



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 28 June 2007.

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DÁIL ÉIREANN

*Déardaoin, 28 Meitheamh 2007.
Thursday, 28 June 2007.*

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

*Paidir.
Prayer.*

Requests to move Adjournment of Dáil under Standing Order 32.

An Ceann Comhairle: Before coming to the Order of Business, I propose to deal with a number of notices under Standing Order 32. I will call on Deputies in the order in which they submitted their notices to my office.

Deputy Seymour Crawford: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the way in which the Minister for Health and Children and the Health Service Executive can claim that €531 is the average cost of a bed in a nursing home in counties Cavan and Monaghan when the cheapest bed is more like €665, meaning that old age pensioners have to pay more than half their own old age pension to support their spouse in such a nursing home, leaving them €100 per week to exist on.

Deputy Michael Creed: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the threatened job losses at Molex, Millstreet, County Cork and the need for State agencies charged with job creation to target the Duhallow area of County Cork.

An Ceann Comhairle: Having considered the matters raised, they are not in order under Standing Order 32.

Order of Business.

The Tánaiste: It is proposed to take No. *a1*, Roads Bill 2007 [*Seanad*] — Second Stage.

An Ceann Comhairle: There are no proposals to be put to the House today.

Deputy Enda Kenny: I note that neither of the two Cabinet Ministers from the Green Party is in the House, nor is the Progressive Democrats Minister, which is a continuation of the contempt

they show for this House when it meets in formal session in the mornings.

In respect of proposed legislation, will the Tánaiste tell me the position regarding the Ethics Bill, which was promised last October to keep the Progressive Democrats in Government at the time and never got past First Stage in the Seanad? The programme for Government merely refers to vigorously implementing the full range of ethics legislation, but it is not part of the Government programme. Can I take that it is will be reintroduced or will it be dropped altogether?

Is it the Government's intention to revise or amend the Road Transport Act 1932 to deal with the ridiculous situation whereby private bus operators or Dublin Bus when they show initiative to use the port tunnel cannot do so without a change in the legislation. This has been promised on several occasions.

The Tánaiste: In respect of the first matter, the Ethics Bill that was prepared in my Department is on the Order Paper for the Seanad, which has not yet dissolved.

Deputy Enda Kenny: Will that be put before the Seanad?

The Tánaiste: It could, perhaps, be taken next week in the Seanad and brought back immediately to the Dáil and dealt with here in this session if Deputy Kenny so wishes. It deals specifically with the issues the Taoiseach and former Tánaiste outlined to us.

Deputy Enda Kenny: Does he think it will be taken this week in the Seanad?

The Tánaiste: It is my intention that we would legislate. If we can do it this week, with agreement, we could do it. We will wait to see what the story is on that. However, it will be legislated on as quickly as possible.

In respect of the other matter, I am not sure whether that is the legislative change required under the Road Transport Act 1932. There is a wider policy issue in respect of the amendment of the Road Traffic Act 1932 which is part of the programme for Government. The specific issue would need to be taken up with the line Minister.

Deputy Pat Rabbitte: As a matter of curiosity will we return soon to normal electronic voting? Is there any reason the House divides manually?

An Ceann Comhairle: I think it will be next week.

Deputy Pat Rabbitte: Is it a technical problem?

Minister of State at the Department of the Taoiseach (Deputy Tom Kitt): It is a matter of getting agreement on seating.

Deputy Pat Rabbitte: I thank the Minister of State for his explanation.

Will the Tánaiste tell me when the Ombudsman (Amendment) Bill is likely to come before the House? It was authorised for drafting by the Government on 26 January 1999. Are there drafting problems with it or is the Government not as committed to it as all the parties on this side of the House are? The Green Party was concerned about it when it was on this side of the House.

The Tánaiste's ministry is directly responsible for taking the report of the Standards in Public Office Commission. In respect of the report on political funding and the urgency that attaches in the view of the commission on the necessity to revisit the legislation, I have a statement here from Deputy Boyle which says the Green Party is in agreement with the points I raised the last day about this and that he thinks the Government will include amendments to meet the request from the Standards in Public Office Commission. Is that the case and does the Government intend to advance that legislation?

The Tánaiste: I understand that the Ombudsman (Amendment) Bill is due to be published and taken some time this year. In respect of the other matter, the report of the Standards in Public Office Commission will obviously be considered internally in my Department in the first instance. If there are any views to be taken or changes or modifications by the Government in the future, they will be dealt with by Government in due course. However, there has been no consideration of it in recent days.

Deputy Caoimhghín Ó Caoláin: I apologise for missing the announcement of requests to move the adjournment of the Dáil under Standing Order 32.

Can the Tánaiste tell us if the Nurses and Midwives Bill will be published before the resumption of the Dáil in the autumn session? He will appreciate that the Government has just come out of a very heated confrontation with members of the Irish Nurses Organisation and the Psychiatric Nurses Association of Ireland and that many within their ranks, even people among those who voted to accept the detail of the proposed resolution at the time, remain extremely vexed and annoyed. Will he at least expedite this long overdue legislation that addresses and relates to their profession?

In respect to the Government's programme of legislation, the practice in recent years has been that this is presented on the first day of the commencement of a new term. Is there any prospect that the Government would consider publishing it and circulating it to Deputies in advance of the commencement day so we can have clearer advance notice of the Government's intent for the new Dáil term in September?

