assistance	146	109	74
Total Exchequer Expenditure	12,161	10,694	88

It can be seen from the data presented in Table 2 that the Exchequer contribution to the BMW Region under the Economic and Social Infrastructure Operational Programme (ESIOP) has exceeded its original target by €516 million to the end of 2005. However, a complete picture of extra expenditure in the region, over that committed in the lifetime of the NDP, will not be available until the full year expenditure data for 2006 are analysed and reported at the Spring 2007 meetings of the Operational Programme Monitoring Committees.

The latest information indicates that overall gross expenditure in the Border, Midlands and West (BMW) region is running at €12.1 billion for the six year period 2000-2005, with the Exchequer component running at €10.7 billion. The information also indicates that the overall outturn for the NDP is expected to be near to forecast by the end of 2006, but with some over-performance and underperformance of expenditure taking place within the Operational Programmes that support the NDP. However, it is also expected that co-funded measures under the NDP will achieve their full entitlement to Structural Funds in the BMW Region by the end of 2008, the timetable set out in the Regulations. So the overall impact will not be available until that time.

The Government's commitment to the region does not cease when the current funding round draws to a close. The new National Development Plan 2007-13, currently in preparation, will build on the achievements already taking place under the Plan. In addition the BMW region will also receive Structural Funds allocation of €458m under the next round of funding 2007-13. In that context my Department is also preparing the National Strategic Reference Framework (NSRF) which will set out the strategic orientation of the Funds and link the Community's priorities with the national and regional priorities,

and which in turn will assist in the preparation of the relevant Operational Programmes.

Decentralisation Programme.

159. **Mr. Lowry** asked the Minister for Finance the decentralisation locations where office accommodation has been found for each agency or Department; if the accommodation is of a permanent or temporary nature; when he expects permanent accommodation to be found in each case for locations where staff have not yet relocated, when he expects decentralisation of staff to begin to each location; and if he will make a statement on the matter. [30246/06]

Minister of State at the Department of Finance (Mr. Parlon): I understand that a further report from the Decentralisation Implementation Group will be available shortly and it will address the property issues and timeframes for all decentralising Departments and Agencies.

160. **Mr. Naughten** asked the Minister for Finance the status of the negotiations for the acquisition of a site in Mullingar town centre for the provision of accommodation for the decentralisation of the Department of Education and Science to Mullingar; and if he will make a statement on the matter. [30266/06]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works has identified a suitable site in Mullingar town centre and negotiations to acquire it are underway.

Pension Provisions.

161. **Mr. O'Shea** asked the Minister for Finance when approval will be given for the pension scheme proposal for primary school caretakers submitted to his Department from the Department of Education and Science; and if he will make a statement on the matter. [30310/06]

Minister for Finance (Mr. Cowen): My Department has no objection, in principle, to the pension scheme proposal submitted by the Department of Education and Science for certain caretakers employed in certain primary schools. However, there are some details in relation to the proposal which remain to be considered further before formal sanction to the scheme can be given by my Department. Discussions on these issues are ongoing between the two Departments and I would expect the outstanding issues to be resolved in the near future.

Garda Stations.

162. **Mr. O'Connor** asked the Minister for Finance if he will report on contacts between the Office of Public Works and South Dublin County Council in respect of an available site adjacent to the new Tallaght Leisure Centre at Jobstown which would be ideal for a much needed Tallaght west Garda Station; and if he will make a statement on the matter. [30411/06]

Minister of State at the Department of Finance (Mr. Parlon): It is proposed to build a new Divisional Garda headquarters at the site of the existing Garda station in Tallaght. No other site is under consideration.

Natural Heritage Areas.

163. **Mr. McGuinness** asked the Minister for Finance the status of the provision of fencing at sites (details supplied) in County Kilkenny as part of the River Nore drainage scheme; if the re-seeding has been agreed; and if he will make a statement on the matter. [30412/06]

Minister of State at the Department of Finance (Mr. Parlon): The first batch of fabricated fencing is due to be delivered to Kilkenny within the next few days and work on the erection of the fencing will commence at the Dukesmeadow site in the very near future. Fencing of the Bishopsmeadows site will take place at a later stage owing to other works currently being undertaken in that area by the County Council on the construction of a river-side walk, cycle path and associated works.

On the advice of Kilkenny County Council and the wildlife ranger it has been decided not to re-seed the Bishopsmeadows site. This area is part of an SAC (Special Area of Conservation) and the wildlife ranger has advised that the wild flowers are now getting much better established since the start of the summer and the area is greening up satisfactorily. It is expected that the area will naturally re-establish itself within a short space of time. The area along the roadside is being maintained by the County Council and only the area within the Meadows is being left unmaintained as meadow grass.

Tax Collection.

164. **Mr. Durkan** asked the Minister for Finance the full extent of information still required to determine income tax liability in the case of a person (details supplied) in County Kildare for the year ending 31 December 2005; and if he will make a statement on the matter. [30424/06]

165. **Mr. Durkan** asked the Minister for Finance if payment of income tax in respect of 2004 account has been granted and recorded against the liability for 2004 in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [30425/06]

Minister for Finance (Mr. Cowen): I propose to take Questions 164 and 165 together.

As the Deputy will appreciate, the tax liability of, and tax payments made by, individual taxpayers is a matter for the Revenue Commissioners. I am advised by Revenue that the information requested by the Deputy is confidential to the taxpayer concerned and, accordingly, they are not in a position to disclose it. If the taxpayer wishes to confirm any details relating to his tax affairs then either he or his agent should make direct contact with Revenue. If the Deputy is representing the taxpayer, then he may wish to write to Revenue on his behalf.

Tax Code.

166. **Mr. Durkan** asked the Minister for Finance when a refund of income tax will be made in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [30426/06]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that an amended PAYE Balancing Statement for 2005 issued to the taxpayer on 26 September 2006. This showed that no tax deductions were made from her income in 2005. Consequently, no entitlement to a refund arises in this instance.

167. **Mr. Penrose** asked the Minister for Finance the taxation position of a person, who wishes to sell land to their local parish, to enable a school to be constructed thereon, in the context that they would have obtained agricultural relief in respect of the said lands when they succeed to same; if there are taxation provisions which would be beneficial to them in respect of them disposing of an area of land to service such a school; and if he will make a statement on the matter. [30427/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that relief from Capital Acquisitions Tax on gifts and inheritances of agricultural property is available where the beneficiary fulfils certain conditions. If the beneficiary sells the agricultural property

within six years of the date of the gift or inheritance a claw-back of the relief will occur, unless the proceeds from the sale are fully expended in acquiring replacement agricultural property within a year of the sale. The extent of the claw-back relates to the amount of the sale proceeds not re-invested. The fact that the sale is to the local parish has no particular advantages regarding the claw-back of agricultural relief.

I am further advised by the Revenue Commissioners that if the previous owner of the land was entitled to relief from capital gains tax (CGT) on its disposal to the current owner, a sale by the current owner, within six years of acquisition, might result in a claw-back of some or all of the that relief. In such a case the CGT, which would have been charged on the previous owner, is assessed and charged on the current owner.

Furthermore, the CGT Acts provides for relief on capital gains arising where an asset is sold to the State or to a charity for a consideration not exceeding the cost of the asset to the owner. However, more information would be required to decide what would be the result in this case.

The Deputy should contact the Revenue Commissioners if he would like more specific information on how the above would apply to the landowner in question.

Inland Waterways.

168. **Mr. McGuinness** asked the Minister for Finance if the Office of Public Works and the local authority concerned will clean and maintain the river bank at the rear of a premises (details supplied) in County Kilkenny; and if he will make a statement on the matter. [30428/06]

Minister of State at the Department of Finance (Mr. Parlon): My officials advise me that the Commissioners of Public Works are responsible for the maintenance of the flood defences (embankments, wall, etc.) constructed as part of the flood relief scheme in Kilkenny and also clearing any vegetation, branches which encroach into the river channel and affect the hydraulic flow of the river. The Commissioners' responsibilities do not extend to the cleaning and maintenance of the area between the river and peoples properties. An old silted-up mill race runs through the area between the river bank and the property boundaries of houses in the area in question. In the past, litter and other debris has accumulated in this area. During the works on the drainage scheme, the local authority was unable to gain access to this area as the site was in the possession of the contractor undertaking the drainage works. In these circumstances, the OPW exceptionally arranged for the contractor to clean up the area at that time.

General Medical Services Scheme.

169. **Mr. Deasy** asked the Minister for Health

and Children if the review of the GMS GP contract and other publicly funded GP services, under the auspices of the Labour Relations Commission, has been completed; the recommendations that have been made as a result of the review; if she intends to implement the recommendations; and if she will make a statement on the matter. [30195/06]

Minister for Health and Children (Ms Harney):

The Review of the contractual arrangements for the provision of services under the General Medical Services and other related schemes for the delivery of public health services by General Practitioners under the auspices of the Labour Relations Commission is ongoing. It is my desire that the outcome of the Review should be a set of contractual arrangements which will facilitate the delivery of a modern, efficient, cost-effective and high quality service, in line with national policy on primary care.

Mental Health Services.

170. **Dr. Cowley** asked the Minister for Health and Children if her attention has been drawn to the fact that there is no psychological treatment available for siblings, families and partners of psychiatric patients; if this problem needs to be addressed; and if she will make a statement on the matter. [30196/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

171. **Ms Lynch** asked the Minister for Health and Children the number of individual care packets which were funded by the Health Service Executive for people with intellectual disability to live alone or supported within the family because of diagnoses of Autism and challenging behaviour and intellectual disability with complex needs; if she will outline the amounts and the location of each of these packages; and if she will make a statement on the matter. [30197/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to

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

172. **Ms Lynch** asked the Minister for Health and Children the number of people with intellectual disability and their families receiving financial support from the Health Service Executive in the years 2004/05 for the bands €5,000 — €20,000, €20,000 — €60,000, €60,000 — €100,000, €100,000 — €150,000, €150,000 — €200,000, €200,000 — €250,000, €250,000 — €300,000, €350,000 — €400,000, €400,000 — €450,000 and €450,000 plus; and if she will make a statement on the matter. [30198/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Departmental Staff.

173. **Ms Lynch** asked the Minister for Health and Children the number of employees in her Department for the years 1996-1997, 1997-1998, 1999-2000, 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006 with specific reference to the reduction in whole time equivalents in the Department and identify the corresponding increase in the Health Service Executive since its establishment; and if she will make a statement on the matter. [30199/06]

Minister for Health and Children (Ms Harney): The whole time equivalent numbers employed in the Department of Health and Children based on the figures given to the Department of Finance CENSIS Section for the specified years are outlined below. These figures include staff employed in:

- the Department of Health and Children (including the recently expanded Office of the Minister for Children)
- the General Register Office
- The Adoption Board
- the Social Services Inspectorate
- the Office of the Ombudsman for Children.

Year	Numbers employed in DOHC-WTE
end Dec 1997	433
end Dec 1998	433
end Dec 1999	464

Year	Numbers employed in DOHC-WTE
end Dec 2000	483.5
end Dec 2001	567.5
end Dec 2002	645.18
end Dec 2003	649.06
end Dec 2004	625.5
end Dec 2005	609.54
end June 2006	599.87**

*The above figures do not include seconded-in staff.

**Includes staff transferred from the Department of Justice, Equality and Law Reform (Childcare Directorate) to the Office of the Minister for Children in early 2006.

Arising from the Health Reform Programme and the establishment of the HSE some functions previously carried out by my Department have transferred or are in the process of being transferred to the HSE. This will involve a reduction of approximately 38 posts in my Department's complement of posts and a transfer of these posts to the HSE.

The initial transfer of functions to the HSE involving areas such as pensions policy, case mix and speciality costing, health promotion and hospital planning is proceeding. This matter will also be kept under constant review with a view to identifying other areas of work which are appropriate for transfer.

Mental Health Services.

174. **Ms Lynch** asked the Minister for Health and Children the number of houses in the community bought by the Health Service Executive as part of the transfer programme from psychiatric hospitals that are still unoccupied; and if she will make a statement on the matter. [30200/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

175. **Dr. Cowley** asked the Minister for Health and Children when a rheumatology department will be established at Mayo General Hospital; and if she will make a statement on the matter. [30201/06]

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.

Screening Programmes.

176. **Dr. Cowley** asked the Minister for Health and Children her plans to introduce screening of B Strep infection for pregnant women, in view of the fact that this is a silent killer of unborn babies and that a course of anti-biotic can save babies lives; and if she will make a statement on the matter. [30202/06]

Minister for Health and Children (Ms Harney):

Formal screening for B streptococcus is not carried out at present but the issue is being kept under review.

Health Services.

177. **Dr. Cowley** asked the Minister for Health and Children the action her Department is taking to help create a public awareness of osteoporosis which is both preventable and treatable and in view of the fact that one in five men and one in three women are sufferers; and if she will make a statement on the matter. [30203/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to respond directly to the Deputy in relation to the matter raised.

Departmental Funding.

178. **Dr. Cowley** asked the Minister for Health and Children the action her Department is taking to provide financial assistance to enable the Irish Osteoporosis Society to continue in operation; and if she will make a statement on the matter. [30204/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Irish Osteoporosis Society (IOS) was funded on a once-off basis by the former Northern Area Health Board in 2004 and 2005. Funding of €130,000 was provided in 2005.

The HSE met with the IOS on the 31st of July 2006. The IOS requested further funding of €128,000 which they felt they were due for 2005. The HSE requested accounts for the €130,000 which the IOS received in 2005 before any further funding could be issued to the society. The IOS informed the HSE that accounts would be provided on the 2nd of August 2006.

The HSE received accounts from the IOS on the 10th of August 2006. The IOS were informed on the 16th of August 2006 that audited accounts and a tax clearance certificate would be required by the HSE.

The HSE received audited accounts on the 16th of August 2006 and a tax certificate on the 7th of September 2006. On the 18th of September the finance department of the HSE informed the Population Health directorate of the HSE that the accounts were in order.

A payment of €128,000 to the IOS was processed by the HSE on the 22nd of September 2006. The IOS should be in receipt of these funds within ten days of the processing date.

Accident and Emergency Services.

179. **Dr. Cowley** asked the Minister for Health and Children if the current trend of cancellation of the majority of surgical operations being cancelled at Mayo General Hospital in order to clear the trolley crisis in the accident and emergency department is going to continue; her views on whether this is a ridiculous decision by the Health Service Executive; and if she will make a statement on the matter. [30205/06]

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.

Nursing Home Subventions.

180. **Dr. Cowley** asked the Minister for Health and Children if subvention will be provided for a person (details supplied) in County Galway; and if she will make a statement on the matter. [30206/06]

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.

Departmental Estimates.

181. **Mr. Hogan** asked the Minister for Health and Children if the moneys allocated to her Department in this year's Estimates will be fully and appropriately spent during 2006; if she has identified any allocated moneys which are not

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needed by her Department; and if so the amount of such moneys. [30236/06]

Minister for Health and Children (Ms Harney):

As Minister for Health and Children I am responsible for three Votes; Vote 39 — Health and Children, Vote 40 — Health Service Executive and Vote 41 — Office for the Minister for Health and Children. Based upon spending patterns to date the full Vote provision will be required.

Cancer Screening Programme.

182. **Dr. Cowley** asked the Minister for Health and Children when the National Cervical Cancer Screening Service will be instituted; and if she will make a statement on the matter. [30247/06]

Minister for Health and Children (Ms Harney):

I wish to see the Irish Cervical Screening Programme (ICSP) rolled out nationally by 2008, based on an affordable model and in line with international best practice. Significant preparatory work is well underway involving the introduction of new and improved cervical tests, improved quality assurance training and the preparation of a national population register. An additional €9m is available to the Executive for cancer services development in 2006, including the continuation of preparations for the roll out.

As part of my response to the Strategy for Cancer Control, I will establish a National Cancer Screening Agency to amalgamate BreastCheck and the ICSP to deliver both programmes nationally. This will maximise the expertise in both programmes, ensure improved efficiency and develop a single governance model for cancer screening. The plan is to have cervical screening managed as a national call/recall programme via effective governance structures that provide overall leadership and direction, in terms of quality assurance, accountability and value for money. All elements of the programme, call/recall, smear taking, laboratories and treatment services must be quality assured, organised and managed to deliver a single integrated service.

Health Services.

183. **Dr. Cowley** asked the Minister for Health and Children if she intends to invest to a greater extent in cardiovascular health services following research which found that Ireland spends the second lowest proportion of its health care budget on heart and circulatory diseases in the enlarged EU; and if she will make a statement on the matter. [30248/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The research to which the Deputy refers is the study into the 'Economic burden of cardiovascular diseases in the enlarges EU'; by Leal J, Luengo-Fernández

R, Gray A, Petersen S and Rayner M. European Heart Journal, doi: 10. 1093 / eurheartj/ ehi733.

As was stated in a previous answer to this question, the authors set out to provide an estimate of the economic costs of cardiovascular disease for EU countries. It was unclear how some of these costs were estimated and given that the authors may have underestimated the true costs in Ireland, there are question marks about the accuracy of the overall findings as they relate to this country.

The Cardiovascular Health Strategy — Building Healthier Hearts — was launched in 1999. The report makes recommendations about the prevention, treatment and surveillance of coronary heart disease across a number of sectors and the full range of health service activities, in health promotion, primary care, pre-hospital care, acute hospital services and cardiac rehabilitation.

Since 2000 this Government has committed over €63 million towards the implementation of the Strategy. This funding has supported a wide range of new regional services and initiatives, which have had a measurable impact on the diagnosis and treatment of patients with heart disease. More than 800 new posts have been created, including 19 additional consultant cardiology posts.

Significant progress has been made in addressing the key challenges in the implementation of the Strategy in relation to improving population health, ensuring equitable access to services and improving the quality of services. I understand the HSE review of the Cardiovascular Health Strategy is progressing as set out in the service plan for 2006 and my Department will continue to monitor this review.

Cancer Screening Programme.

184. **Dr. Cowley** asked the Minister for Health and Children if, in view of the fact that breast cancer is a terrible killer, that health care apartheid exists in this country, that 260 more women will die needlessly in the west and south before BreastCheck is up and running, and given that she has stated that it is not possible to get the Galway Clinic to carry out these essential checks, will she encourage the BreastCheck to out source this essential service in order to save women's lives; and if she will make a statement on the matter. [30249/06]

Minister for Health and Children (Ms Harney):

A breast screening programme is a complex multidisciplinary undertaking that requires considerable expertise and management involving population registers, call/recall systems, mammography, pathology and appropriate treatment and follow up. A programme must be quality assured and acceptable to women who attend for screening. The first phase of the programme is of a high quality and a similar quality in the West and South is essential.

I have met with representatives of BreastCheck and they are fully aware of my wish to have a quality assured programme rolled out to the remaining regions in the country as quickly as possible. For this to happen, essential elements of the roll out must be in place including adequate staffing, effective training and quality assurance programmes. I have made additional revenue funding of €2.3m available to BreastCheck to meet the additional costs of roll out. I have also approved an additional 69 posts. BreastCheck recently appointed Clinical Directors for the Southern and Western regions and the recruitment of Consultants and other staff is now underway.

BreastCheck also requires considerable capital investment in the construction of two new clinical units and in the provision of five additional mobile units and state of the art digital equipment. I have made available an additional €21m capital funding to BreastCheck for this purpose. Demolition works at South Infirmary/Victoria University Hospital were completed this month. The Department has issued approval to BreastCheck to award contracts for the construction of the static units at the South Infirmary/Victoria University Hospital, Cork and University College Hospital Galway. BreastCheck is confident that the target date of next year for the commencement of roll out to the Southern and Western regions will be met.

Any proposal received by BreastCheck to support the roll out of its screening programme will be carefully examined to assess the extent to which it complies with existing standards. BreastCheck recently conducted an evaluation of a proposal from a private screening service and concluded that the clinic in question would not be in a position to provide a screening programme in line with BreastCheck standards.

Parliamentary Questions.

185. **Mr. Lowry** asked the Minister for Health and Children the reason Parliamentary Question No. 154 of 25 April 2006 remains unanswered by the Health Service Executive; and if she will make a statement on the matter. [30250/06]

186. **Mr. Lowry** asked the Minister for Health and Children the number of parliamentary questions submitted by this Deputy which remain unanswered by the Health Service Executive; the reason for any delay in providing replies; and if she will make a statement on the matter. [30251/06]

187. **Mr. Lowry** asked the Minister for Health and Children the number of parliamentary questions submitted by Houses of the Oireachtas Members which remain unanswered for more than three weeks; the reasons for any delay in providing replies; and if she will make a statement on the matter. [30252/06]

Minister for Health and Children (Ms Harney):

I propose to take Questions Nos. 185 to 187, inclusive, together.

In the period January to July 06, a total of 3836 Parliamentary Questions were answered by me and the Ministers of State at my Department. Of this total, 2222 questions related, in whole or in part, to matters proper to the statutory remit of the HSE and were accordingly referred to the Executive for direct reply. The Executive has issued replies to 1990 of these Questions and is currently working to issue replies as soon as possible in the case of the remaining 232 Questions, 9 of which were asked by the Deputy.

The Executive endeavours to issue final replies to questions within 20 working days. I have been informed that for the period concerned 1,200 replies issued within this timeframe. The reasons for a delay in replying to questions may vary. For instance, questions can differ substantially in relation to the extent of the detail sought either in relation to a national service or in relation to a service over a period of years. In some cases the preparation of replies may involve decisions of a wider nature such as determining service priorities or resource allocation. I have been informed that the Executive's Parliamentary Affairs Division has been in touch with the Deputy's office to explain the reason for the delay and to confirm that a reply will issue shortly in relation to the particular question referred to by him.

I am aware that the HSE is actively addressing performance in this area. The measures being taken include the allocation of additional resources to the Executive's Parliamentary Affairs Division.

Hospital Services.

188. **Mr. Naughten** asked the Minister for Health and Children if she will increase the funding available to Roscommon and Mayo Hospice for the provision of palliative care services; and if she will make a statement on the matter. [30261/06]

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.

189. **Mr. Connaughton** asked the Minister for Health and Children if a person who holds a full medical card will have the nursing home costs covered for the first two weeks after surgery tak-

[Mr. Connaughton.]

ing into account the person has VHI cover; and if she will make a statement on the matter. [30283/06]

Minister of State at the Department of Health and Children (Mr. S. Power): Section 53 of the Health Act, 1970, provides for charges to be made in respect of inpatient services generally. In regard to public long-stay care, Section 53 was amended by the Health (Amendment) Act, 2005 to provide for a charge where inpatient services have been provided for a period of not less than 30 days, or for periods aggregating not less than 30 days within the previous 12 months. This was implemented by the Health (Charges for In-Patients Services) Regulations 2005 which provided for the levying of charges in respect of the maintenance of person in public long-stay care. Services are not, therefore, free in public units and, in respect of private nursing homes, the financial support given by the State to patients is at present governed by the Health (Nursing Homes) Act, 1990 and subsequent Regulations, which allow the State to pay a subvention towards the cost of private nursing home care. The Health (Miscellaneous Provisions) Act 2001 does not give statutory entitlement to free nursing home care in either public or private nursing homes. The Deputy may be aware that the placing of a person in a private nursing home is a private matter between the person or his or her representatives and the nursing home proprietor, as are the fees charged in these facilities.

With regard to a person having medical cover, VHI pays nursing home benefit where a VHI member is transferred to a convalescent home listed in its directory of convalescent homes, for up to fourteen days, if the Consultant decides for medical reasons, and their Medical Director agrees, that a person who is a member of VHI needs to stay in a convalescent home immediately after being in hospital for medically necessary treatment, which is eligible for VHI Healthcare benefit. The benefits payable in respect of convalescent claims depend on the plan held, typically between €45 and €70 per day. The nursing home cover provided by VHI is in accordance with the prescribed amount of cover insurers are obliged to provide under article 5 and Schedule A of the Minimum Benefit Regulations.

Health Service Staff.

190. **Ms Shortall** asked the Minister for Health and Children the basis for determining the basic qualifying criteria for recruitment to the community welfare grade; and the reason those without a leaving certificate but who have acquired valuable life skills and demonstrable high levels of numeracy, literacy and communication are currently excluded under the current recruitment procedure. [30284/06]

Minister for Health and Children (Ms Harney):

The Deputy's question relates to human resource management issues within the Health Service Executive. As this is a matter for the Executive under the Health Act, 2004, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Housing Aid for the Elderly.

191. **Mr. McGuinness** asked the Minister for Health and Children if she will expedite an application under the housing aid for the elderly scheme in the name of a person (details supplied) in County Kilkenny. [30312/06]

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. This includes responsibility for the provision of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. 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 Service Staff.

192. **Mr. Naughten** asked the Minister for Health and Children if the locations of the three primary care teams for County Roscommon have been determined; and if she will make a statement on the matter. [30313/06]

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.

193. **Mr. Naughten** asked the Minister for Health and Children the steps being taken to recruit and retain qualified chiropodists in County Roscommon PCCC; and if she will make a statement on the matter. [30314/06]

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 Execu-

tive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

194. **Mr. Naughten** asked the Minister for Health and Children the steps being taken to address the backlog in audiology services; the number of adults and children currently awaiting an audiology appointment; when the backlog in audiology waiting lists will be cleared; and if she will make a statement on the matter. [30315/06]

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

Health Service Staff.

195. **Mr. Naughten** asked the Minister for Health and Children when a principal psychologist will be required for the child psychology department in County Roscommon; the reason for the delay in recruiting this position; and if she will make a statement on the matter. [30316/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

196. **Dr. Cowley** asked the Minister for Health and Children if her Department will evaluate the need for a wet hostel in County Mayo; and if she will make a statement on the matter. [30317/06]

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.

197. **Dr. Cowley** asked the Minister for Health and Children if the deed of transfer in the case of a nursing home (details supplied) in County Mayo has taken place; her views on whether this is taking an extraordinary long time to transfer in

view of the fact that this site was approved for transfer from Mayo County Council to the Health Service Executive western area in March 2003; her further views on whether this should take place immediately and provide Ballinrobe town with this long awaited nursing home facility; and if she will make a statement on the matter. [30318/06]

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.

Grant Payments.

198. **Mr. O'Connor** asked the Minister for Health and Children if she will confirm that arrangements are being made for the payment of a major grant to a project (details supplied) in Dublin 24.; and if she will make a statement on the matter. [30344/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): As the Deputy will be aware, I have responsibility for the Equal Opportunities Child Care Programme 2000- 2006 (EOCP) and the National Child care Investment Programme 2006-2010 (NCIP), which are being implemented by the newly established Office of the Minister for Children.

I am pleased to inform you that the Group in question was recently approved €700,000 in capital grant assistance under the EOCP. The approval of funding is subject to the Group concluding satisfactory contractual arrangements with Pobal, which is engaged to administer the Programme. I understand that the Child care Directorate of my Office has advised the Group of this decision.

The Group also approved staffing continuation funding of €159,800, up to 31 December 2007, in August 2005. I understand that the next payment due will be made to the Group over the coming days.

Hospital Services.

199. **Mr. J. O'Keeffe** asked the Minister for Health and Children if her attention has been drawn to the fact that inadequate funding is available to deal with the situation of persons who are profoundly deaf and who require either ear implants or upgrades of same; and if she will ensure that such funding is made available in order that the four year waiting lists will be eliminated and the service provided when required. [30345/06]

Minister for Health and Children (Ms Harney):

The Deputy's question relates to the management and delivery of health and personal social services. Accordingly, my Department has requested the Parliamentary Affairs Division of the Health Service Executive to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

200. **Mr. J. O'Keeffe** asked the Minister for Health and Children the supports available to parents whose young children have been diagnosed with autism; her views on the fact that adequate facilities and resources are not available for such children; and the plans she has to make such resources and facilities available. [30346/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

201. **Mr. Durkan** asked the Minister for Health and Children when services will be offered to a person (details supplied) in County Kildare who was diagnosed with autistic spectrum disorder; and if she will make a statement on the matter. [30347/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

202. **Mr. McGuinness** asked the Minister for Health and Children the extent of the orthodontic treatment available in County Carlow for public patients; if patients being referred to Waterford for treatment will be given the option to attend in Kilkenny for convenience; and if she will make a statement on the matter. [30348/06]

Minister for Health and Children (Ms Harney): The Deputy's question regarding the way that children are assessed and deemed eligible for orthodontic treatment 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.

203. **Mr. McGuinness** asked the Minister for Health and Children the reason a full report on the treatment and eye operation received by a person (details supplied) in County Kilkenny was not given to the patient when requested; if an appointment to deal with these matters will be arranged at Waterford Hospital for the person; and if she will make a statement on the matter. [30349/06]

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.

204. **Mr. McGuinness** asked the Minister for Health and Children if an appointment will be made at Kilcreene Hospital, Kilkenny for a person (details supplied) in County Kilkenny in view of the nature of their case; and if she will expedite the matter. [30350/06]

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.

205. **Mr. McGuinness** asked the Minister for Health and Children further to a previous parliamentary question, if a placement for three full days per week will be arranged for a person (details supplied) in County Kilkenny; and if she will expedite the request. [30351/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Community Care.

206. **Mr. McGuinness** asked the Minister for Health and Children further to a reply to a previous parliamentary question, if the report on the

area medical officer services for Rathvilly, Carlow is available from Carlow Kilkenny community care; and if she will expedite the matter. [30352/06]

Minister for Health and Children (Ms Harney):

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Aids and Appliances.

207. **Mr. McGuinness** asked the Minister for Health and Children the reason for the delay in providing new hearing aids for a person (details supplied) in County Kilkenny; and if she will expedite the matter. [30353/06]

Minister for Health and Children (Ms Harney):

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

208. **Mr. McGuinness** asked the Minister for Health and Children further to correspondence with the Health Service Executive of 24 July 2006, if Waterford Regional Hospital has agreed to provide injection chemotherapy treatment for a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [30354/06]

Minister for Health and Children (Ms Harney):

The Deputy's question relates to the management and delivery of health and personal, social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to respond directly to the Deputy in relation to the matter raised.

Nursing Home Subventions.

209. **Mr. McGuinness** asked the Minister for Health and Children if the financial contributions now being sought from residents of Health Service Executive group homes within the community is the same for those homes which are being supervised and those which are unsupervised; if the same level of contribution is being applied throughout the country; and if she will make a statement on the matter. [30356/06]

Minister of State at the Department of Health

and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

210. **Mr. McGuinness** asked the Minister for Health and Children if a hip replacement operation will be expedited for a person (details supplied) in County Kilkenny. [30357/06]

Minister for Health and Children (Ms Harney):

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Allowances.

211. **Mr. McGuinness** asked the Minister for Health and Children the level of grant assistance given to a house (details supplied) by the Health Service Executive in each of the past five years; if a top-up grant will be approved in 2006 to take account of the cost of living increases; if the grant will be doubled for 2007 based on the level of services being provided and the costs involved; and if she will make a statement on the matter. [30358/06]

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.

212. **Mr. McGuinness** asked the Minister for Health and Children if a medical card application will be re-considered in the name of a person (details supplied) in County Kilkenny with a view to granting the card; and if she will expedite the matter. [30359/06]

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

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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.

213. **Mr. Durkan** asked the Minister for Health and Children if and when speech and language therapy will be provided in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [30407/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Alternative Energy Projects.

214. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the number of companies who have availed of the biofuel excise relief; the companies in question and their address; the volume of fuel that they have sought relief for; and if he will make a statement on the matter. [30280/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Under the pilot Biofuels Mineral Oil Tax Relief Scheme a total of eight projects were awarded excise relief in August 2005.

Details of the successful projects in question are as follows:

Recycled Products Ltd., Donegal Farm Relief Services Group Oakfield Demesne, Raphoe, Co Donegal

Eilish Oils Ltd., Slí na Bándé, Kilmurry, Newtownmountkennedy, Co Wicklow

Kilkenny Cereals Ltd., Killure House, Killure, Goresbridge, Co Kilkenny

Biogreen Energy Products Ltd., The Leap, Adamstown, New Ross, Co Wexford

Eco Ola, Industrial Support Centre, Galway Mayo Institute of Technology, Dublin Road, Galway

Greyhound Recycling & Recovery Ltd., Carrollstown Estate, Trim, Co Meath

Conoco Phillips, Whitegate, Middleton, Co Cork

Maxol Ltd., 3 Custom House Plaza, IFSC, Dublin 1.

Under the scheme mineral oil tax relief is being granted on six million litres of pure plant oil, one million litres of biodiesel and one million litres of bioethanol over the two-year period for which the scheme is running. Building on the success of the pilot scheme, I launched the Biofuels Mineral Oil Tax Relief Scheme II in July 2006. Details of the successful applications received under this scheme will be available when the assessment process has been completed.

Offshore Exploration.

215. **Dr. Cowley** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that the Nigerian Government are in receipt of 60 per cent of the value of oil from the country and that a company (details supplied) are in receipt of 40 per cent of the value of the oil and the situation here where the Government get zero per cent needs review and overhaul; and if he will make a statement on the matter. [30178/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The fiscal terms for the licensing regime under which offshore exploration companies operate are provided for by the Finance Act 1992. The system is straightforward and is based on a corporation tax rate of 25% applying to profits earned. Historic capital expenditures are 100% deductible at the start of production. No royalty or production bonus or their equivalents are required.

The regime was introduced with a view to establishing a risk/reward balance, which reflects Ireland's circumstances, including the industry perception of relative prospectivity, and acknowledges the realities of competition for internationally mobile exploration/production investment. I recently put in motion a review of the licensing regime under which offshore exploration companies operate in this country.