The Tánaiste: The timing of publication of these lists is determined by the time at which the Government makes the decision. If the decision is made at a Government meeting immediately prior to the resumption of the House the list will be published as soon as possible thereafter. When the Government makes a decision on its intended legislative programme it will be published and circulated to Members as soon as practicable thereafter.

The nurses and midwives Bill will modernise the regulatory framework for nurses and midwives and will update and amend the Nurses Act 1985. I understand the Bill is due for publication some time this year.

Deputy Simon Coveney: What is the updated position of the Criminal Law (Trafficking in Persons and Sexual Offences) Bill? This time last year the Taoiseach assured the House we would see anti-human trafficking legislation before the end of the year. We were later assured that the Bill would be a priority for the Minister for Justice, Equality and Law Reform at the start of 2007 and a number of months ago the Taoiseach said we would see it before the summer. We still have not seen the Bill. When is the House likely to see the heads of the Bill or a draft of the proposed legislation?

The Tánaiste: The heads of the Bill have been approved by Government. It is a matter for the new Minister for Justice, Equality and Law Reform to prioritise the list of Bills he wishes to bring forward. I will bring Deputy Coveney's interest in this matter to the Minister's attention.

Deputy Seymour Crawford: A person is imprisoned in Mountjoy because they could not pay a fine imposed for failing to pay a television licence fee. In light of that fact, when will the attachment of fines Bill be brought before the House so such a fine can be attached to a social welfare payment or income?

Some time ago a Bill regarding the promotion and advertising of alcohol among young people was withdrawn so as to give a private agreement a chance to work. When will that Bill be re-examined so the advertising and promotion of alcohol to young people can be curtailed?

The Tánaiste: I cannot answer Deputy Crawford's second question at this stage. Given the new administration is only beginning to take effect, a parliamentary question to the line Minister would be the best way of eliciting exact information regarding the timing and prioritisation of legislation.

The enforcement of fines Bill will end imprisonment, where practicable, for inability to pay fines and will provide for new ways of enforcing fines. The Bill is at a preliminary stage of examination and it is not possible to say when it will be brought forward. I agree with the Deputy that the

issue should be dealt with. Imprisonment is a disproportionate outcome for a relatively minor offence.

Deputy Seymour Crawford: It is a waste of taxpayers' money.

Deputy Michael D. Higgins: When may we expect the foreshore legislation and the promised legislation which ensues, under various international agreements concluded some months ago, from the expansion of the Irish sea bed?

Does the Tánaiste envisage change in the drafting arrangements for legislation between now and September. The list of proposed legislation circulated on 23 April, for example, becomes meaningless if the legislation is not enacted in the lifetime of the Dáil. Are new measures for the drafting of legislation envisaged? Will legislation be put out for drafting or have changes been made to the drafting section so the legislative programme circulated in the autumn will have some meaning and we can envisage what can be debated in the House in the coming term? Otherwise we will see a repeat of a meaningless exercise where some legislation is listed for years and is never reached.

The Tánaiste: There is a committee, including the Attorney General and the Government Chief Whip, which meets regularly. I am sure this system brought equal frustration to Deputy Higgins in his time as a Minister——

Deputy Michael D. Higgins: I would not have much confidence in that system.

The Tánaiste: The Deputy's legislative record is better than he is inclined to indicate.

Deputy Michael D. Higgins: That goes against the grain for the Tánaiste.

The Tánaiste: It is the Taoiseach's view that Ministers put on the list legislation which can be achieved in the timeframe of the list. Many Departments have ambitions for legislation which cannot be achieved in a timely fashion because of its complexity or because it is in the early stage of preparation. Rather than putting such legislation on lists and raising expectations of immediate legislative effect it would be better to shorten the list and have a more definite programme.

Deputy Pat Rabbitte: The Ombudsman Bill is an example.

The Tánaiste: The Ombudsman Bill is such a Bill. I presume I can, with the consent of the leader of the Labour Party, drop it from the list, if that is the logical outcome of this interaction.

The Chief Whip is anxious, with the co-operation of Ministers, to make sure the list is an accurate reflection of what will be possible during the coming term. There is a huge amount of legislation in various stages of preparation and much

work is ongoing. It is for the Government to prioritise legislation. It might not correlate with the priorities of Members of the House but that is the privilege of Government. The list should be an accurate reflection of what is possible within the terms of the administration so that Opposition spokespersons, as well as Ministers and Departments, can apply their time most effectively.

I cannot give a direct answer to Deputy Higgins's question on the foreshore legislation. I will ask the line Minister to communicate with him.

Deputy Bernard J. Durkan: During the 29th Dáil the Taoiseach acknowledged that the Postal (Miscellaneous Provisions) Bill fell off the waggon, along with other legislation. Is it intended to return to that Bill with a view to addressing the serious issues of An Post and the postal service throughout the country?

On yesterday's Order of Business, the Taoiseach, in reply to my question on the broadcasting authority of Ireland Bill, mentioned possible changes to the heads of that Bill, which is shortly to be published. Has the RTE Authority been in touch with the Government or has the Government been in touch with the authority regarding aspects of the Bill and are changes likely to result therefrom?