My Department recently engaged the advice of external experts to independently validate the proposed changes. When I have received and considered the report of the external experts I will bring forward proposals in relation to the licensing regime for exploration and production.

I should point out to the Deputy that Nigeria is one of the biggest oil producers in the world, and a substantial gas producer, and is a proven petroleum province. Ireland, on the other hand, does not currently produce any oil and only produces approximately 15% of its gas requirements.

Alternative Energy Projects.

216. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the figures for biodiesel production in Ireland since 2004; and if he will make a statement on the matter. [30179/06]

217. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources in view of the 68 per cent increase in biodiesel production in the EU since 2004 if this State is lagging seriously behind; and if he will make a statement on the matter. [30180/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 216 and 217 together.

In 2004 there were 14,000 litres of biofuels produced in Ireland. This figure rose to over 1.3 million litres of biofuels being produced in 2005.

A number of initiatives are in place to support the development of a biofuels sector in Ireland. The 2005 pilot mineral oil tax relief scheme for biofuels has resulted in eight projects being awarded excise relief and will result in 16 million litres of biofuels being placed on the Irish transport market by next year.

Building on the success of this scheme I launched the Biofuels Mineral Oil Tax Relief Scheme II, valued at over €200 million, in July 2006. The new excise relief programme, which is subject to State-aid approval, will be rolled out from this year to 2010 and will enable us to reach a target of 2% market penetration of biofuels by 2008. When fully operational the relief is expected to support the use and production of some 163 million litres of biofuels each year. I am also providing funding towards the capital cost of developing biofuels processing facilities, which will critically underpin the excise relief package.

Ireland, like many other EU Member States, is developing its biofuels sector from a low base. This is borne out by the fact that Member States combined reported a target of 1.4% for 2005, which is below the Directive's indicative target. The Commission has however, accepted Ireland's target of 2% by 2008.

I am firmly committed to the development of an Irish biofuels market and to the increased development of bio-energy generally in Ireland. To this end, I launched a Ministerial Bio Energy Task Force in July 2006. The primary objective of the Task Force is to draw up a cohesive national bio-energy strategy by the end of the year, which will set targets for deployment of bio-energy, identify priority areas for development and the necessary support measures to encourage supply and demand. This strategy will also take account of EU developments, and the views of key stakeholders under the Energy Green Paper consultation process.

Water Quality.

218. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources the reports that have issued regarding poor water quality in Ireland's waterways in the past year; if such reports refer to dumping of excretion from cruise boats on Ireland's waterways; if not, why

not; and if he will make a statement on the matter. [30223/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): I have no function in this matter. The reports to which the Deputy refers are, I presume, those produced by the Environmental Protection Agency, which operates under the aegis of the Minister for the Environment, Heritage and Local Government.

Departmental Expenditure.

219. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources if the moneys allocated to his Department in this year's Estimates will be fully and appropriately spent during 2006; if he has identified any allocated moneys which are not needed by his Department; and if so the amount of such moneys. [30228/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The 2006 Revised Estimates for Public Services included a net provision of €291.44 million in respect of my Department. This is comprised of gross provisions of €371.803 million for current expenditure and €155.885 million for capital expenditure less approved Appropriations-in-Aid of €236.248 million. In addition, my Department has an allocation of €11.429 million in unspent capital from 2005, the surrender of which was deferred in accordance with Section 91 of the Finance Act 2004.

At this stage, I do not anticipate any aggregate savings on my Department's current budget for 2006. I expect that any shortfall on capital expenditure will be accommodated within the terms of Section 91 of the Finance Act 2004, which provides for Departments to carry over into the following year, unspent capital allocations of up to 10% of the voted capital provision.

Marine Research.

220. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources the number of days the research vessels *Celtic Explorer* and *Celtic Voyager* spent at sea from 1 January 2006 to 1 September 2006; the research projects undertaken in that period that were on fish stocks; and the duration of said projects. [30270/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): I am advised by the Marine Institute, which has responsibility for the research programmes undertaken by the research vessels, that *Celtic Voyager* spent 158 days at sea from 1 January 2006 to 1 September 2006, and *Celtic Explorer* spent 223 days at sea during the same period. The following fisheries research projects

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were undertaken by the two vessels during that period:

Celtic Voyager	
Project	Duration
Ground fish survey Irish Sea	10 days
Spawning stock survey	24 days
Underwater TV prawn survey	21 days
Survey of Scallop Fishing grounds Celtic Sea	24 days

Celtic Explorer	
Project	Duration
North West herring acoustic survey	21 days
Blue whiting survey	21 days
Lesser Antilles Pelagic Ecosystem project for the United Nations Food & Agriculture Organisation	24 days

According to the Marine Institute, a further 81 days of fisheries research activity is scheduled to be undertaken by *Celtic Explorer* in the period from 1 September to 31 December 2006. These include:

Project	Duration
Deepwater Survey	13 days
International Bottom Trawl Survey	47 days
Celtic Sea Herring Acoustic Survey	21 days

Telecommunications Services.

221. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the action he is taking to expand the accessibility of broadband outside urban centres in provincial Ireland; and if he will make a statement on the matter. [30271/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by the Commission for Communications Regulation (ComReg), the independent regulator. However, it has been clear for some time that the private sector has failed to invest in broadband infrastructure at the level necessary to keep pace with the demand for broadband. My Department's regional broadband programme is addressing the infrastructure deficit by building high-speed open access broadband networks, in association with the local and regional authorities, in the major towns and cities. These Metropolitan Area Networks (MANs) will

allow the private sector to offer world-class broadband services at competitive costs.

Twenty-seven MANs have been completed under the first phase and are currently being managed by ENet, the Management Services Entity. The second phase extends the programme to over 90 towns with a population of 1,500 and above that do not have a satisfactory broadband offering from the private sector.

My Department offers funding assistance for smaller towns and rural communities through the County and Group Broadband Scheme. The scheme is technology-neutral, allowing the community to select the most suitable broadband delivery platform for the area. To date, over 160 projects have been approved for funding under this Programme. A joint industry/Government fund of €18 million has been established for the Broadband for Schools Programme to resource the provision of high speed broadband connectivity to all primary and post primary schools in the country by end Autumn 2006, at no cost to the schools themselves. 95% of schools have broadband installed to date; the aim is to complete the outstanding schools in the coming weeks. However, I recognise that despite these successes there are some parts of the country where the private sector will be unable to justify the commercial provision of broadband connectivity. I am currently examining options to address the delivery of broadband services to these areas and I hope to be in a position to bring proposals to Government shortly.

222. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources his plans to extend Eircom's universal service obligation to require it to provide DSL services; his views on whether there should be an obligation on Eircom to provide a broadband service or a reason for line failure; and if he will make a statement on the matter. [30272/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no such plans. The Commission for Communications Regulation (ComReg) is the statutory body with responsibility for setting requirements to be complied with by the designated Universal Service provider. As Minister for Communications I gave my consent last summer, as required by the European Communities (Electronic Communications Networks and Services) (Universal Service and User's Rights) Regulations 2003 (S.I. No. 308 of 2003) which transposes the EU Universal Services Obligations (USO) Directive into Irish Law, to the setting by ComReg of 28.8 kbit/s as a reasonable minimum data rate for functional Internet access having regard to prevailing technologies used by the majority of subscribers and to technological feasibility.

Ministerial Appointments.

223. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if there was a potential conflict of interest at the time of his appointment of a new chairperson to Bord Iascaigh Mhara in view of the then alleged connection of the new chairperson to a company performing a management function for a technology park where BIM was to be temporarily based. [30335/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The suggested potential conflict of interest to which the Deputy refers is in the first instance predicated on the assumption that Bord Iascaigh Mhara (BIM) was to be temporarily located in the West Cork Technology Park. There is not at this point, nor was there any decision at the time referred to in the question, to temporarily base BIM in the West Cork Technology Park. Any issues of accommodation in respect of the decentralisation of BIM are dealt with by the OPW whom BIM asked to act as their agents in this matter.

Decentralisation Programme.

224. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if he will report on the decentralisation of his Department to Clonakilty; the number of higher executive officer posts in his Department; the number HEO posts to be decentralised; and the number of those posts which have been filled by existing Dublin-based HEOs. [30336/06].

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Government's decentralisation programme provides for the decentralisation of the Marine function of my Department to Clonakilty by 2007. An early move to interim accommodation in Clonakilty took place in July last. There are seventy-four Higher Executive Officer posts in my Department. Thirteen of these posts are to relocate to Clonakilty. To date, six of these posts have been filled by Dublin based Higher Executive Officers wishing to decentralise.

225. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if he will report on the decentralisation of Bord Iascaigh Mhara to Clonakilty; the cost of the decentralisation to date and the projected final cost; the number of staff in BIM; the number to be decentralised; the number of staff who work a full five day week in Clonakilty; and the number who work one, two, three or four days in Dublin with the remainder in Clonakilty. [30337/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): As the Deputy will be aware, the Government's decen-

tralisation programme provides for the relocation of an Bord Iascaigh Mhara (BIM), involving 95 posts, to Clonakilty. BIM will be located, in its own buildings, on a campus style development with my Department's Seafood and Coastal Zone functions. Following a comprehensive consultation process with both BIM and the Department, the Office of Public Works (OPW) has as already secured a site for the Clonakilty Campus. OPW has also awarded a contract for the construction of facilities following a competitive tendering process. I understand that a planning application will be made by OPW in the coming weeks. I also understand that completion time, depending on the progress of the planning process, would be late 2008. I can confirm that BIM management met in the summer with the Government's Decentralisation Implementation Group to provide an update on progress. BIM management are working towards a relocation timetable of 2008. To date, no BIM staff have relocated to Clonakilty. The costs of the decentralisation facilities in Clonakilty is a matter for OPW and the Department of Finance.

Alternative Energy Projects.

226. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources his key targets for renewable energy in the period to 2030; his targets for electricity based on renewables in the same period; and if the Green Paper on Energy will be published on 1 October 2006. [30338/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Renewables Directive obliges Ireland to develop and implement a programme capable of increasing the amount of electricity from renewable energy sources to 13.2% of total consumption by 2010. The target of 13.2% approximates to 1450 megawatts (MW) of installed generating capacity to be operational to the electricity network by 2010. Currently there are over 860MW of renewable capacity connected to the national grid. This consists of over 590MW of wind powered plant, 236MW of hydro powered plant with the balance (circa 35MWs) made up of different biomass technologies. Support mechanisms put in place by the Government have more than doubled the capacity of renewable energy powered electricity generating plants connected to the electricity network in the last two years. Building on this progress I recently announced an ambitious programme to almost treble the contribution by renewable energy sources from 5.2% of gross electricity consumption in 2004, the last full year for which figures are available, to 15% by 2010. The new target will require growth in the sector to more than double from the capacity currently connected to 1650 megawatts by 2010. The additional new capacity required to achieve this target will be delivered by projects under the pre-

[Mr. N. Dempsey.]

vious AER V and AER VI competitions and the new Renewable Energy Feed In Tariff programme. The forthcoming Energy Green Paper will propose an even more ambitious target for increasing the amount of electricity from renewable energy sources by 2020. The Green Paper is scheduled to be published on 1 October.

Fishing Vessel Licences.

227. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources the position in relation to a licence for a boat for a person (details supplied) in County Donegal; and if he will make a statement on the matter. [30341/06]

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

The Licensing Authority for Sea Fishing Boats has informed me that an application for a polyvalent licence was received from the individual concerned on 12 December 2005. The Authority issued a written offer, outlining all the conditions pertaining to the issue of a licence, on 5 January 2006. All the licensing conditions were satisfied following receipt of the individual's written acceptance of the terms of the licence offer on 11 September 2006. The Licensing Authority issued a non-operative licence, together with an application form to have the vessel entered onto the Sea Fishing Boat Register, on 12 September 2006. The Licensing Authority has no record to date of having received the completed registration application form. On receipt of that completed form, the Licensing Authority will enter the vessel onto the Sea Fishing Boat Register and issue a sea-fishing boat licence.

Telecommunications Services.

228. **Mr. McGuinness** asked the Minister for Communications, Marine and Natural Resources the grants schemes in place or to be introduced to provide broadband, wireless or otherwise, to main county towns and villages throughout the country; and if he will make a statement on the matter [30342/06]

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

The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully-liberalised market, regulated by the independent Commission for Communications Regulation, ComReg. However, it has been clear for some time that the sector has failed to invest in broadband infrastructure at the level necessary to keep pace with the demand for broadband. My Department's regional broadband programme is addressing the infrastructure deficit by building high-speed open access broadband networks, in

association with the local and regional authorities, in the major towns and cities. The grant aid of 90% of the total investment is offered to Local Authorities to build these networks through a combination of NDP and ERDF Funds. These Metropolitan Area Networks (MANs) will allow the private sector to offer world-class broadband services at competitive costs.

Twenty-seven MANs have been completed under the first phase and are currently being managed by ENet, the Management Services Entity. The second phase extends the programme to over 90 towns with a population of 1,500 and above that do not have a satisfactory broadband offering from the sector. For rural communities and the hinterlands of larger towns, my Department offers funding under the County and Group Broadband Scheme to enable them to become self-sufficient in broadband, in association with service providers. The scheme is technology-neutral, allowing the community to select the most suitable broadband delivery platform for the area. To date, over 160 projects have been approved for funding under this Programme.

A joint industry/Government fund of €18 million has been established for the Broadband for Schools Programme to resource the provision of high speed broadband connectivity to all primary and post primary schools in the country by end Autumn 2006, at no cost to the schools themselves. 94% of schools have broadband installed to date; the aim is to complete the outstanding schools in the coming weeks. However, I recognise that despite these successes there are some parts of the country where the private sector will be unable to justify the commercial provision of broadband connectivity. I am currently examining options to address the delivery of broadband services to these areas and I hope to be in a position to bring proposals to Government shortly.

Departmental Expenditure.

229. **Mr. Hogan** asked the Minister for Foreign Affairs if the moneys allocated to his Department in this year's Estimates will be fully and appropriately spent during 2006; if he has identified any allocated moneys which are not needed by his Department; and if so the amount of such moneys. [30235/06]

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

The 2006 Estimate for the Department of Foreign Affairs consists of two Votes: €204.346 million for Vote 28 (Foreign Affairs) and €600.479 million for Vote 29 (International Co-operation). Vote 28 includes an allocation to provide for the biometric passport project. This project is on schedule and is expected to be completed within budget. Apart from savings made on this project, it is anticipated that this year's allocations under Vote 28 will be substantially and appropriately spent in 2006. Based on expenditure to date, and

having regard to projections to the end of the year, it is anticipated that this year's allocations under Vote 29 will also be substantially and appropriately spent in 2006.

230. **Mr. Hogan** asked the Minister for Arts, Sport and Tourism if the moneys allocated to his Department in this year's Estimates will be fully and appropriately spent during 2006; if he has identified any allocated moneys which are not needed by his Department; and if so the amount of such moneys. [30227/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The Revised Estimates allocation for my Department for 2006 amounts to €568.186 million, comprising both current and capital allocations, to meet the running costs of the Department, to provide funding to the various agencies, institutions and bodies operating in the arts, sport and tourism sectors and to meet expenditure associated with capital grant schemes and capital projects funded by the Department. At this stage I do not envisage any significant savings on the current allocation, most of which is designated as either grant or grant-in-aid funding for the various bodies under the aegis of my Department. The capital allocation in my Department's Vote for 2006 is provided under the terms of a 5-year Capital Investment Framework agreed annually between my Department and the Department Finance under which savings of up to 10% of the total annual capital allocation in a current year may be carried forward to the following year, thus ensuring continuity in funding for capital schemes and projects. While underspending on certain subheads is likely to occur this year, I do not anticipate that there will be a significant net overall capital saving on my Department's vote. This is attributable to a combination of the reallocation of these savings to other subheads and the application of the 10% carryover provision. However, it is important to note, in the context of predicting year end results, that traditionally some 50% of the Department's capital spend occurs in the last 3 months of the year.

Ryder Cup.