Deputy Thomas P. Broughan: On the same issue, does the Minister intend to include in the Bill, which was discussed by the 29th Dáil, the abolition of the RTE Authority?

The Tánaiste: The answer to Deputy Broughan's question is no, to my knowledge. With regard to Deputy Durkan's question, I do not know what is the process of consultation. The text of the broadcasting authority of Ireland Bill has been approved by the Government and is due for publication this year.

There has been no change in the Postal (Miscellaneous Provisions) Bill. That waggon remains unrepaired and the Bill is off the list.

Deputy Bernard J. Durkan: Can the new Government not restore it to the list?

Deputy Jan O'Sullivan: Two very welcome statutory instruments were laid before the House this week. They establish the Limerick north side and south side regeneration boards. It appears that public representatives are precluded from sitting on these boards but I understand from my colleagues that the Dublin regeneration boards contain public representatives. What is the reason for this discrepancy?

The Tánaiste: I cannot answer that question directly. The Deputy will have to take it up with the Minister concerned.

Deputy Jan O'Sullivan: Will the Tánaiste come back to me on it?

The Tánaiste: I will ask the Minister concerned to return to the Deputy on it.

Deputy Jack Wall: Many groups are interested in the Curragh of Kildare Bill, including the bloodstock industry. The Bill has been referred to in the House for some time but no specific dates have been given. Various groups such as the Green Party are interested in its publication.

The Tánaiste: The heads of the Bill were approved some time ago and it is expected to be published this year.

Deputy Joan Burton: What is the Government's intention on legislation for management companies? There are many hundreds of management companies in various states of existence charging extensive fees to residents of houses and apartments but there is no regulation in the area. The Law Reform Commission report, as well as various other reports, are available. Legislation in the area is referred to in the programme for Government, but does the Government intend to legislate for management companies?

The Tánaiste: The property services regulatory authority Bill will provide for the establishment of a property services regulatory authority to give effect to the report of auctioneering-estate agency review group. Is that the issue to which the Deputy is referring?

Deputy Joan Burton: No. I understand it is intended that Bill will offer some control over the operation of management agents, but I am referring to the people employed by management companies, which are the legal authorities over substantial properties, houses and apartments. It is a huge and growing difficulty.

An Ceann Comhairle: Is legislation promised on this matter?

Deputy Olivia Mitchell: Yes, it is.

Deputy Emmet Stagg: Yes, three separate Bills were promised.

Deputy Joan Burton: The former Minister for the Environment, Heritage and Local Government and the Taoiseach promised legislation on this matter. I recall at public meetings I attended that this matter was very high on the Green Party's agenda.

Deputy Billy Timmins: That must have been a very long list.

Deputy Fergus O'Dowd: I am sure it will be recycled.

Deputy Joan Burton: Will the Tánaiste tell us if the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, has a commitment to introduce legislation in this area?

Deputy Paul Kehoe: He is missing today.

Deputy Joan Burton: As well as taking an interest in ancient monuments, will the Minister take an interest in new buildings for the thousands of people subject to management companies?

The Tánaiste: A number of Departments have responsibilities for dealing with this matter which is at interdepartmental stage. I will get back to Deputy on the matter.

Deputy Seán Power: Well done Deputy Burton.

Deputy Paul Kehoe: I am led to believe that the Minister, Deputy Gormley, went up a one-way street this morning and the State car was behind him.

The charities regulation Bill has been on the go for some time. We were told there was a problem with the draftsman in the Department. When will the Bill be brought before the House?

The Tánaiste: It is on Order for Second Stage, which Deputy Kehoe, as Whip, should know.

Deputy Paul Kehoe: We were told that five months ago.

Deputy Éamon Ó Cuív: It was published in April.

Deputy Michael Noonan: Has the Government decided whether a referendum is necessary to ratify the recently negotiated EU treaty? I understand that all international treaties which impose a potential charge on the Exchequer will have to be ratified by the Dáil and Seanad. If such a decision has been made, when will the legislation to allow for the referendum to take place be published? Will it be done this year?

The Tánaiste: That will be a matter for formal advice from the Attorney General, but all the indications, based on previous experience, are that such a treaty will require a referendum. The Taoiseach indicated in a press conference immediately after the EU summit that it will be some time next year before he will consider bringing it before the people. It is likely, subject to detailed advice from the Attorney General, that is the situation.

Deputy Liz McManus: A number of years ago the Minister for Health and Children promised simple legislation to regulate the use of sunbeds, particularly to protect children. Since the new Government was elected, we have had very little

sunshine and I imagine the use of sunbeds has increased.

The Tánaiste: We are blamed for the weather now.

Deputy Liz McManus: We expect we will not get much sunshine.

A Deputy: Not in this Chamber anyway.

Deputy Noel Dempsey: There is a climate of gloom over the Opposition benches.

Deputy Liz McManus: Will the Tánaiste ensure this legislation is progressed? At the moment it is tied in with other measures relating to tobacco control and food safety. No date is indicated for the legislation, which is ludicrous. A simple Bill is required and it will protect children under 16 years of age. It was promised by the previous Government. In view of the bad weather, perhaps the Tánaiste will consider this approach.

The Tánaiste: It will be introduced this year rather than this summer.

Deputy Michael Creed: Is the Government considering introducing legislation to safeguard the primacy of local elected members in framing planning policy, in view of the imminent ruling by the European Commission which will have the effect of striking down provisions in more than 20 county development plans?

The Tánaiste: This issue arose in the past couple of days as a result of a case that has been publicised. Consideration must be given to its impact and applicability.

Roads Bill 2007 [Seanad]: Second Stage.

Minister for Transport and the Marine (Deputy Noel Dempsey): I move: "That the Bill be now read a Second Time."

I take this opportunity to wish the Ceannt Comhairle every success in his new position.

The Roads Bill 2007 represents an important step in ensuring the implementation of the most modern and efficient system of levying tolls on national roads. It puts forward measures to further improve the efficient and cost effective delivery of the national roads programme under the framework of Transport 21.

The principal purpose of the Bill is to provide the necessary statutory basis to facilitate the implementation of free-flow, open-road tolling, also known as barrier-free tolling, on toll-based national road schemes, through the provision of appropriate deterrents for non-payment of tolls. The Bill provides for the redesignation of certain high quality dual carriageways to be motorways; the provision of service and rest areas on the national road network; some technical amendments to various sections of the Roads Act 1993

and a number of amendments to the Taxi Regulation Act 2003; and the making of by-laws to deal with the issue of parking at sports stadia on event days.

The provisions of the Bill were well received by all sides during its passage through the Seanad in March. There was a positive and constructive debate among our Seanad colleagues on the key aspects of the Bill. Enactment of the Bill before the summer recess is essential if the ambitious timeframe for the introduction of barrier-free tolling is to be met.

The primary purpose of the Bill is to facilitate the introduction of free-flow tolling on the M50. While barrier-free tolling is the centrepiece of the

Bill, it is not a panacea for the traffic problems that are experienced on a daily basis by commuters using the M50. The lifting of the barriers is only one part of the Government's M50 strategy. This Government and the National Roads Authority are fully committed to improving the level of service provided to motorists on the M50 and believe this will be best achieved through the M50 upgrade, including the interchanges coupled with the move to barrier free tolling. I will talk in more detail about the various aspects of barrier free tolling a little later. I take this opportunity to inform the Dáil on the progress we have made and are making on the M50.

That M50 upgrade project involves the widening of around 34 km of motorway from two to three lanes in each direction — with a fourth auxiliary lane in places — from south of the M50-M1 interchange near Dublin Airport through to the Sandyford interchange. Critically, it involves the upgrade of ten junctions along this length.

There is no quick fix for congestion on the M50. The total cost of the upgrade is approximately €1 billion and it is being undertaken in three phases. Once complete in 2010 the upgrade will bring significant benefits, as it will expand the capacity of the M50 to deal with at least 50% more traffic than at present; improve average peak hour speeds; reduce traffic congestion on the radial routes, N3, N4 and N7; and improve traffic flow on the whole of the Dublin road network.

All the agencies, including South Dublin County Council, Dublin City Council, the National Roads Authority and the Garda are co-operating closely to ensure that everything possible is done to mitigate the impact of the upgrade work on traffic flows on the M50. I am satisfied that no effort is being spared by those responsible for traffic management and law enforcement to alleviate the problems on the M50 in so far as that is possible and I thank them for their efforts.

Since this issue has received considerable comment, I would just say that the M50 works are progressing as quickly as possible. A constant criticism voiced is that little or no work is carried out during the evening or at weekends. Night-

[Deputy Noel Dempsey.]

time work regularly takes place on this project but only within the restrictions of the An Bord Pleanála planning permission. The planning permission granted by An Bord Pleanála for the M50 upgrade works explicitly forbids heavy construction work during these time periods. This combination of noise related working restrictions, imposed through the planning process means that the type of 24/7 around the clock operation that a number of commentators and political representatives have called for, and which I would welcome, just cannot be done, as it would be unlawful and in breach of planning permission. These restrictions inevitably mean that the project takes longer to construct than many of us would like.

I am confident that with the upgrade complete by 2010, traffic congestion and delays on the M50 will be reduced and road users will be provided with an improved level of service. Road users will begin to see significant benefits next year when the first phases of the motorway upgrade are complete and the barrier-free tolling, which I will describe in more detail shortly, is in place. Another important step in resolving congestion on the M50 was the decision to remove NTR's tolling concession at West-Link. For commercial and strategic reasons, the NRA, with the agreement of Deputy Martin Cullen, my predecessor as Minister for Transport, decided last year to end the arrangement with NTR under a 1987 agreement for the collection of tolls at West Link up to 2020. NTR has to be compensated in line with the 1987 Agreement, which is a binding contract. However, the compensation arrangement will not leave the taxpayers any worse off than they would have been had the agreement been allowed to run until 2020.

By removing NTR now as opposed to 2020, the State, rather than NTR, will be the beneficiary of the increased toll revenue as a result of the increase in traffic volumes from the upgrade and the way will be paved for the smooth transition to the barrier free tolling regime we are all anxious to see. The toll revenue generated from 2008 onwards will be used to fund the compensation to NTR as well as contributing towards the funding of the M50 upgrade project.

The significant ongoing developments and plans for the M50 must be placed in their proper strategic context. That context is, first of all, the national roads programme and at a higher level the Government's blueprint for transport investment over the next decade.