231. **Mr. Costello** asked the Minister for Arts, Sport and Tourism the costs incurred by the State in holding the Ryder Cup competition, including moneys granted to the sponsors, money spent on infrastructure and preparation, moneys spent on advertising the event; and if he will make a statement on the matter. [30269/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The Agreement signed with the PGA European Tour in 1998 for the staging of the Ryder Cup in Ireland provided for a payment of €9.5m to the Tour over the intervening period. Of this, the Exchequer, through Fáilte Ireland, contributed €4.9m and the three co-sponsors con-

tributed the balance (Bord Bia, Waterford Crystal, AIB). In 2006 an additional €4.5 million has been specifically allocated to Fáilte Ireland in order to support an enhanced programme of marketing and promotional activities around the Ryder Cup, including a National Branding Programme and a number of golf marketing initiatives. Additional funding is also being provided to Fáilte Ireland to support costs associated with a complementary programme of events with the European Tour including the official opening and closing ceremonies which made such a positive impact on international and domestic audiences. The aim of these programmes was to capitalise on the opportunities offered by the unique event that is the Ryder Cup with a view to promoting an enduring positive image of Irish Tourism. The success of the event, in terms of organisation and the presentation of a positive image of Ireland, has been widely acclaimed. I am not in a position to provide the Deputy with information relating to the cost of infrastructure as this does not fall within the aegis of my Department. Fáilte Ireland, in conjunction with the PGA/European Tour and other interests, have commissioned Deloitte and Touche to conduct an economic impact assessment on the Ryder Cup in Ireland and I look forward to the results of their work. Based on the experience of past tournaments, it has been estimated that the economic benefits of the event to Ireland are of the order of €130m.

Departmental Expenditure.

232. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment if the moneys allocated to his Department in this year's Estimates will be fully and appropriately spent during 2006; if he has identified any allocated moneys which are not needed by his Department; and if so the amount of such moneys. [30232/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The total amount of net funding allocated to my Department in this year's Estimates is €1,673.937 million. This figure includes €355.614 million from the National Training Fund and €29.780 million in capital allocations from 2005 which were carried forward in accordance with the provisions of the multi-annual Capital Investment Framework. My Department and its agencies have a series of monitoring and audit systems in place to provide assurance that funding which is provided through the Estimates is spent appropriately. At this stage, a small number of projected savings on 2006 allocations have been identified in some Subheads of my Department's Vote. However, extra funding requirements have also been identified in other Subheads which will absorb most of these savings. It is envisaged, at this stage, that any savings which remain in my Department's Vote at the end of the year will be minimal in the context of my Department's overall budget. It

[Mr. Martin.]

will be my Department's intention, where appropriate under the terms of the Capital Investment Framework and/or the Administrative Budget Agreement, to seek to carry savings forward to address my Department's priorities in 2007.

Industrial Development.

233. **Dr. Cowley** asked the Minister for Enterprise, Trade and Employment if he will urgently address the crisis situation in Ballina, County Mayo where the unemployment rate is twice the national average and in view of the fact that this town has lost 1000 jobs in recent years; the views on whether this situation needs to be addressed; the steps that he intends to take to address this; the steps the IDA are taking; and if he will make a statement on the matter. [30243/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): Unemployment is measured through the Quarterly National Household Survey as published by the Central Statistics Office. The Survey provides a breakdown of data on a regional basis only and not on specific towns. The most recent Survey data published in September shows that the national unemployment rate is 4.3%. The equivalent rate for the West region, which includes Ballina, is 4.2%.

Live register data is available for specific areas such as Ballina. However, it is not designed to measure unemployment. As well as showing the numbers claiming unemployment assistance and benefit it also includes part-time, seasonal and casual workers who would be entitled to unemployment benefit. In August of 2005 there were 1,605 people on the live register in Ballina. The most recent data available is for August of 2006, which shows that this number had fallen to 1,448.

State support for enterprise and job creation is channelled through the industrial development agencies, and while I may give general policy directives to the agencies under the Industrial Development Acts, I am precluded from giving directives regarding individual undertakings or from giving preference to one area over others. I have been assured by the agencies under the remit of my Department that they are endeavouring to attract new investment, to encourage the start-up of new businesses, to grow existing businesses and to develop the labour market in County Mayo.

IDA Ireland is actively promoting Ballina for new foreign investment and since January 2003, there have been five first time site visits to Ballina. In addition IDA Ireland is actively working with the existing base of overseas companies in Ballina and Mayo to encourage them to grow and expand. The Agency is also working closely with local groups, utility providers, the local authorities in the county and other agencies to enhance the attractiveness of the county, includ-

ing Ballina, for new investment and jobs. In that regard IDA Ireland has been deeply involved with local partners in the development of Regional Planning Guidelines.

IDA Ireland has had extensive discussion with Mayo County Council in relation to the Business & Technology Park on the Sligo Road in Ballina and are awaiting the contract documentation and a copy of unburden title from the Council.

I am satisfied that the policies being pursued by the agencies under the remit of my Department, together with the Governments commitment to regional development will continue to bear fruit in terms of the creation of sustainable development for the people of Ballina and of the West generally.

Job Creation.

234. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 200 of 29 September 2004, the grant aid returned to his Department by the company; the grant aid paid to the company in the past 10 years; and if he will make a statement on the matter. [30259/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The total amount of grants paid by Enterprise Ireland and its predecessors to Irish Country Bacon (Rooskey) Ltd over the period 1996 — 2006 was €208,022. In addition, the company also received payments of €824,324 under the FEOGA Programme.

The company has not returned any grant aid to Enterprise Ireland. Discussions between Enterprise Ireland and the company concerning grant aid to the plant at Rooskey, Co. Roscommon are still continuing. Progress is being made on the negotiations and it is expected that a conclusion will be reached which will take account of a very significant investment which is being undertaken by the company in its Pork Division in Ireland.

Groceries Order.

235. **Dr. Cowley** asked the Minister for Enterprise, Trade and Employment when the consumer here will realistically see the promised changes from the abolition of the Groceries Order; if his Department has established a group to scrutinise same; and if he will make a statement on the matter. [30305/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Groceries Order was abolished primarily because it allowed wholesalers and suppliers to determine minimum retail prices charged to consumers, thereby seriously constraining price competition in the grocery trade. During the time the Groceries Order was in force more than 2,000 small independent

retailers went out of business resulting in the grocery trade in Ireland becoming more concentrated in the hands of fewer participants.

The combined impact of these events was to create a floor under the retail price below which groceries could not be sold. This resulted in Irish consumers paying more for their groceries than would otherwise have been the case. However, there are many factors which impact on the price of groceries in our supermarkets. The lack of competition caused by the Groceries Order was only one such factor. Others would include production costs, labour costs, interest rates, overheads, international exchange rates and so on. Because of this, and despite the implication in the question, I never made any predictions as to the likely extent of price reductions resulting from the removal of the Order. I believe, however, that consumers are already seeing some early benefits with one multiple recently announcing its intention over coming months to implement reductions in the prices of thousands of products previously covered by the Groceries Order. This announcement appears to have had a positive impact on competition in the market with other significant players adopting competitive pricing strategies. I believe, however, that the real benefits will be felt over time as price competition increases at retail level thus reversing the 18 years of damage caused by the Order.

I have asked the Competition Authority to closely monitor the grocery sector, not least to ensure that the benefits of removing the Order are not thwarted by the emergence of other anti-competitive practices. That is why, for example, the Competition Act 2006 prohibits practices such as resale maintenance, which were institutionalised by the Order. It would be very damaging to consumer interests if such practices were to emerge within the grocery trade in another guise. My officials have had discussions with the Authority in this regard and will continue to meet with them as the process develops. I have also asked the Authority to report periodically on the results of their monitoring and to make any recommendations they consider appropriate in the light of their findings.

Industrial Development.

236. **Dr. Cowley** asked the Minister for Enterprise, Trade and Employment if seed capital promised of several hundred million euro is to be made available to help the lack of regional development by being made available to western based companies and by being made available to the Western Development Commission and to Údaras na Gaeltachta; if so, the amount that will be made available; and if he will make a statement on the matter. [30306/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): On 22nd May 2006, I announced a major injection of liquidity into the

venture capital market through a scheme to be administered by Enterprise Ireland. Enterprise Ireland will be investing €175 million which will leverage an estimated €1 billion for investment into seed, start-up and development stage businesses. This money is being made available via Enterprise Ireland to venture capital funds that will be able to invest throughout Ireland. The objectives of the scheme are to continue to support the venture capital industry, to leverage private sector funding and to encourage investment in those sectors that have difficulty in sourcing funding.

An advertisement was placed in the national press in June 2006 inviting expressions of interest from promoters and venture capital funds. Following a thorough and comprehensive evaluation of the applications, Enterprise Ireland are in the process of engaging with successful applicants who will receive a commitment of funding. Initial offers of funding have now been issued to successful Funds.

The Board of Enterprise Ireland is making these commitments based on the relative level of alignment of the Funds' investment strategies with the objectives of the Scheme and the overall strategic objectives of Enterprise Ireland. Preference was given to Funds that demonstrated the ability to meet the following criteria:

1. The extent to which the Funds will focus in Ireland on small and medium enterprises (SMEs) with international trading potential.
2. The extent to which the funds will invest in seed, start-up and development stage investments.
3. The extent to which the funds will invest in regions outside of Dublin.
4. The likely impact of venture capital investment on SMEs gaining access to other forms of national and international funding.

Regional development is a core strategic objective of Enterprise Ireland. Venture capitalists will be looking for commercial opportunities for investment throughout the State, including companies based in the western counties such as client companies of Údarás na Gaeltachta and the Western Development Commission.

Social Welfare Benefits.

237. **Mr. Ring** asked the Minister for Social and Family Affairs when payment of the carer's allowance will commence for a person (details supplied) in County Mayo; when the arrears due will issue to them; and when they will receive the household benefits package. [30211/06]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned is awarded Carer's Allowance with effect from 1 June 2006. He had previously been refused carer's allowance on the grounds that he was engaged in employ-

[Mr. Brennan.]

ment for more than ten hours per week. The limit on the number of hours of employment was raised to fifteen hours with effect from 1st June 2006, enabling the person concerned to qualify from that date.

As he is assessed with means of €52.31 derived from income from farming and income from his spouse's employment, his weekly rate of carers allowance is €135. He also qualifies for child dependent allowance of €42 per week. His payable order books will be available for collection at his local post office on 28 September 2006.

A cheque for arrears of allowance due for the period 1 June 2006 to 27 September 2006 in the amount of €4,209 is in course of issue and includes the Respite Care Grant for 2006 of €1,200. The person concerned has also qualified for a free travel pass. His entitlement to the Household Benefits package will be assessed on receipt of the completed application form which was forwarded directly to him.

Departmental Estimates.

238. **Mr. Hogan** asked the Minister for Social and Family Affairs if the moneys allocated to his Department in this year's Estimates will be fully and appropriately spent during 2006; if he has identified any allocated moneys which are not needed by his Department; and if so the amount of such moneys. [30238/06]

Minister for Social and Family Affairs (Mr. Brennan): The total sum allocated to my Department in 2006 as between Vote 38 for Social and Family Affairs and the Social Insurance Fund is €13,540 million.

Demand-led schemes account for the vast bulk of social welfare expenditure and the determinants of such expenditure can change significantly even in the short to medium term. However, the indications at this stage of the year are that the Vote 38 allocation will be spent in full and that there will be a slight excess in the expenditure provision from the Fund, which will be more than off-set by increased income.

Social Welfare Benefits.

239. **Mr. Lowry** asked the Minister for Social and Family Affairs if he will remove the partner or spousal income from mean testing for long-term social welfare payments such as disability allowance; the cost of such a measure; if the means test prevents younger people in receipt of such payments from purchasing their first home jointly with a partner; and if he will make a statement on the matter. [30257/06]

Minister for Social and Family Affairs (Mr. Brennan): I understand that the Deputy is concerned about the impact on entitlement to disability allowance where an existing single recipi-

ent marries or cohabits with a partner who is employed, particularly where the couple wish to take out a mortgage to purchase a property. In the case of all social assistance schemes, including disability allowance, account is taken, for means testing purposes, of the claimant's own means and, in the case of a couple, their joint means.

In assessing means, an initial amount of a spouse or partner's earnings, net of tax, PRSI, superannuation contributions and health insurance contributions, is disregarded. Any mortgage repayments which the claimant and/or the spouse or partner may be paying are not included in the calculation of the disregard.

In Budget 2006, I was pleased to be able to increase the level of the disregard, from €88.88 to €100 a week. This comes into effect from next week for the purposes of disability allowance. I also announced an increase in the spouse or partner's income threshold (gross) for entitlement to the full rate of qualified adult allowance increases from €88.88 to €100 a week. The upper income threshold for entitlement to a reduced rate of qualified adult allowance was increased by €20 per week, to €240 per week with effect from last January and this will further increase to €250 concurrently with the other improvements detailed above.

The purpose of both of these measures was to encourage the spouses or partners of social assistance recipients generally to take up employment. It is not possible, at this stage, to estimate the cost of disregarding all spousal income in the case of disability allowance or other social assistance schemes.

I am always prepared to consider changes to existing arrangements where these are for the benefit of recipients and financially sustainable within the resources available to me. Proposals involving additional expenditure must be considered in a budgetary context.

240. **Dr. Cowley** asked the Minister for Social and Family Affairs if he will extend free travel to older Irish emigrants, at the very least to Irish pensioners living in the UK when they return here on holiday and in view of the fact that there is a common travel area between Ireland and the UK, which pre-dates the formation of the EU and that they are in receipt of an Irish pension and of the recent announcement that Irish persons abroad will receive the Presidents 100th birthday cheque; his views on whether there is no legal, moral or financial impediment to grant this concession to Irish emigrants; and if he will make a statement on the matter. [30286/06]

Minister for Social and Family Affairs (Mr. Brennan): The free travel scheme is available to all people living in the State aged 66 years or over. All carers in receipt of carer's allowance and carers of people in receipt of constant attendance or prescribed relative's allowance, regard-

less of their age, receive a free travel pass. It is also available to people under age 66 who are in receipt of certain disability type welfare payments, such as disability allowance, invalidity pension and blind person's pension. People resident in the State who are in receipt of a social security invalidity or disability payment from a country covered by EU Regulations, or from a country with which Ireland has a bilateral social security agreement, and who have been in receipt of this payment for at least 12 months, are also eligible for free travel.

There have been a number of requests and enquiries in relation to the extension of entitlement to free travel in Ireland to Irish born people living outside Ireland, or to those in receipt of pensions from my Department, particularly in the UK when they return to Ireland for a visit. I have been advised that it would not be possible to extend entitlement to free travel simply to Irish born people living abroad as to do so would be contrary to European legislation which prohibits discrimination on the grounds of nationality.

I have raised the issue with the European Commissioner for Employment and Social Affairs. In addition, officials from my Department have met with European Commission officials on two occasions in an effort to clarify the legal issues involved. I am keeping this issue under review and contacts with the European Commission are ongoing.

In relation to the centenarian's bounty, the Government has approved in principle the extension of the scheme for the payment of the centenarians' bounty to any Irish citizen who was born in the island of Ireland, regardless of where he or she may currently reside. Up to now the bounty, which currently amounts to €2,500, was payable only to centenarians living in the State. The bounty is a discretionary grant and not a service or scheme and accordingly it does not come within the scope of the EU Treaty. In this way, it differs from the proposed extension of the free travel scheme.

241. **Mr. Ring** asked the Minister for Social and Family Affairs if people can undertake a course (details supplied) of part-time study and continue signing on for credits or unemployment payments; and if he will make a statement on the matter. [30287/06]

Minister for Social and Family Affairs (Mr. Brennan): Social Welfare legislation provides that a person must be available for and genuinely seeking work in order to be entitled to an unemployment payment or to sign for credits. Any person who fails to satisfy these conditions on an ongoing basis is not entitled to an unemployment payment or credits. Persons who participate in part-time courses of education may retain their unemployment payment provided the conditions for receipt of the unemployment payment are ful-

filled and they demonstrate that their participation does not restrict their availability for work.

Social Welfare Appeals.

242. **Mr. Ring** asked the Minister for Social and Family Affairs when an unemployment appeal will be finalised for a person (details supplied) in County Mayo. [30326/06]

Minister for Social and Family Affairs (Mr. Brennan): The unemployment assistance claim of the person concerned was disallowed with effect from 27 January 2006 on the grounds that he was not genuinely seeking work. He appealed this decision to the Social Welfare Appeals Office. The Appeals Officer upheld the Deciding Officer's decision and the person concerned was notified accordingly on 6 June 2006. If his circumstances have changed, it is open to the person concerned to re-apply for unemployment assistance. He does not have a current claim. However, he is currently in receipt of supplementary welfare allowance at the weekly rate of EUR 165.80. Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Social Welfare Benefits.

243. **Mr. Durkan** asked the Minister for Social and Family Affairs if he has made his decision to award full occupational injury benefit to all sufferers of pneumoconiosis; his views on whether a case exists for compensation based on the degree to which sufferers health and quality of life has been affected; and if he will make a statement on the matter. [30383/06]

Minister for Social and Family Affairs (Mr. Brennan): Pneumoconiosis is a prescribed disease for the purpose of the occupational injuries benefit scheme administered by my Department. Occupational injuries benefit is payable to people with pneumoconiosis on the same basis as to people with other prescribed conditions.

Disablement benefit, payable under the occupational injuries scheme, is a compensation payment for loss of faculty arising out of or in the course of insurable employment. The legislation provides entitlement to benefit for persons suffering from certain prescribed diseases which are listed in the legislation and where that person has contracted that disease in the course of their employment.

Where a person has contracted one of the diseases listed in the legislation, benefits are payable if they were employed in an occupation which is specifically prescribed in relation to that disease. In addition, benefits may be payable if the claimant can show that the disease was contracted

[Mr. Brennan.]

through an employment not specifically prescribed in relation to that disease.

Persons claiming occupational injuries benefit in cases of Pneumoconiosis are referred to Consultant Respiratory Physicians in the first instance for an examination and report. This examination consists of a clinical assessment and pulmonary function testing (PFT). Disablement benefit is awarded on the basis of the consultant's report, including the pulmonary function test result. The degree of disablement is expressed as a percentage of loss of faculty and the compensation payable varies accordingly.

Loss of faculty may be determined within a range of less than 1% to 100%, depending on the severity of the condition. With regard to the 21 persons currently in receipt of disablement benefit as a result of contracting pneumoconiosis from their occupation the percentage of disablement assessed ranges from 8% to 90%. A person must be assessed as having a minimum of 20% loss of faculty before they may be considered as being incapable of work due to their disablement. These arrangements apply generally and there are no plans for special arrangements in the case of pneumoconiosis.

Rail Network.

244. **Dr. Cowley** asked the Minister for Transport his plans to provide additional funding for the extension of the Western Rail Corridor; his views on whether that, logistically, this is extremely good value, that is urgently needed in the West of Ireland; his further views on whether this is something which should be continued to completion, now that the Ennis to Athenry section has been announced; if, under the current plans, he will give a completion date for the entire project; and if he will make a statement on the matter. [30267/06]

Minister for Transport (Mr. Cullen): The development of the Western Rail Corridor from Ennis to Claremorris was included as a priority project under Transport 21, with provision also for the preservation of the line from Claremorris to Collooney. This was confirmed recently in Towards 2016, the new Partnership Agreement.

Transport 21 provides for the re-opening of the corridor on a phased basis, in line with the recommendations of the Report by the Expert Working Group on the Western Rail Corridor chaired by Mr. Pat McCann. The Ennis to Athenry section is to be completed in 2008, the Athenry to Tuam section in 2011 and the Tuam to Claremorris section in 2014.

Yesterday, I announced Government approval for funding for the development of the first phase of the Western Rail Corridor from Ennis to Athenry. I have asked Irish Rail to proceed now with the detailed planning and design of the project, with a view to commencing track renewal in

mid-2007 and completing the project in 2008. I also announced that, subject to some further studies to be completed by Irish Rail, the Government has approved funding in principle for the development of phase 2 of the corridor between Athenry and Tuam, scheduled for completion by 2011.

In relation to phase 3 of the project, the development of the section from Tuam to Claremorris, I expect to receive business case proposals from Irish Rail at the appropriate time and in accordance with the timetable announced under Transport 21. In addition, on 18 September last, my Cabinet colleague Minister Ó Cuív announced that funding for the preservation of the Claremorris to Collooney section of the corridor would be provided under the CLÁR Programme.

Light Rail Project.

245. **Mr. Eamon Ryan** asked the Minister for Transport when he intends to make a decision regarding the development of an over-ground connection between the two existing Luas lines in Dublin city centre; and the expected timetable for the construction of such a link. [30291/06]

Minister for Transport (Mr. Cullen): The Railway Procurement Agency (RPA) is the State Agency with responsibility for the implementation of the Luas/Metro Rail Projects contained in Transport 21. The RPA began a public consultation on five potential routes for linking the two existing Luas lines in the city centre in November 2005. This consultation is ongoing. I understand that the RPA is engaged in dialogue with the City Council, Dublin Bus and the Dublin Transportation Office in relation to the implications of the potential routes for other road users. Subject to satisfactory outcome of those discussions, the RPA expect to identify a preferred option in November 2006 and following this an application for a Railway Order will be made.

Construction timescale will be dependent on the route chosen following the public consultation and the discussions with stakeholders.

Rural Transport Services.

246. **Mr. McHugh** asked the Minister for Transport if he will put in place a public transport service in north east Galway similar to that available in south east Galway to cater for the needs of elderly persons with no transportation of their own to local towns and services; and if he will make a statement on the matter. [30293/06]

Minister of State at the Department of Transport (Mr. Gallagher): The Rural Transport Initiative (RTI) is a pilot scheme, under which funding is made available to thirty-four community-based organisations across the country, including one project which is operational in

south east Galway, to address the transport needs of their rural areas through the provision of local transport services.

Pobal administers the initiative on behalf of the Department of Transport, and makes specific allocations to individual project groups from funding provided by the Department. Neither the Minister for Transport nor his Department have any function in relation to specific allocations to individual project groups. Similarly, Pobal, together with the individual RTI project groups, are solely responsible for all the operational aspects of the initiative, including the specific services to be provided and the methods of provision.

Following the success of the pilot phase of the RTI, my colleague the Minister for Transport announced his intention to conclude this phase at the end of 2006 and to put the Initiative on a permanent footing from 2007 onwards. Proposals in that regard have recently been the focus of a public consultation process and the Department will now proceed to finalise its policy options with due consideration for the comments received. In developing proposals for the roll-out of the RTI post-2006, the Department will pay particular attention to the transport needs of rural communities that do not currently have access to public transport.

The Department has been steadily increasing the funding for the RTI in recent years. Euro 4.5 million was provided for the RTI in 2005, which was a 50% increase on the 2004 allocation while the 2006 allocation is Euro 5.1 million. By the end of 2006 total funding for the initiative will have exceeded Euro 18.5 million. This compares with the original proposed allocation of Euro 4.4 million in the National Development Plan 2000-2006.

Based on the 2005 allocation of Euro 4.5 million, and in parallel with the implementation of the Government's ten-year Transport Investment Framework, Transport 21, the Department will double the cash funding available to the RTI by 2007. Thereafter, the funding available for rural transport services will steadily increase; ultimately to a cash level about four times the 2005 allocation.

Regional Airports.

247. **Mr. Deasy** asked the Minister for Transport if he has received a proposal from the board of Waterford Regional Airport to extend the runway at that airport; if he will provide funding for the proposed extension; and if he will make a statement on the matter. [30213/06]

Minister for Transport (Mr. Cullen): On 30 June, 2006 my Department launched a new Capital Expenditure Grant Scheme for the six regional airports involving a budget of €65 million in respect of the period up to the end of 2010. The scheme was drawn up in the light of the EU Commission's legally-binding guidelines on fund-

ing of airports which were published in December 2005.

All of the regional airports have responded to my Department's invitation to submit applications for capital funding under the scheme. The proposal to which the Deputy refers was included in the submissions received. Those submissions will be assessed and prioritised by my Department with the assistance of expert advice and I expect to be in a position to announce the allocation of funding to the individual airports in November.

248. **Mr. Deasy** asked the Minister for Transport if his Department's guidelines for funding of regional airports have been formally notified to the EU Commission for clearance; if the Commission has given clearance to the guidelines; and if he will make a statement on the matter. [30214/06]

Minister for Transport (Mr. Cullen): On 30 June, 2006 my Department launched two new schemes to provide Exchequer funding for the regional airports. The Capital Expenditure Grant Scheme involves a budget of €65 million in respect of assistance for capital projects at these airports in the period up to the end of 2010. The Core Airport Management Operational Expenditure Subvention Scheme provides for financial assistance, calculated on an annual basis, towards operational expenditure incurred in the provision of core airport services which cannot be fully recovered from the normal revenue streams otherwise available to the regional airports.

While informal discussions with the relevant Commission officials suggested that the two schemes were fully in compliance with the guidelines, in the interest of legal certainty they were formally notified to the Commission for definitive approval. I am now advised that the operational expenditure subvention scheme is considered by the Commission to be exempt from the need for such notification and consequently, does not require formal approval and may proceed as planned. In the case of the capital grant scheme, the Commission decided on 26th September to approve the scheme as submitted.

Meanwhile, all of the regional airports have submitted applications for funding under the new schemes. These will be assessed by my Department with the assistance of expert advice and I expect to be in a position to announce the allocations to the individual airports in November.

Railway Stations.

249. **Mr. O'Dowd** asked the Minister for Transport the progress on the provision of a new railway station on the northern side of Drogheda; and if he will make a statement on the matter. [30215/06]

Minister for Transport (Mr. Cullen): The location of stations on the rail network is a matter for Iarnród Éireann. The company informs me that there are currently no plans to open a new station on the north side of Drogheda and that any new station in that location would have to be supported by major development taking place within its catchment area.

Road Safety.

250. **Dr. Cowley** asked the Minister for Transport when a special roads investigation unit will be established; and if he will make a statement on the matter. [30216/06]

Minister for Transport (Mr. Cullen): The primary immediate investigative role in relation to road accidents is vested in the Garda Síochána. Priority in such an investigation must be given to the determination of the causes of road accidents and in particular whether a breach of the Road Traffic laws contributed to the occurrence.

The Garda Síochána is the body empowered to make such a determination and to launch criminal proceedings against any person who the Garda consider should be accused of the commission of an offence. Garda reports on these investigations are forwarded to the National Roads Authority and subsequently to each local authority for the purpose of the establishment of accident trends and causes generally and to facilitate the carrying out of remedial works relating to road infrastructure where such action is deemed to be necessary.

The Road Safety Authority now has responsibility for road safety research and statistical collection. This will result in a more integrated approach to road safety policy generally, with one agency responsible for road safety research, statistical data, advertising, education and recommendations regarding road safety policy. I do not intend at present to propose any changes to the position outlined above.

Departmental Expenditure.

251. **Mr. Hogan** asked the Minister for Transport if the moneys allocated to his Department in this year's Estimates will be fully and appropriately spent during 2006; if he has identified any allocated moneys which are not needed by his Department; and if so the amount of such moneys. [30240/06]

Minister for Transport (Mr. Cullen): My Department is profiled to expend the full allocation of moneys provided under Vote 32 in the Revised Estimates Volume in 2006 and approved by the Dail Select Committee on Transport.

Road Safety.

252. **Ms Shortall** asked the Minister for Transport the number of reported road traffic collisions

in respect of a road (details supplied) in Dublin 9 in each of the past five years for which figures are available; the reported road traffic collisions resulting in road death; the reported road traffic collisions resulting in serious injury; the reported road traffic collisions resulting in minor injury; and the reported road traffic collisions involving pedestrians.. [30333/06]

Minister for Transport (Mr. Cullen): The functions assigned to the newly established Road Safety Authority include a mandate in relation to the collection and collation of all relevant data and statistics.

253. **Mr. J. O'Keeffe** asked the Minister for Transport if, regarding driving licences, he has proposals to introduce restricted driving licences, which would be restricted in terms of speed and no alcohol consumption; and if he will make a statement on the matter. [30393/06]

Minister for Transport (Mr. Cullen): I have no plans to introduce restricted driving licences, which would be restricted in terms of speed and no alcohol consumption. Under the Road Safety Authority Act 2006, it is open to the Road Safety Authority to make recommendations in relation to the promotion of better driving standards and to draw up road safety programmes. Should the RSA make such a recommendation which was shown to have road safety benefits consideration would be given to it in the context of an overall road safety strategy.

Question No. 254 answered with Question No. 26.

Public Transport.

255. **Mr. Durkan** asked the Minister for Transport if it is intended to extend bus services to the outer boundaries of new development areas with a view to facilitating the growing population; and if he will make a statement on the matter. [30395/06]

Minister for Transport (Mr. Cullen): I refer the Deputy to my reply to Dáil Questions Nos. 19, 32, 55 and 100 regarding additional buses for Dublin Bus. These buses, together with the new buses to be purchased by Bus Éireann, will facilitate the expansion and extension of services to serve new developments. The detailed deployment of the additional buses, including the areas and routes to be served and the frequency of service is a matter for the companies having regard to the level of demand and resources available to them.

Rail Services.

256. **Mr. Durkan** asked the Minister for Transport the extent by which it is expected to increase the use of the commuter rail services throughout

County Kildare; and if he will make a statement on the matter. [30396/06]

Minister for Transport (Mr. Cullen): The provision of turnback facilities at Newbridge, the extension of platforms at Sallins and Hazelhatch and the introduction of new rolling stock on the Kildare route as part of the increased investment in Public Transport under the NDP have increased capacity on the Kildare route by 160%.

The second rail line servicing county Kildare, the Maynooth line, also saw record growth through the 1990s and this decade, and capacity there has been more than trebled in the last five years. The doubling of the track between Maynooth and Clonsilla, resignalling the line and upgrading stations and crossings has trebled capacity on the Maynooth line.

The following projects being funded under Transport 21 will further improve rail services in the Kildare area

- The Docklands station, to open next year, will facilitate extra services on the Maynooth line.
- The introduction of a fleet of modern intercity railcars to be delivered in the period 2007 to 2009 will release commuter railcars currently being used on intercity routes such as Sligo-Dublin and Rosslare-Dublin for use, inter alia, on the Maynooth line.
- The Kildare Route Project, which involves four tracking a section of track from Cherry Orchard to Hazelhatch, will enable the separation of long distance and commuter services thus reducing travel times and offering operational flexibility to increase the amount of services provided. As part of that project, upgraded stations and increased parking capacity are to be provided.

Question No. 257 answered with Question No. 88.

Railway Stations.

258. **Mr. Durkan** asked the Minister for Transport the progress which has taken place over the past three months in regard to proposals to increase car parking facilities for commuters using Monasterevin, Kildare, Newbridge, Sallins and Hazelhatch rail stations; if his attention has been drawn to the need to provide extra car parking at or adjacent to rail stations in order to facilitate commuters wishing to use the train; and if he will make a statement on the matter. [30398/06]

259. **Mr. Durkan** asked the Minister for Transport the progress which has taken place in regard to proposals to increase car parking facilities for

rail commuters using the Kilcock, Maynooth, Leixlip and Confey rail stations in view of the ever increasing numbers who wish to commute by rail but cannot obtain car parking; his plan to bring forward proposals to provide park and ride facilities; and if he will make a statement on the matter. [30399/06]

261. **Mr. Durkan** asked the Minister for Transport his plans to improve the feeder bus service to all commuter rail stations particularly in the absence of adequate car parking in the vicinity of rail stations; and if he will make a statement on the matter. [30402/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 258, 259 and 261 together.

Feeder bus services to and car parking facilities to/from commuter rail stations are operational matters for Iarnród Éireann and I have no function in relation to them. As regards Park and Ride facilities, I refer the Deputy to my previous reply, reference 29994.06, which sets out the position regarding funding available through the DTO for Park and Ride facilities.

Dublin Port Tunnel.

260. **Mr. Durkan** asked the Minister for Transport the position in regard to the opening and operation of the Port Tunnel with particular reference to access to the tunnel for traffic from the M11, N11, M7, N7, M9, N9, M4 and N4; and if he will make a statement on the matter. [30401/06]

Minister for Transport (Mr. Cullen): At the outset I should explain that overall responsibility for the planning, design and implementation of national road improvement projects, is a matter for the National Roads Authority (NRA) and the local authorities concerned. I have no function in relation to the day-to-day operation of these projects.

Traffic management in general is a matter for the appropriate local authority and the traffic management and control arrangements that will apply following the opening of the Dublin Port Tunnel are matters for Dublin City Council and the NRA.

Question No. 261 answered with Question No. 258.

Dublin Port Tunnel.

262. **Mr. Durkan** asked the Minister for Transport the position in regard to access to the Port Tunnel for supertrucks; and if he will make a statement on the matter. [30403/06]

Minister for Transport (Mr. Cullen): As the Deputy is aware the Dublin Port Tunnel will have an operational height of 4.65m.

Preparation and adoption of the HGV Management Strategy to ensure optimum use of the

[Mr. Cullen.]

Dublin Port Tunnel by HGV traffic is a matter for Dublin City Council. I understand that this Strategy will deal with a range of issues relating to HGVs, including the use of over-height vehicles within the planned cordon through the operation of a permit system.

Public Transport.

263. **Mr. Durkan** asked the Minister for Transport the provisions which are being made in the context of Transport 21 for bus shelters, having particular regard to the tragic accidents that have taken place at such locations; and if he will make a statement on the matter. [30404/06]

Minister for Transport (Mr. Cullen): The provision of bus shelters is a matter for bus operators and the relevant local authority.

Inland Waterways.

264. **Mr. Gogarty** asked the Minister for Community, Rural and Gaeltacht Affairs if warnings have been issued to a company (details supplied) regarding the need to ensure adequate pump out facilities for waste matter from its boats. [30222/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Waterways Ireland is a North-South Implementation Body set up under the British-Irish Agreement in 1999, with responsibility for the management, maintenance, development and restoration of inland navigable waterways principally for recreation purposes.