Transport 21 was launched in November 2005. Earlier this year the national development plan reaffirmed the details of Transport 21 and made it clear to all that it was all about putting in place the infrastructure and systems needed to help to continue Ireland's economic success. It is a programme of work that will see a modern, state of the art, sustainable transport network being rolled out and delivered in the years ahead. It will

involve transport investment of more than €34 billion over ten years, the most significant infrastructural investment in the history of the Irish State.

Progress in the national roads programme has been excellent in recent years. However, progress in 2006, the first year of Transport 21, was better than excellent — it was truly exceptional. The Government hit the ground running in the implementation of the roads element of Transport 21. Fourteen projects were completed and open to traffic and a dozen more started construction — more than three times the number of starts in the previous year. The total investment in our roads was €1.7 billion, some €90 million ahead of target.

Work is currently in progress on 23 projects covering more than 450 km of roadway. A large number of other projects are at various stages of planning and design. Ireland's national road network continues to be transformed under Transport 21. Not only is the network being transformed, so is the way in which road projects are being delivered. Most projects are now being delivered on time and in budget. This includes 12 of the 14 schemes opened last year. I am glad to report that many schemes are being delivered ahead of time. These include the N8 Rathcormac-Fermoy bypass, delivered eight months ahead of time, the N21 Kinsale Road interchange, opened six months ahead of schedule and the M1 Dundalk western bypass, finished five months ahead of its original date, while the N4 Kilcock-Kinnegad opened ten months ahead of schedule.

The benefits of the record level of investment in the national roads programme are evident throughout the country. Longstanding bottlenecks have been eliminated. This has delivered substantial journey-time savings and greater certainty. The high quality network being put in place is contributing significantly to supporting our national competitiveness, job creation and the achievement of more balanced regional development. It will also deliver a positive road safety dividend as upgraded roads, particularly motorway or dual carriageway standard roads provide a much safer driving environment.

The primary purpose for the introduction of this legislation is the need to provide the necessary statutory basis to facilitate the implementation of free flow open road tolling, also known as barrier-free tolling, on toll-based national road schemes, through the provision of appropriate deterrents for non-payment of tolls. This legislation is necessary to support the introduction of free flow open road tolling at West Link on the M50 by August 2008.

I take this opportunity to outline several facts about how free flow tolling will operate on the M50 from next summer. This, I hope, will help to dispel some of the rumours and half-truths that have sprung up around the issue.

There will only be tolling at one point on the newly upgraded M50, that is, at the West Link bridge. The existing toll plaza will be knocked

down and replaced by two gantries whose purpose will be to read electronic pre-paid tags on vehicles and to take a photographic record of those vehicles that do not have those tags in order to invoice the road users for the payment of the toll.

A road user will be able to pay the toll in a variety of ways. The most common and convenient way is likely to be by prepaid electronic tag, which the motorist will attach to the windscreen of his vehicle. As an incentive, registered users will be offered a discount on the standard toll rate. Users can also post-pay, that is, after they have used the toll road. This can be done over the phone by credit or debit card, on-line or at selected retail outlets.

Non-registered users who use the toll road and who do not pay by 8 p.m. the following day — by phone, on-line or in selected retail outlets — will be sent a letter in the post asking them to pay the toll charge. They will have a number of days to pay the toll charge itself and if they fail to do so they will then incur a liability to pay a default toll.

A toll operator will operate this new system on behalf of the NRA. The BetEire consortium has been appointed to this role. All tolling revenues, after costs, including those accruing from the default toll charge will go to the NRA to be reinvested in the national road network. Tolls will be kept at levels similar to what they are today, allowing for inflation.

The electronic tags that will be used on the M50 will work on all other toll roads including the Dublin Port tunnel. Full interoperability between the various tolling tags in use has been introduced in recent weeks.

The system is being designed and operated by some of the leading experts in the world. It will be up and running as fast as is possible, a full 12 months ahead of a comparable project in Vancouver, Canada. Despite this fact, we live in a world where there is an almost incessant demand to have things delivered now. I can appreciate this especially in respect of the M50; people feel quite rightly that they deserve a better service on that motorway. Commuters and road users continue to ask why the road project cannot be completed sooner. This is perfectly understandable but we must get it right. Time is needed to ensure that all involved do get it right. I firmly believe that this project will, by any objective international standard, be delivered in record time.

The NRA has employed some of the foremost experts in the field to advise it on this matter. These people have constructed and operated toll bridges worldwide, from Vancouver to Paris to California. Their considered expert opinion is that the earliest possible date that we can have a successful new system up and running will be August 2008. Time is needed to design and develop the necessary computerised systems and software and also to construct and install the new tolling gantries and associated electronic apparatus. A further period will be needed to install

and test all the systems. Furthermore, back office systems need to be put in place and tested rigorously. There will be trial periods to fine tune the operation before it finally goes live. Overall, this will be done in one year less than the Conference of European Directors of Roads recommends as a realistic implementation timetable for such a project.

Sections 1 and 2 of the Bill set out the various definitions that are used therein. Section 3 is a necessary technical amendment and provides that a toll scheme must specify the way in which tolls will be collected and charged.