The practice of discharging waste material into the navigation in question is expressly prohibited under Waterways Ireland's Byelaws and all users of the navigation are expected to behave in a responsible manner by utilising the network of pump-out facilities that have been provided in recent years along the system in co-operation with the local authorities.

Waterways Ireland is investigating a specific complaint at present regarding an alleged illegal discharge of polluting matter directly into the navigation. When the inquiries have been completed a decision will be made on how to proceed in the matter.

Departmental Expenditure.

265. **Mr. Hogan** asked the Minister for Community, Rural and Gaeltacht Affairs if the moneys allocated to his Department in this year's Estimates will be fully and appropriately spent during 2006; if he has identified any allocated moneys which are not needed by his Department; and if so the amount of such moneys. [30229/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As the Deputy is aware, details of my Department's expenditure allo-

cations for 2006 are included in the Revised Estimates Volume 2006, which was published earlier this year and sets out the allocation of some €478m across five expenditure areas, broadly as follows:

Administration	€m
Administration	19
An Ghaeilge agus an Ghaeltacht	103
Community Affairs	208
Rural Affairs	99
Other Services	49

The progress of spending across the Vote is monitored on a continuous basis in order to ensure the optimal use of the available financial resources. It is currently anticipated that expenditure across the Vote in 2006 will be broadly on target.

Teanga Ghaeilge.

266. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cathain atá sé i gceist aige rialacháin a dhéanamh faoi alt 9 d'Acht na dTeangacha Oifigiúla, 2003, lena chinntiú go mbeidh foirmeacha dátheangacha ar fáil don phobal ó chomhlachtaí poiblí mar ghnáthnós agus go mbeidh comharthaí a gcaitear airgead poiblí orthu dátheangach mar ghnáthnós faoi mar a tharlaíonn i dtíortha dátheangacha eile. [30273/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tá sé i gceist agam dréacht de na Rialacháin seo a leagan faoi bhráid gach Tí den Oireachtas go han-luath chun deis a thabhairt do Theachtaí agus Seanadóirí iad a phlé agus leasuithe a mholadh, más mian leo, sula ndéanfaidh mé iad a shiniú.

Ní miste dom a chur in iúl don Teachta, áfach, nach dtagann foirmeacha faoi scáth alt 9(1) den Acht. Is amhlaidh go bhfuil soláthar foirmeacha ar cheann de na hábhair a clúdaítear faoi na scéimeanna teanga a bhíonn le haontú idir mise, mar Aire, agus comhlachtaí poiblí de réir fhorálacha alt 11 den Acht.

Grant Payments.

267. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the position of an application (details supplied) for funding from the Dormant Accounts Fund; and if he will make a statement on the matter. [30297/06]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): In August 2004, the Dormant Accounts Fund Disbursements Board approved a grant for the group concerned totalling €81,226 for the purpose of employing a youth worker to work with young people at risk of early school leaving. The Board engaged Pobal to administer its funding

programme. To date, €13,066 has been drawn down and the balance of €68,160 will be paid as and when the group submits progress reports to Pobal as provided for in their contract with the Board. Given the amount yet to be drawn down by the group in question, it seems premature to be considering further funding.

I should say that regarding the projects approved by the former Dormant Accounts Fund Disbursements Board, I am keen to ensure that where such projects demonstrate strong impacts in tackling disadvantage, full consideration is given by the relevant Departments to their possible mainstreaming. My Department is in contact with other departments in this regard.

268. **Mr. G. Murphy** asked the Minister for Community, Rural and Gaeltacht Affairs the status of an application by a school (details supplied) in County Cork; when a decision will be made on this application; if the school satisfy criteria of the scheme; and if he will make a statement on the matter. [30298/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The school referred to by the Deputy recently submitted an application for funding under the CLÁR Primary School Outdoor Play Facilities Enhancement Scheme.

My Department is currently processing a large volume of applications on behalf of schools throughout the country and the school in question will be informed of the outcome of their application as soon as possible.

269. **Mr. Crawford** asked the Minister for Agriculture and Food if it is necessary for a farmer to have a flock number or a herd number to join REPS; the EU regulation regarding this; and if she will make a statement on the matter. [30176/06]

Minister for Agriculture and Food (Mary Coughlan): The EU Regulations governing the Rural Environment Protection Scheme (REPS) stipulate that payment under the scheme can be made only on land parcels declared on the Integrated Administration and Control System (IACS) and accordingly this requires the land to be declared in an application under the Single Payment Scheme in the first instance.

The identification number used for the Single Payment application, which is the herd, flock or cereal number, is acceptable for REPS.

Milk Quota.

270. **Mr. Ferris** asked the Minister for Agriculture and Food to make a statement on EU Commissioner Fischer's statement on the likelihood of milk quotas being eliminated after 2013. [30177/06]

Minister for Agriculture and Food (Mary Coughlan): As the Deputy will be aware the current milk quota arrangements were extended until the end of the 2014/15 milk quota year as part of the 2003 Luxembourg Agreement on the reform of the CAP. While a review will take place in 2008, any further proposals for reform are a matter for the EU Commission, while the Council will make decisions on such proposals. Should the Commission come forward with further proposals in the milk sector I will participate fully in the Council to ensure that the best interests of the Irish dairy sector are protected.

Departmental Budget.

271. **Mr. Hogan** asked the Minister for Agriculture and Food if the moneys allocated to her Department in this year's Estimates will be fully and appropriately spent during 2006; if she has identified any allocated moneys which are not needed by her Department; and if so the amount of such moneys. [30226/06]

Minister for Agriculture and Food (Mary Coughlan): My Department's Revised Estimate for 2006 is €1,516.9 million (gross). This includes a capital carryover from 2005 of €18.3 million and an Administrative budget carryover of €8.7m. On the basis of expenditure to date, it would appear that almost all of the funds allocated to my department this year will be spent, but that there may be some savings on demand led schemes.

My Department will continue to carefully monitor expenditure as the year progresses, but it is too early at this stage to be certain about the final outturn for the year. Most of my Department's expenditure relates to demand-led schemes, animal disease control measures and technical and financial costs relating to intervention. As this expenditure depends on external factors such as demand, market conditions and animal disease levels, it is difficult to predict budgetary needs and outturns with precision. In addition, under multi annual administrative budget and capital envelope arrangements agreed with the Department of Finance, savings can be carried over into 2007 to meet needs arising next year.

Direct Payment Schemes.

272. **Mr. Lowry** asked the Minister for Agriculture and Food the reasons a farmer (details supplied) County Tipperary was not paid their correct allocation of entitlement under the single farm payment; the reasons for reduction in payment of 2005 Single Payment; when full payment will be issued to the person; and if she will make a statement on the matter. [30241/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application under the Single Payment Scheme on

[Mary Coughlan.]

15 May 2005. The applicant established 33.14 standard entitlements and 1.72 set-aside entitlements having submitted a successful application as a New Entrant. In addition he received 17.49 standard entitlements and 1.59 set-aside entitlements by way of a Private Contract Clause (lease).

In accordance with the provisions of the relevant EU Regulations one eligible hectare must be declared in respect of each entitlement held in order to benefit from full payment under the Single Payment Scheme. The person named submitted sufficient eligible hectares to draw down his full set-aside payment but not enough hectares to draw down full payment on his standard entitlements. The payment made to the person named was correctly calculated taking into account the shortfall of 7.88 hectares in his declared hectares in respect of 2005.

Grant Payments.

273. **Mr. Naughten** asked the Minister for Agriculture and Food further to Parliamentary Question No. 234 of 29 September 2004, the grant aid returned to her Department by the company; the grant aid paid to the company in the past 10 years; and if she will make a statement on the matter. [30260/06]

Minister for Agriculture and Food (Mary Coughlan): My Department, in conjunction with Enterprise Ireland, has been examining the position regarding contingent liabilities arising from the closure of the plant at Rooskey, Co. Roscommon. The total amount paid by my Department in the past ten years to the Company was €390,000.

Discussions are on-going between Enterprise Ireland and the Company on the possible level of liability arising from the decision to discontinue the slaughtering and boning activities at Rooskey, while retaining and developing the cannery operations from the Rooskey site, and having regard to the company's other significant capital investment in the Irish pork sector.

As the issues are complex, the discussions and examination have taken some time. Progress has been made and it is anticipated that a conclusion will be reached in the near future. Where any amounts are identified as due, the process of recovery will follow.

In the meantime Enterprise Ireland is endeavouring to stimulate further investment at the Rooskey plant. Discussions are at an early stage and have yet to be comprehensively developed.

EU Directives.

274. **Mr. Naughten** asked the Minister for Agriculture and Food the status of the animal remedies regulations; the discussions to date with the

EU on the issue; and if she will make a statement on the matter. [30262/06]

275. **Mr. Naughten** asked the Minister for Agriculture and Food the status of the implementation of the animal medicines regulations; and if she will make a statement on the matter. [30263/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 274 and 275 together.

The Animal Remedies Regulations 2005, which came into effect in November 2005, transposed into Irish legislation EU Directive 2004/28. This Directive includes a general requirement that all medicines for food-producing animals may only be supplied on the basis of a veterinary prescription from 1 January 2007, unless exempted from this requirement under criteria to be adopted at EU level.

The Commission has recently circulated its formal proposals for exemption criteria and these are due to be considered by Member States at a meeting of the relevant standing committee on 11 October. While the proposals are still being considered in detail within my Department and in the Irish Medicines Board, it is clear that, on the basis of an initial examination, the latest proposals represent a considerable improvement over the Commission's initial draft published in February last in that they provide a much greater degree of flexibility to regulatory bodies, such as IMB, in determining the routes of supply for individual products based on scientific evaluation of the risk/benefit analysis.

The objective of my Department continues to be to secure exemption criteria which will facilitate the retention of off-prescription status in Ireland for the existing range of products and hopefully this issue will be finally resolved on 11 October. As I have indicated in the past, if the exemption criteria adopted by the EU necessitate the re-classification of veterinary medicines as prescription only products, I will make provision for suitably persons to prescribe the new prescription-only products.

Grant Payments.

276. **Mr. O'Shea** asked the Minister for Agriculture and Food when a person (details supplied) in County Waterford last had a suckler quota; and if she will make a statement on the matter. [30294/06]

Minister for Agriculture and Food (Mary Coughlan): There is no record in my Department to show that the person named ever held a quota under the Suckler Cow Premium Scheme.

Afforestation Programme.

277. **Mr. G. Murphy** asked the Minister for

Agriculture and Food if a farmer can partially opt out of a forestry scheme if the farmer discovers that some of that land is required to make their farm enterprise viable. [30295/06]

Minister for Agriculture and Food (Mary Coughlan): Applications to remove land from forestry are examined on a case-by-case basis by the Forest Service of my Department, and are subject to the conditions of the existing schemes and legislation.

Installation Aid Scheme.

278. **Mr. G. Murphy** asked the Minister for Agriculture and Food if a recent decision which refused installation aid to a person (details supplied) in County Cork will be reviewed. [30296/06]

Minister for Agriculture and Food (Mary Coughlan): The person concerned is ineligible for aid under the Installation Aid Scheme as he was over 35 years of age when set up in farming. Despite the tragic family circumstances force majeure does not apply in this case as it was over a year later when the person concerned received the family farm. The applicant has been advised of his right to appeal the decision concerned to the Agriculture Appeals Office.

Grant Payments.

279. **Mr. Penrose** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Westmeath has not been paid the single farm payment for 2005 and the area aid for 2005 in view of the fact that all relevant information in respect of the land-holding has been sent to her Department; the steps she will take to ensure that this payment which is critical for the ongoing viability of the farm is immediately paid out to this person; and if she will make a statement on the matter. [30334/06]

Minister for Agriculture and Food (Mary Coughlan): An application under the 2005 Single Payment Scheme was received in the name of the father of the person named on 9 May 2005. The person named subsequently advised my Department of the death of the applicant. While some documentation was submitted in this regard, it is insufficient to allow payment to the person named. I have now arranged for an official of my Department to make direct contact with the person named with a view to having this matter satisfactorily resolved.

Higher Education Grants.

280. **Mr. Ring** asked the Minister for Education and Science the financial assistance available for mature students who hold an initial degree and wish to pursue a masters degree in this country. [30181/06]

Minister for Education and Science (Ms Hanafin): For the purpose of replying to the Deputy I understand the question relates to mature students who hold an undergraduate degree and are progressing to postgraduate level courses, for the first time, at Masters Degree level.

Under the terms of my Department's Third Level Maintenance Grant Schemes, which are administered on behalf of the Department by the Local Authorities and the Vocational Education Committees, the position is that generally speaking, students who are entering approved courses for the first time are eligible for grants where they satisfy the relevant conditions as to residence, age, means, nationality and previous academic attainment. An approved course for the purpose of the Schemes means a full-time undergraduate course of not less than two years duration and full time postgraduate course of not less than one year duration pursued in an approved institution.

Under the terms of the Department's maintenance grants schemes, and in accordance with the Local Authorities (Higher Education Grants) Act 1992, a mature student is defined as a candidate who is at least 23 years of age on the 1st January of the year of entry or re-entry to an approved course.

Mature students are categorised as either independent mature students or mature students dependent on parents or guardians. An independent mature student is defined as meaning a mature student who was not ordinarily resident at home with his/her parents or guardians from the October preceding their entry to an approved course. Independent mature students are assessed without reference to either their parents' or guardians' income or address.

Under the terms of the Third Level Student Support Schemes, a student is not eligible for grant assistance in respect of a second period of study at the same level, irrespective of whether a grant was paid previously. The schemes also provide that grants may not be paid to candidates who already hold a postgraduate qualification and are pursuing a second postgraduate qualification. Notwithstanding this condition, candidates who already hold a postgraduate qualification and are progressing to a further postgraduate course which represents progression from the level at which the previous postgraduate qualification(s) was attained, may be deemed eligible for grant aid.

However, tax relief is available in respect of postgraduate fees paid in publicly funded colleges here and in other EU Member States, as well as in private colleges in the State. This relief applies at the standard rate of tax and is available to full time and part time postgraduate students. Further details and conditions in relation to this tax relief are available from local Tax Offices.

[Ms Hanafin.]

The decision on eligibility for third level grants is a matter for the relevant local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is desired.

Under my Department's Free Fees Initiative the Exchequer meets the tuition fees of eligible students who are attending approved full-time undergraduate courses in the State. The Free Fees Initiative does not extend to postgraduate study.

Schools Accommodation.

281. **Ms C. Murphy** asked the Minister for Education and Science the school it is intended that a child (details supplied) will be accommodated in considering that they will reach the age of six in October 2006 and have as yet not been allocated a suitable school place; and if she will make a statement on the matter. [30182/06]

Minister for Education and Science (Ms Hanafin): The National Council for Special Education (NCSE) is actively engaged in identifying a suitable school placement for the child referred to by the Deputy. As an interim measure pending his placement he is in receipt of home tuition.

Schools Building Projects.

282. **Mr. Ring** asked the Minister for Education and Science the position with the provision of a new school (details supplied) in County Mayo; when this project will progress to tender and construction stages; and if she will make a statement on the matter. [30183/06]

Minister for Education and Science (Ms Hanafin): The acquisition of a site for the school in question is at conveyancing stage and when this transaction is complete Planning Permission will be sought for the project. It is envisaged that construction will begin in the first half of 2007.

Irish Language.

283. **Mr. J. Higgins** asked the Minister for Education and Science if she will require UCD to reinstate the BA Evening Course in Irish. [30184/06]

Minister for Education and Science (Ms Hanafin): The position is that the universities are autonomous institutions and my Department does not have any function in their day to day operational affairs. The universities receive a block grant from the Higher Education Authority and it is a matter for each institution to determine how it is allocated internally.

Pupil-Teacher Ratio.

284. **Ms C. Murphy** asked the Minister for Education and Science her plans to reduce the pupil teacher ratio in primary schools located in rapidly developing areas as identified in the Census 2006 Preliminary Report; if provision is being made for new accommodation and teaching resources for such areas; the timeframe envisaged for delivery; and if she will make a statement on the matter. [30185/06]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, major improvements have been made in staffing at both primary and post-primary level in recent years. At the beginning of the current school year there are no less than 4000 extra teachers in our primary schools, compared with 2002. The average class size in our primary schools is 24 and there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. Indeed, with the thousands of extra primary teachers hired by this Government, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule.

As the Deputy knows all primary schools are staffed on a general rule of at least one classroom teacher for every 28 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 28 children in the school. Next year (2007/2008 school year) this is being reduced to 27 children per classroom teacher.

A further initiative that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year, as is the case in many schools. Some 170 such posts were sanctioned in the 2005/06 school year, compared to 105 in 2004/05.

The demand for additional accommodation in schools has risen significantly over the last number of years mainly due to the rapid expansion in teacher numbers particularly in the area of special needs, the growth in the school-going population in rapidly developing areas including the impact of inward migration and the demands to cater for diversity through the recognition of new Gaelscoileanna and Educate Together schools.

In planning for school provision to meet these demands the Department has adopted an area based approach which involves a public consultation process involving all interested parties. This leads to the production of a blueprint for schools' development in an area for a timeframe of approximately ten years. The exercise recently completed on the N4-M4 corridor is an example of this and the rapidly developing areas of north Dublin, south Louth and east Meath are being examined this year. This structured process will ensure a more proactive approach to school planning than had been the case in the past.

Apart from the area development planning process the Department is also proactively engaged with local authorities on a continual basis in relation to specific areas. This is being done through improved contacts and communication protocols to ensure that the Department is better alerted about new and expanding residential areas and afforded an opportunity to ensure appropriate zoning provision for educational purposes.

For example in the case of the Strategic Development Zone (SDZ) at Adamstown the Department is working closely with South Dublin County Council and the developers to produce an integrated solution to education and community facilities that matches the delivery of new housing. Under the SDZ arrangements there is a requirement that schools are in position ahead of or in line with demand, and I think it is one that should be adopted by other planning authorities in relation to major new housing schemes.

The Department is working particularly closely with Fingal County Council to develop a joint approach to the timely provision of schools in an area of the country subject to extremely rapid development. This work is providing innovative approaches to partnership which I believe can be used to advantage across the country in future.

The Department prioritises school buildings for rapidly developing areas. This is achieved by assigning them a band one priority rating under the published prioritisation criteria for large scale building projects. Whenever possible, the Department implements a standardised design model or a design and build process to fast track delivery of the buildings themselves. Not alone does this result in speedier delivery of projects but it also achieves savings in design fees and land use arising from the use of the two storey design. Among schools completed using one of these processes is Griffen Valley in Lucan which was completed in a 13 month timeframe.

The level of work being done under the schools building programme is at an all-time high. While increased investment is a central reason for this — €500m this year alone — radical changes in how projects are planned and managed have also made a major difference in ensuring that provision is delivered in line with or ahead of demand.

Site Acquisitions.

285. **Ms C. Murphy** asked the Minister for Education and Science if a location has been identified for a new second level school in the north west Kildare region, the need for which was identified in the N4 M4 Project; her plans to proceed on this; and if she will make a statement on the matter. [30186/06]

Minister for Education and Science (Ms Hanafin): Four areas in Kildare were addressed under the Department's Local Area Development Plan for the N4/M4 corridor and it is unclear which of these the Deputy is specifically referring to. Under the plan, recommendations were made for site reservations in three of the areas covered namely, Celbridge, Maynooth and Kilcock. The plan indicates that these schools will not be required until post 2011. The Department will be seeking site reservations for these schools in the context of local authority area development plans at the appropriate time.

Physical Education Facilities.

286. **Dr. Cowley** asked the Minister for Education and Science if the promised funding announced for a sports hall at a college (details supplied) in County Mayo will be allocated immediately; and if she will make a statement on the matter. [30187/06]

Minister for Education and Science (Ms Hanafin): I am pleased to confirm that I have authorised the PE Hall project for this school to progress through architectural planning and on to tender and construction as soon as all stages of the planning process are complete. The stage 4/5 submission (Detail design and Bill of Quantities) is currently being examined in the Department and once that process is complete, the project will progress to tender and construction.

Departmental Expenditure.

287. **Mr. Hogan** asked the Minister for Education and Science if the moneys allocated to her Department in this year's Estimates will be fully and appropriately spent during 2006; if she has identified any allocated moneys which are not needed by her Department; and if so the amount of such moneys. [30231/06]

Minister for Education and Science (Ms Hanafin): My Department monitors its expenditure on a continual basis throughout the year. At this point in the year it is predicted that the overall voted allocation will be fully and appropriately spent. The likely end of year position and the requirement for a supplementary estimate, if necessary, will be carefully considered over the coming months

Departmental Correspondence.

288. **Mr. Naughten** asked the Minister for Education and Science further to correspondence (details supplied), if she will furnish a response to the queries raised; and if she will make a statement on the matter. [30264/06]

Minister of State at the Department of Education and Science (Miss de Valera): I will issue a reply to the Deputy regarding the matters referred to in the details supplied as soon as possible.

School Staffing.

289. **Mr. Naughten** asked the Minister for Education and Science, further to Parliamentary Question No. 222 of 8 June 2006, the status of the review of one-teacher schools; when she expects the review to be concluded; and if she will make a statement on the matter. [30265/06]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that, as an exceptional matter, I approved the appointment, or retention, where appropriate, of a mainstream teacher in addition to the Principal for the current school year in the schools which had projected that the appropriate number of pupils required (12) for such appointment or retention would be achieved at end September, 2006.

The position of the schools which do not qualify for this concession is being considered in the context of the reports which have been submitted by my Department's Inspectors in relation to them.

Higher Education Grants.

290. **Mr. Connaughton** asked the Minister for Education and Science the reason a person (details supplied) County Galway is not entitled to a top-up higher education grant in view of the fact that they are a mature student on low income; if her attention has been drawn to the personal sacrifice involved; if her further attention has been drawn to the potential benefits the will accrue to the State when this person will be in a position to be employed in their chosen career; and if she will make a statement on the matter. [30274/06]

Minister for Education and Science (Ms Hanafin): The candidate referred to by the Deputy was awarded the full non-adjacent rate of grant by Galway County Council. However, she did not qualify for the special rate of maintenance grant for the academic year 2006/07, as neither the candidate nor her partner was in receipt of an eligible Social Welfare payment.

The Deputy will appreciate that the terms of the schemes are of general application and it is not possible to make an exception in individual cases.

School Closures.

291. **Mr. Crowe** asked the Minister for Education and Science the number of school closures that have taken place within the Milford electoral area in Donegal within the past ten years. [30276/06]

Minister for Education and Science (Ms Hanafin): My Department does not maintain records of school closures by electoral area. The following is a list of primary schools in Co. Donegal that have closed since 1997: Glenvar National School, Letterkenny, Co. Donegal, closed 31 August 1997; Ballykerrigan National School, Lifford, Co. Donegal, closed 31 August 1998; Sacred Heart Secondary School, Meánscoil De La Salle and Ballyshannon Vocational School in Ballyshannon, closed 31 August 2000 and amalgamated into the Ballyshannon Community School from September, 2000; St Joseph's National School and Little Angels' National School in Ballyshannon, closed 31 August 2001 and amalgamated into the Holy Family National School from September, 2001; and Tamney Robertson National School, Ramelton, closed 31 August 2001.

Teaching Qualifications.

292. **Mr. Crowe** asked the Minister for Education and Science if she will intervene in the case of a person (details supplied). [30277/06]

Minister for Education and Science (Ms Hanafin): Since 28 March 2006 the Teaching Council has been the designated authority for the recognition of qualifications for teaching.

Recognised third level institutions in this country and abroad can apply to have particular qualifications approved for post-primary teaching in this country. Where granted, this approval is referred to as general recognition for teaching at post primary level. Where a third level institution has not applied for and been granted general recognition for a particular qualification, it is open to the individual to apply to the Teaching Council for recognition.

Persons wishing to be registered as a teacher in this country must apply to the Teaching Council for recognition of their qualifications. If their qualifications are recognised by the Teaching Council, then they will be eligible to apply for teaching posts.

As the Teaching Council is the statutorily designated body for the recognition of teachers' qualifications, I have no authority to intervene in such cases.

Schools Building Projects.

293. **Ms O'Sullivan** asked the Minister for Education and Science when a decision will be made on a request from a school (details supplied) in County Limerick for a revision of its band rating

in order to precipitate the construction of a permanent school building; and if she will make a statement on the matter. [30278/06]

Minister for Education and Science (Ms Hanafin): Following consideration of the request from the management authority of the school referred to by the Deputy, my officials have advised the Board that it is not considered that a revision of the band rating is warranted in this case.

The Property Management Section of the OPW, which acts on behalf of my Department in relation to site acquisitions generally, is engaged in sourcing a site for the school in question. When a site has been acquired, the building project required to deliver the new school will be considered in the context of the School Building and Modernisation Programme 2006-2010.

Site Acquisitions.

294. **Ms O'Sullivan** asked the Minister for Education and Science if outstanding issues regarding the purchase of a site proposed for a school (details supplied) in Limerick have been resolved; if the site has been purchased by the Office of Public Works; if the project has been considered for approval in the context of the School Building and Modernisation Programme 2006-2010; and if she will make a statement on the matter. [30279/06]

Minister for Education and Science (Ms Hanafin): The Property Management section of the Office of Public Works, which acts on behalf of my Department in relation to site acquisitions generally, has been requested to source a site for the school in question. The OPW is currently liaising with the Planning Department of Limerick County Council in connection with one potential site option. Simultaneously, the OPW is in active negotiations on an alternative potential site option.

On completion of the site acquisition, the project will be considered in the context of the School Building and Modernisation Programme 2006-2010.

Physical Education Facilities.

295. **Mr. McGuinness** asked the Minister for Education and Science the status of the provision of an extension and new gymnasium at a school (details supplied) in County Kilkenny; and if she will expedite approval for this much needed project. [30299/06]

Minister for Education and Science (Ms Hanafin): The School Planning Section of the Department is in receipt of an application for major capital funding from the school to which the Deputy refers. The long-term projected enrolment for the school is currently being reviewed. When this process has been completed, the pro-

ject can be considered for progress under the School Building and Modernisation Programme from 2007 onwards.

Schools Building Programme.

296. **Mr. Crowe** asked the Minister for Education and Science if her attention has been drawn to a request by an organisation who are looking for a second level Irish school to be located on a site (details supplied); the progress in relation to same; and if she will make a statement on the matter. [30300/06]

Minister for Education and Science (Ms Hanafin): An application for a second level Irish school to be located on the site referred to by the Deputy has been received by the Department. It is currently being considered and contact will be made with the promoters as soon as a decision has been reached in the matter.

Departmental Expenditure.

297. **Dr. Cowley** asked the Minister for Education and Science if her Department intends to increase the investment in second level education here; if her attention has been drawn to the recent OECD report which shows that Ireland is almost at the bottom of the international league in terms of investment in second level education relative to the country's economic wealth; and if she will make a statement on the matter. [30301/06]

304. **Mr. Penrose** asked the Minister for Education and Science the steps she will take to ensure that resourcing of second level schools is increased in the context of the forthcoming estimates and Budget to at least the average OECD levels; and if she will make a statement on the matter. [30416/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 297 and 304 together.

I assume the Deputies are referring to Ireland's expenditure on education as a proportion of GDP. Deputies will be aware, given the distinctive structure of the Irish economy and specifically, the comparatively high proportion of our GDP that is expatriated as profits of foreign direct investment enterprises, Gross Domestic Product (GDP) is not a good indicator of the relative resources available in the case of Ireland. For example, the difference in magnitude between Ireland's GDP and Gross National Income (GNI) was 18% in 2003. This means that standardised expenditure data for Ireland would be higher if GNI (or GNP) were used instead of GDP. For most OECD countries, however, the difference between GDP and GNI is negligible and the vast majority of other countries are quite happy to continue using GDP to standardise

[Ms Hanafin.]

international data on expenditure. Department of Education and Science expenditure on education in Ireland in 2003, the reference year used in the latest 'Education at a Glance' report, represented 4.9% of Gross National Income. This increased to 5.2% in 2005.

The Deputy should also note that spending by my Department on second level education increased by 17% between 2003 and 2005. In 2005, €2.7 billion was spent on second level education — up from €2.3 billion in 2003 and €1.25 billion in 1997.

These increases have allowed for major progress to be made both in the staffing and in the day-to-day funding of our schools.

With regard to staffing, it should be noted that there is now one teacher for every 13 students at second level.

Day-to-day funding for our schools has also increased significantly in recent years. Since the financial year referred to in the OECD report — 2003 — second level schools have benefited from substantial increases in funding. The standard capitation grant of €266 per pupil in 2003 has stood at €298 per pupil from 1 January last. In addition, the support services grant for secondary schools was increased from €127 per pupil in 2003 to €159 per pupil from January last. This per capita grant is in addition to a range of equalisation grants of up to some €15,500 per school per annum that were also approved for voluntary secondary schools.

This Government has dramatically increased investment in education in recent years. However, it is simplistic to just say that increasing spending will result in better outcomes as evidenced by the relatively poor educational outcomes of some high-spending countries. What we all wish to see is the resources targeted towards education being used to best advantage at all levels.

Adult Education.

298. **Mr. Wall** asked the Minister for Education and Science the plans her Department have to address the serious problem of adult literacy; if additional funding will be provided to implement the 28 recommendations contained in the 2006 Report on Adult Literacy by the Joint Committee on Education and Science; and if she will make a statement on the matter. [30302/06]

Minister of State at the Department of Education and Science (Miss de Valera): Since my appointment as Minister of State with responsibility for Adult Education, it has been my mission to encourage and support any and all means of increasing literacy levels and basic education throughout the country. Adult Literacy has been the top priority in adult education in my Department for some years now.

Since 1997, funding from my Department for adult literacy has increased incrementally, from €1 million to almost €23 million in 2006. As a consequence, the number of clients catered for annually has increased from 5,000 in 1997 to over 35,000 in 2005.

The growth in the number of adult literacy students has exceeded the target of 18,000 annually set out in the National Development Plan 2000-2006.

This year my Department funded a pilot project on intensive tuition in adult basic education which would help to address the serious problem of adult literacy. The evaluation report of this project is currently being examined. In addition, a family literacy initiative under DEIS (Delivering Equality of Opportunity in Schools) — An Action Plan in Educational Inclusion is being developed.

Last Sunday, a new TV series "The Really Useful Guide to Words and Numbers" commenced on national television. This programme will target people with literacy and numeracy needs.

"Towards 2016 — Ten Year Framework Social Partnership Agreement 2006 — 2015" includes a further increase in literacy student numbers of 7,000 (6% per annum) over a three-year period to 2009 and also 2,000 BTEI places which will continue to build on existing part-time provision in adult literacy and other Further Education programmes. These additional resources are to be welcomed.

I am currently examining the Report on Adult Literacy in Ireland published by the Joint Oireachtas Committee on Education and Science. The 28 recommendations included in the report will be considered in the context of the overall policy of making further improvements in literacy provision nationwide as resources permit.

While significant progress has been, and continues to be, made in addressing the problem of adult literacy, I strongly believe in the value of this sector and am committed to a continuation of the process of substantially reducing the literacy deficit in Irish society by continuing to prioritise it for resources and supports in the years ahead.

School Accommodation.

299. **Dr. Cowley** asked the Minister for Education and Science if her attention has been drawn to the fact that there are no community facilities available and no sufficient school places for the children of the areas where there is high density of housing; and if she will make a statement on the matter. [30303/06]

Minister for Education and Science (Ms Hanafin): The demand for additional accommodation in schools has risen significantly over the last number of years mainly due to the rapid expansion in teacher numbers particularly in the area of special needs, the growth in the school-

going population in rapidly developing areas including the impact of inward migration and the demands to cater for diversity through the recognition of new Gaelscoileanna and Educate Together schools.

In planning for school provision to meet these demands, the Department has adopted an area based approach which involves a public consultation process involving all interested parties. This leads to the production of a blueprint for schools' development in an area for a timeframe of approximately ten years. The exercise recently completed on the N4-M4 corridor is an example of this and the rapidly developing areas of north Dublin, south Louth and east Meath are being examined this year. This structured process will ensure a more proactive approach to school planning than had been the case in the past.

Apart from the area development planning process the Department is also proactively engaged with local authorities on a continual basis in relation to specific areas. This is being done through improved contacts and communication protocols to ensure that the Department is better alerted about new and expanding residential areas and afforded an opportunity to ensure appropriate zoning provision for educational purposes.

For example in the case of the Strategic Development Zone (SDZ) at Adamstown the Department is working closely with South Dublin County Council and the developers to produce an integrated solution to education and community facilities that matches the delivery of new housing. Under the SDZ arrangements there is a requirement that schools are in position ahead of or in line with demand, and I think that this is an approach that should be adopted by other planning authorities in relation to major new housing schemes.

The Department is working particularly closely with Fingal County Council to develop a joint approach to the timely provision of schools in an area of the country subject to extremely rapid development. This work is providing innovative approaches to partnership in terms of providing educational infrastructure and shared community facilities in tandem. While the overall model is at the early stages of implementation, already, at Diswellstown, there is a very fine example of what an integrated approach to the delivery of education and community facilities can achieve. The Department looks forward to a broader range of enhanced facilities for school and community use as the model develops at various locations in the Fingal area where it is estimated up to 20 schools will be required in the coming years. I believe this model can be used to advantage across the country in future particularly in the area of shared community facilities.