Section 4 establishes a charge that a motorist will incur for not paying a toll on time; this charge is known as a default toll. The level of the charge will be set by toll by-laws, which will be drawn up by the NRA following public consultation. At this stage it is not possible to say how much the charge will be, as this requires further research and analytical work by the NRA. However, I can say that the practical application of the charge is likely to be quite similar to that associated with the current parking fine system. The motorist will have the chance to pay the charge within a specified period from the date he receives the default toll notice. If he fails to pay within the allotted time, the charge will increase by a multiple of the original charge. If the charge is still unpaid after a further period of time then court proceedings may be initiated for recovery of the toll and related charges as a simple contract debt.

Section 5 gives toll operators access to the national vehicle and driver file to facilitate the collection of tolls and default tolls from users who are outside the electronic payment system. It also imposes certain responsibilities on leasing and hire companies to provide information about cars they have leased or hired out.

Section 6 updates the legislative references to local government bodies in section 13 of the Roads Act 1993 in light of the changes in local government legislation that have taken place since that Act was enacted.

Section 7 relates to the Functions of the National Roads Authority. It amends section 19 of the Roads Act 1993, which specifies detailed functions of the National Roads Authority including preparing or arranging for the preparations of designs, maintenance programmes and schemes for traffic signs, securing the carrying out of works, allocating grants, specifying standards and carrying out or assisting research. The section replaces the existing section 19(1) of the Roads Act 1993. The majority of the provisions are the same as the section it replaces but the main change is that the NRA is now given specific powers to provide service and rest areas on the national road network.

It is important to emphasise that no part of the Bill affects the fundamental way in which the national roads programme is to be delivered, as envisaged in the Roads Act 1993. The excellent work we are seeing and will continue to see in the

[Deputy Noel Dempsey.]

national roads programme under Transport 21 results from the partnership ethos that has developed over many years between the NRA and the local authorities throughout the country.

Section 8 of the Bill deals with the issue of motorway designation. A central part of the national roads programme and the national development plan is the development, to motorway or high-quality dual carriageway standard, of the five major inter-urban routes linking Dublin to Cork, Galway, Limerick, Waterford and the Border. Excellent progress continues to be made on the development of these routes. More than 70% have been completed or are in construction.

To date, the development of these routes has been largely on the basis of achieving high-quality dual carriageway standard. However, as the national road-building programme has evolved, the specifications, physical design and layout features of high-quality dual carriageways have developed to the stage where high-quality dual carriageways are now essentially the same as motorways. Nevertheless, while there is now little or no physical difference between the two road types, there are major procedural and practical differences between the two. For example, the speed limits, signage and the nature of traffic and classes of vehicles permitted to use the two road types differ. Most significantly, there are major differences between the access and development controls that apply to the two road types. Development beside and access to motorways are far more stringently controlled than in the case of high-quality dual carriageways.

In order to protect the substantial investment being made in the national road network and to help prevent premature obsolescence of the network it is proposed in the Bill to provide a ministerial power to make orders declaring certain high-quality dual carriageways to be motorways.

The proposed provision allows the Minister for Transport, under certain circumstances and subject to consultation, to declare an existing high quality dual carriageway or a high quality dual carriageway in construction or planning to be a motorway. At present, a road can only legally be a motorway if it has gone through the planning process under a motorway scheme. This section of the Bill will create a straightforward alternative statutory procedure, subject to appropriate checks and balances, for a high quality dual carriageway to be declared a motorway. The provision is time limited in that only existing high quality dual carriageways or those in the statutory planning process on the date of passage of the Act may be declared to be motorways under the provision. This will mean that the currency of this provision will probably end some time next year. In effect, this means that the provision covers in the main all of the major interurban routes which are already almost three quarters complete or in construction and which are due for completion under Transport 21 by 2010.

Before issuing a declaration under this provision, the Minister must arrange for a public consultation process and he or she is also obliged to consider any observations or objections that result from that process. On the advice of the Office of the Attorney General, the proposed public consultation procedure is similar to that currently provided for motorway schemes under section 48 of the Roads Act 1993. There are some concerns about restrictive approaches to development along national secondary roads and non-national roads. I have therefore arranged for my Department, in consultation with the Department of the Environment, Heritage and Local Government, to examine the question of further developing the guidance material which has issued to the NRA and local authorities with a view to providing for improved flexibility in the development proposals affecting other lightly trafficked routes.

Sections 9 and 10 of the Bill make a number of amendments to the Roads Act 1993 to facilitate the provision of service and rest areas on the national road network. Ireland's national road network has been transformed almost beyond all recognition over the last decade. A consequence of the substantial development of long lengths of motorways and high quality dual carriageways is that there is an increasing need for facilities to cater for road users who wish to rest during their journeys and/or avail of fuel, sanitary and refreshment facilities.

Mindful of this, my colleague, the former Minister for Transport, asked the NRA to review its policy in this area last year. The NRA subsequently published its policy document on service and rest areas on the national road network in July of last year. To address the growing need for service and rest areas the NRA intends to provide service areas offering a full range of services, including retail services, at intervals of approximately 50 to 60 kms and rest areas, parking and sanitary facilities only, at intervals of approximately 25 to 30 kms. These facilities will be located both on-line and at or close to existing interchanges.

It is worth remembering that the timely development of these areas will make a valued contribution to improving the safety of the road network. This will be true for all road users but particularly so for road hauliers who tend to drive for longer sustained periods than most other road users. The rest areas that will be constructed on the network will also make it easier for them to comply with EU rules on driving times and rest periods.