Apart from the planning process, the Department prioritises school buildings for rapidly developing areas. This is achieved by assigning

them a band one priority rating under the published prioritisation criteria for large scale building projects. Whenever possible, the Department implements a standardised design model or a design and build process to fast track delivery of the buildings themselves. Not alone does this result in speedier delivery of projects but it also achieves savings in design fees and land use arising from the use of the two storey design. Among schools completed using one of these processes is Griffeen Valley in Lucan which was completed in a 13 month timeframe.

The level of work being done under the schools building programme is at an all-time high. While increased investment is a central reason for this — €500m this year alone — radical changes in how projects are planned and managed have also made a major difference in ensuring that provision is delivered in line with or ahead of demand.

Schools Building Projects.

300. **Mr. G. Murphy** asked the Minister for Education and Science the status of the application of a school (details supplied) in County Cork for capital funding towards the provision of an extension to provide ancillary accommodation; the criteria laid down by her Department for this scheme; when the school's application will be addressed; if the school meets the criteria required; and if she will make a statement on the matter. [30304/06]

Minister for Education and Science (Ms Hanafin): My Department is in receipt of an application for capital funding towards the provision of additional mainstream classrooms and ancillary accommodation at the school referred to by the Deputy. The school authority has recently been advised that its proposed project may be more suitable for delivery by way of devolved funding under the Small Schools Scheme, 2007 which is specifically targeted at schools having no more than 4 mainstream teachers. The purpose of the scheme is to devolve funding to individual school authorities to undertake building works which will address the school's long term accommodation needs. The Scheme was advertised last month and full details are available on the Department's website at www.education.ie. The school authority has been advised to submit an application under the scheme by the closing date of October 27th 2006. All applications received by that date will be assessed and considered in the context of the School Building and Modernisation Programme 2006-10.

Higher Education Grants.

301. **Mr. Crowe** asked the Minister for Education and Science if her attention has been drawn to a situation regarding a person (details

[Mr. Crowe.]

supplied) in Dublin 6W; and if she will intervene in the matter. [30413/06]

Minister for Education and Science (Ms Hanafin): The decision on eligibility for third level grants and the issue of grant awards is a matter for the relevant local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is desired. It appears that no such advice or instruction has, to date, been sought in the case of the student, referred to by the Deputy.

Pre-School Services.

302. **Mr. Durkan** asked the Minister for Education and Science if a third infant class can be created to cater for children preparing to attend an infant school (details supplied) in County Kildare for school year commencing 2007, in view of the demand for same at present; and if she will make a statement on the matter. [30414/06]

Minister for Education and Science (Ms Hanafin): Officials in the School Planning Section of my Department will be liaising with the school to which the Deputy refers with a view to providing it with accommodation in line with demand from eligible pupils under its enrolment policy.

Schools Building Projects.

303. **Mr. Penrose** asked the Minister for Education and Science the position regarding the proposed new school (details supplied) in County Westmeath; the timetable for construction of the said school; and if she will make a statement on the matter. [30415/06]

Minister for Education and Science (Ms Hanafin): The building project for the School referred to by the Deputy is at an early stage of architectural planning. This School was among 40 Schools that I announced in April of this year to go to tender and construction on a rolling basis over the next 12 to 15 months. My Departments Officials wrote to the School Authorities on the 22nd September 2006 looking for a revised stage 1/2/3 (detailed plans/costs) submission. When a response is forwarded to my Department, my Officials will then be in a position to further progress this project.

Question No. 304 answered with Question No. 297.

Vocational Education Committees.

305. **Mr. McGuinness** asked the Minister for Education and Science if an application to Kilkenny VEC for a grant for a person (details supplied) in County Kilkenny will be approved; if

the applicant comes within the back to education scheme; and if she will make a statement on the matter. [30417/06]

Minister for Education and Science (Ms Hanafin): My Department has been in contact with officials in County Kilkenny Vocational Education Committee concerning the student referred to by the Deputy. I understand that further documentation must be submitted before a decision can be made by Kilkenny VEC in this case. Queries in regard to the Back to Education Scheme should be referred to the Department of Social and Family Affairs as this scheme is relevant to that Department.

Schools Amalgamation.

306. **Mr. McGuinness** asked the Minister for Education and Science the status of a report on the proposed amalgamation of schools (details supplied) in County Kilkenny; if, in view of the fact that the technical report is completed, she will expedite the next phase in the process; and if she will make a statement on the matter. [30418/06]

Minister for Education and Science (Ms Hanafin): School Planning Section is awaiting a report following a technical inspection of the schools to which the Deputy refers. When this has been received and examined, it will be in contact with the schools as to how the proposed project can proceed.

Schools Building Projects.

307. **Mr. McGuinness** asked the Minister for Education and Science the progress in providing a realistic level of funding for the provision of a new school (details supplied); if meetings between the officials and the board of management proved productive; and if she will make a statement on the matter. [30419/06]

Minister for Education and Science (Ms Hanafin): As the Deputy will probably be aware, the application for large scale capital funding from the school to which he refers was originally considered under the Department's devolved grant scheme. It transpired, however that the scope of the works required to meet the schools long term accommodation needs exceeded the limits of this scheme. In the circumstances, its application has been reverted to the traditional method of delivery. Accordingly, the application has been assessed in accordance with the published prioritisation criteria for large scale projects and it has been assigned a Band 2 rating. Progress on the proposed works is now being considered in the context of the School Building and Modernisation Programme from 2007 onwards.

Schools Enrolment.

308. **Mr. Connaughton** asked the Minister for Education and Science if her attention has been drawn to the overcrowding at a school (details supplied) in County Galway; if her further attention has been drawn to the fact that proposals to extend the school have been submitted to her Department; when this application will be approved; and if she will make a statement on the matter. [30420/06]

Minister for Education and Science (Ms Hanafin): I am aware of the school's need for additional accommodation and can advise the Deputy that my Department is grant-aiding the rental costs of two portakabins at the school in order to alleviate short term accommodation difficulties.

My Department is also in receipt of an application for capital funding towards the provision of an extension to the school. An assessment of projected enrolments, demographic trends and housing developments in the area is underway in order to determine the long term projected staffing on which the school's long term accommodation needs will be based. When this assessment is completed a decision will then be taken on how best to provide the required accommodation.

The project will be then considered in the context of the School Building and Modernisation Programme 2006-10.

Departmental Expenditure.

309. **Mr. Hogan** asked the Minister for Defence if the moneys allocated to his Department in this year's Estimates will be fully and appropriately spent during 2006; if he has identified any allocated moneys which are not needed by his Department; and if so the amount of such moneys. [30230/06]

Minister for Defence (Mr. O'Dea): At this stage it is not possible to say whether or not there will be savings on the Defence Vote. No savings are expected to arise on the Army Pensions Vote.

Social and Affordable Housing.

310. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government the results of the review of the 5-year Action Plans on Social and Affordable Housing by county; if the original targets for these plans have been met; the areas these targets were not met; the strategy he proposes in response to the review; and if he will make a statement on the matter. [30188/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): In 2004 I sought local authorities to set about the preparation of social and afford-

able housing action plans to provide a framework for the integrated and cohesive planning and delivery over the coming years of specific social and affordable housing measures in each local authority area. Provision was made with the Department for a mid-term review of the plans to take place in 2006, to take account of both performance and any new policy initiatives.

To facilitate the review my Department has held bilateral meetings with all local authorities to discuss progress, changing needs and targets for the remainder of the Plan. Following the meetings local authorities have submitted review statements, which include commentary on overall performance; noting any significant deviations from the original planned targets and the reasons for such deviations; indicating if the overall targets are still valid in light of the recent Housing Needs Assessment or for other reasons; explaining any proposed changes to the targets for the remaining period of the plan and reviewing the plan in light of developments in areas such as Rental Assistance Scheme (RAS).

At this stage review statements have been received from all local authorities and a preliminary analysis has been carried out. Output figures for a number of schemes need to be clarified. While overall output is below target on some of the schemes, there is considerable optimism that over the full period of the plan, targets will be met. For example, Part V is now starting to gather momentum and has the potential to meet all affordable housing needs in some local authorities, while together with RAS it may overtake the main housing construction programme in other authorities, in meeting the long-term needs of a large number of applicants on the waiting list.

An Action Plan Working Group is currently being formed to carry out full analysis of this stage of the Action Plans. As well as examining performance to date the Group will make recommendations on a number of areas such as actions to improve delivery and monitoring of Action Plans in the future. In light of the fact that the review is ongoing and the detailed information sought in the Question is not fully collated, a breakdown at county level cannot yet be provided. However, considerable information on the supply of social and affordable housing, broken down by local authority is currently available on my Department's website www.environ.ie. Once the review has been finalised the report will be available from the Department.

The social and affordable action plans have provided local authorities and the Department with a focused framework for identifying needs, setting targets, measuring progress and taking account of changes in the housing policy arena. The mid-term review exercise has facilitated a reflection of all aspects of the first two years of the plan in terms of achievements and the remainder of the plan in light of developments.

Water Quality.

311. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government the reports that have been issued regarding poor water quality in Ireland's waterways in the past year; if such reports refer to the dumping of excretion from cruise boats in Ireland's waterways; if not, why not; and if he will make a statement on the matter. [30221/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Environmental Protection Agency (EPA) have issued the following reports regarding the water quality in Ireland's waterways in the past year: Phosphorous Regulations National Implementation Report 2005, Water Quality in Ireland 2005 Key Indicators of the Aquatic Environment, and Environment in Focus 2006 Environmental Indicators for Ireland. The Water Quality in Ireland 2005 Key Indicators of the Aquatic Environment report (August 2006) analyses what EPA consider to be the top ten core indicators of water quality in Ireland, namely river quality, nitrates in rivers, lake quality, fish kills, estuarine and coastal water quality, quality of shellfish waters, pollution at sea incidents, bathing water quality, faecal coliforms in ground water and nitrates in ground water. None of the EPA reports makes particular reference to the dumping of excretion from cruise boats in Ireland's waterways.

The EPA report that the main threats to the quality of Ireland's surface waters are municipal sewerage and diffuse agricultural pollution sources. These issues are being addressed by major investment in the Water Services Investment Programme and measures such as the Nitrates Regulations. However, my Department has over the years sought to facilitate the provision of sewage infrastructure to serve cruise boats under the Water Services Investment programme.

Departmental Expenditure.

312. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government if the moneys allocated to his Department in this year's Estimates will be fully and appropriately spent during 2006; if he has identified any allocated moneys which are not needed by his Department; and if so the amount of such moneys. [30233/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The 2006 provision for my Department will be used for the purposes intended and managed in accordance with Public Financial Procedures. At this stage in the year I anticipate that the provision should be sufficient to meet demands and that savings, if any, will be relatively small.

Fire Stations.

313. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government if he will sanction an application for funding for a fire station (details supplied) in County Tipperary; if he will ensure that the project is included in the 2007 programme of works as a matter of urgency; and if he will make a statement on the matter. [30244/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): North Tipperary County Council has submitted a proposal to my Department for the provision of a new fire station at Cloughjordan, Co Tipperary. Funding in this regard was not included in the 2006 Fire Services Capital Programme. However, the provision of such funding will be considered in future years having regard to overall demands on the fire service capital programme, the priorities of North Tipperary County Council, the level of activity, the proximity of other fire stations and the standard of the existing facilities.

Local Authority Housing.

314. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the status of an application (details supplied); if he will approve the project; and if he will make a statement on the matter. [30281/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Roscommon County Council sought my Department's approval to convert accommodation units at Torpon Beg, Ballyforan, from halting site units to group houses and to provide additional houses and associated works. Further consideration will be given to the proposal on receipt of the additional information recently requested from the Council.

Waste Disposal.

315. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if a person who has been investigated by a county council for alleged dumping will find out who reported the concerns to the council; and if he will make a statement on the matter. [30282/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In relation to unauthorised waste activities, it is a matter for the relevant individual local authorities and/or the Office of Environmental Enforcement to investigate any instances or reports of illegal disposal of waste and take any appropriate action in relation to such cases. My Department has no direct function in the matter. The arrangements made by local authorities or by the Office of Environmental Enforcement in relation to public access to information is primarily a matter for these bodies,

subject to compliance with relevant statutory provisions.

Water and Sewerage Schemes.

316. **Dr. Cowley** asked the Minister for the Environment, Heritage and Local Government the steps which are being taken by his Department to ensure a sewerage scheme is installed in the Achill Sound area of County Mayo which will service the full community and which will be affordable to the community and serve future generations; his views on whether these steps are necessary in view of the fact that it is on the cards for 15 years and that the polluter pays principle means that it is making the scheme economically impossible; if he will review this situation; if he will consider meeting with the group to outline the possibilities available; and if he will make a statement on the matter. [30308/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Achill Sound Sewerage Scheme has been approved under my Department's Water Services Investment Programme since June 2005. In common with all projects funded under the Programme, my Department funds the capital costs associated with the provision of services to meet the requirements of the existing domestic population. The additional marginal capital cost of servicing non-domestic consumers, and providing for future development, is recovered by the local authority from all non-domestic consumers in its functional area through a combination of water charges on commercial consumers and planning levies on future development. It is important to note that this should be done on a countywide basis and not confined to local communities. In fact it is only where a significant large scale consumer wishes to reserve a specific proportion of the overall capacity of a scheme that a direct contribution to the capital costs up-front is required for that consumer. I understand that it is unlikely that there are any such consumers in this case.

Proposals for a revised scheme for Achill Sound costing €5.377m were submitted to my Department by Mayo County Council in July last. The Council was informed on 11 August that the Department would provide funding of €3.619m in respect of the revised proposals and I would hope that the Council will now advance this long delayed scheme.

Local Authority Housing.

317. **Mr. G. Murphy** asked the Minister for the Environment, Heritage and Local Government when a rural cottage for a person (details supplied) in County Kerry will be approved by his Department. [30332/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department has received an application from Cork County Council in this case. The Council has been asked to furnish additional information regarding the technical merit of the application. An early decision will be made by my Department following the receipt of the necessary information from the Council.

Natural Heritage Areas.

318. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government when a person (details supplied) in County Roscommon will be issued with a top-up payment for the purchase of bog; and if he will make a statement on the matter. [30343/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Papers in relation to this case are currently being examined in my Department with a view to resolving issues regarding responsibility for the upkeep, repair and maintenance of the access way and also the liability for any claims resulting from the exercise of the right of way in relation to the land offered for sale.

Communications Masts.

319. **Mr. J. Higgins** asked the Minister for the Environment, Heritage and Local Government the reason mobile phone companies have been allowed to place microwave transmitters on buildings in Huntstown west Dublin, metres from a primary school. [30421/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As the Deputy is aware, communications masts are generally required to obtain planning permission. The Planning and Development Regulations 2001 set out certain exemptions in this area. These include, subject to certain conditions, the attachment of additional antennae to an existing antenna support structure, the erection of an antenna support structure in place of an existing antenna support structure and the attachment of antennae to certain existing structures, such as telegraph poles, electricity pylons and certain public or commercial buildings. These Regulations were the subject of extensive debate in the Joint Oireachtas Committee on the Environment and Local Government, and were subsequently approved by both Houses of the Oireachtas.

The Oireachtas Joint Committee on Communications, Marine and Natural Resources Report on Non-ionising radiation from mobile phone handsets and masts (June 2005) recommended, inter alia, that planning guidelines and planning exemptions be examined with a view to ensuring that no 'electromagnetic emissions' or 'radio frequency emissions' emitting equipment be permit-

[Mr. Roche.]

ted to be sited near health centres, schools or other sensitive sites such as playgrounds or pitches, etc.

On receipt the report of the Joint Committee, the Government, in September 2005, approved the establishment of an inter-departmental advisory committee and an expert group, working to the committee, on the health effects of electromagnetic fields. This Department is represented on the committee. The work of the committee and expert group is in train and I understand that their report is expected to be made to the Government by the end 2006, following which the Government will address appropriate action.

Housing Grants.

320. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that those qualifying for shared ownership loans, who opt to buy out the remaining equity in their property in any year subsequent to taking out the mortgage will automatically activate the claw back in full, whereas, those who can avail of a loan from a financial institution are not so penalised; if the way this compares with the terms offered to the

recipients of the various private sites or affordable housing schemes available to residents in the Dublin area; the way in which it transpires that some financial institutions are in a position to offer a mortgage at a repayment rate of up to €200.00 per month below that available through shared ownership loans involving approximately 50 percent of the equity, with the balance by way of rent; and if he will make a statement on the matter. [30422/06]

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): Shared ownership loans are provided solely by local authorities and, given that, the commercial lending agencies do not finance arrangements in which the local authority retains a share in the dwelling. Finance for these loans is made available by the Housing Finance Agency at a competitive rate, identical to their variable interest rate for other types of house purchase. There is no direct comparability between shared ownership loans and loans provided by private institutions in other circumstances. The claw-back condition operating under the various affordable schemes is a standard arrangement across all local authorities, and is designed to prevent short term profit taking on the basis of the publicly provided subsidies.