The NRA has recently concluded an extensive investigation to identify the optimum locations for on-line service and rest areas. The exercise identified locations for up to 12 service areas and 11 rest areas on the major inter-urban routes, M1, M4/N4, N6, M7/N7, N8, N9, as well as the N6/N18 and N11 routes. The Roads Act 1993 does not give the NRA explicit powers to provide these

rest and service areas on the existing motorway and dual carriageway networks. The provisions in this Bill address this deficiency and will greatly facilitate the NRA and road authorities in arranging for the provision of service areas on motorways and dual carriageways. The amendments I propose in this Bill will allow the NRA to drive the planning and development of these service and rest areas. Once constructed it is intended the facilities will be operated by way of a PPP arrangement.

Section 11 of the Bill refers to the various amendments to the Roads Act 1993 that are being made in the Schedule to the Bill. I will refer to some of these later.

Section 12 addresses the issue of parking congestion experienced on public roads in the environs of sports stadia and such venues on event days. It amends the Road Traffic Act 1994 to allow local councils to deal with the matter through the making of by-laws together with some consequential and connected amendments.

Section 13 of the Bill introduces a number of amendments to provisions of the Taxi Regulation Act 2003. The initiatives proposed reflect on issues raised with the Department by the Commission for Taxi Regulation and are aimed at building on the programmes already being implemented by the commission to promote the development of quality services by all of those engaged in the operation of small public service vehicles.

In that general context, the proposal to amend section 34 of the 2003 Act provides for the introduction of a licensing control regime for dispatch operators who operate a business for taking bookings for taxis, hackneys and limousines. Dispatch operators play a key role in the delivery of services especially to those who cannot avail of on-street services, such as those available from taxi ranks.

Since the passage of the 2003 Act, the commission has pursued a programme of regulatory reform that has seen the realisation of a significant range of changes from the previous code. Against that background, I see no reason to continue with the general requirement for ministerial consent to future regulatory changes that the commission wishes to pursue.

Accordingly, section 13 proposes that the requirement for ministerial consent for the making of certain regulations, or ministerial consultation, in sections 34, 38, 46 and 52 of the 2003 Act be removed. This proposal will greatly enhance the independent status of the commission. However, all orders or regulations made by the commission under the Act will continue to be subject to the requirement to be laid before the Houses of the Oireachtas after they are made, in accordance with section 3 of the 2003 Act.

In addition to an amendment to facilitate the extension of the fixed charge system to offences under regulations made under section 39 of the 2003 Act, the House will also note this section

provides for the extension to hackneys and limousines of the enabling powers available to the commission in respect of taxi fares. This initiative is an enabling provision and does not necessarily herald the adoption of fare controls for hackney and limousine operations in the near future.

Finally, the section proposes that the maximum fines for certain of the offences established under the 2003 Act should be increased. I am promoting this change for the immediate purpose of bringing the maximum fines more into line with the current maximum fines applicable to summary convictions that have been established in legislation since the passage of the 2003 Act.

Section 14 of the Bill is a standard provision regarding the short and collective citation of the Bill.

The Schedule to the Bill contains a number of miscellaneous provisions. Many of these amendments are consequential on new or changed legislation enacted after 1993.

The non-consequential amendments contained in the Schedule to the Act are of a technical nature and their purpose is to make it easier for the NRA to better manage and administer the national roads programme. Many of the others are simple updates of references in the Roads Act 1993 to other legislation that has changed since that Act was passed. Because of their nature I will not dwell too long on any of them but some are worthy of greater explanation.

Section 63 of the Roads Act 1993 allows the NRA to make toll agreements with private investors. Two amendments are being made to this section. The first ensures that toll agreements can prescribe the way in which tolls are to be collected. This will explicitly allow for tolling in a barrier-free environment. The second inserts a new subsection (1A) and allows a road authority to enter into different agreements with different persons on the financing, construction, maintenance and operation of toll roads.

The amendments to section 81 of the Roads Act 1993 put in place a penalty and enforcement regime that better reflects the needs of the 21st century. Penalties are strengthened and updated for various offences throughout the Roads Act. The section also reflects the fact that new offences have been created under this Bill in regard to barrier free tolling. In general, fines have been increased from £1,000 to €5,000.

Criminal prosecution is a last resort. Every effort will be made to ensure people have the chance to comply fully with the terms of this Act. The vast majority of people will do this without giving it a second thought. However, it is necessary to have the "stick" of criminal prosecution to make it clear that we are serious about enforcing the terms of this important road legislation.

This legislation is essential if barrier-free tolling is to happen in the near future. Once enacted it should allow systems to be put in place on roads like the M50 that will relieve congestion and improve the quality of life for all road users.

[Deputy Noel Dempsey.]

The other provisions of the Bill should allow the NRA and its partners to better administer the national roads programme so the very welcome benefits it has been delivering over the last few years can continue at an even greater pace. The dividends that have been reaped in terms of value for money and road safety can be maintained and enhanced. Finally, the substantial investment we have made and will be making in our national road network over the period of Transport 21 can be protected for future generations of road users.

Deputies will appreciate there is a particular urgency which the Government wishes to see applied to the passage of the Bill, in particular to allow for the process of the introduction of barrier-free tolling to begin with certainty and also to allow the commencement of the process for the procurement of service and rest areas on the national road network.

I apologise to Deputies that copies of my speech were unavailable until I had started. I look forward to the co-operation of Members in facilitating the passage of the Bill and I commend it to the House.

Deputy Olivia Mitchell: I wish to share time with Deputies Shane McEntee and Paul Kehoe. As this is my first opportunity to speak in the 30th Dáil, I wish to congratulate the Ceann Comhairle and wish him well and also the Minister on his appointment as Minister for Transport. It is not the first time we have opposed one another as we faced each other in the past on environment matters.

I welcome the Bill as it presages and facilitates the removal of the hated barriers on the M50. These barriers have caused such misery to commuters over the years. They are adding to the delays, congestion and heartache caused both by the upgrade works and by the recent opening of the Dublin Port tunnel in tandem with the works. If this Roads Bill helps get rid of these barriers, then I will certainly welcome it and I want to see it become law quickly.

I support and appreciate the necessity of putting legislation in place to ensure that enforcement proceedings against non-payers of the toll are possible and that follow-up procedures are robust. Barrier-free tolling is an honour system and as with any such system, a failure to pay and to behave honourably must be followed by retribution which must be swift, onerous and without exception. If this is not the case and if immediate and inescapable penalties for non-payment are not applied, then the system as a whole is discredited and universal avoidance of the payment is almost inevitable.

Most people would probably prefer not to pay any tolls but the vast majority are law-abiding and will pay what is required by law. However, it should be noted that they will only pay if the law is applied to everyone and enforcement of the law is applied to every defaulter. It is unfortunate that

this will not be the case; the toll will not be paid by any foreign-registered car or truck. Many foreign drivers will not pay even when they are driving Irish-registered cars, simply because it will be impossible to find them. I do not believe I am the only person to have heard anecdotal evidence of widespread fraud with regard to foreign licences, foreign insurance and foreign registration and I am sure the Minister hears it as frequently as I do. Unless the law is applied universally and the toll paid by everybody, it will become a cause of significant resentment and ultimately will lead to widespread resistance to payment.

It is grossly unfair that Irish hauliers who are already paying road tax in Ireland will also pay this toll while their European counterparts who pay no road tax will not be required to pay the toll. It is inevitable that this inequity will have a distorting effect on the structure of the industry. In the long term, it is difficult to presume there will be any Irish-registered trucks if payment of tolls can be avoided by hauliers who use toll roads on a regular basis. Tolls make up a considerable part of a haulier's costs and there will be a real incentive to register trucks outside the country.

Non-Irish people make up 10% of the population. Foreign licences are outside the scope of the penalty points system and these licence-holders are not accruing penalty points. This cannot be allowed to continue. For any law to be credible, it must be applied 100% and not 90% or 80%. The Minister's predecessor maintained it was impossible to bring all residents within the system because there was no access to the driver files of other EU countries. I accept that failure to have access to the driver files of other states makes the situation more difficult but it is not insurmountable and if the will was there, it could be done.

Other countries have access to Irish driver files. I refer to Irish residents who fail to pay the London congestion charge and find a bill waiting for them when they return to Ireland. The German roads authority charges every German haulier a fee per kilometre for road usage and this is administered and monitored through a comprehensive camera system. The charge is unerringly accurate and absolutely inescapable. Britain is introducing legislation to ensure total compliance with and enforcement of penalty points and congestion tolls which will be operated by means of the camera system. The British police are to be given powers to collect on-the-spot fines or to confiscate the vehicle. This is what is needed in this jurisdiction and if the Irish licensing and driver file systems are not sufficient, then the Garda Síochána and a camera system must be used.

Significant sums of taxpayers' money are being paid in order to introduce barrier-free tolling. The cost of the administrative and surveillance system and the annual operating costs will be sub-

stantial. However, the system will only apply to approximately 90% of the population and this is not good enough.

The provision of a country-wide camera surveillance system has recently been put to tender. This will be effectively an electronic policing system but its potential is not being maximised as it will only police the offence of speeding. It must be used to at least allow gardaí pursue persistent offenders such as those who persistently fail to pay tolls.

The Minister in his contribution was at pains to emphasise the sophistication of the barrier-free tolling mechanism and the administrative and back-up system. However, it only monitors some of the traffic. This is regrettable when the technology exists to ensure 100% compliance. Fine Gael supports barrier-free tolling and it cannot happen quick enough on the M50, in my view. Fine Gael wishes to facilitate the legislation but we should ensure that it will provide the right solution.

The Minister acknowledged that people would love to see the barriers disappear. People cannot understand the reason the barriers on the M50 are not raised when congestion is at its worst. There is now a contract agreed for the buying-back of the concession from National Toll Roads and this contract will be completed next year. The public cannot understand why occasional relief cannot be given when congestion is at its worst and during the ongoing upgrade works. There have been several instances of appalling congestion on the M50. The smallest thing can throw the entire commuter belt into chaos; a traffic cone falls over and is moved at the inappropriate moment and this causes back-ups which last for hours. It makes sense at times like this to do everything possible to make life a little easier and less miserable for people who have to use the M50.

I do not believe Ministers have any real concept of what it is like to have to commute on the M50 every day, twice a day. Hearing reports on AA Roadwatch is different from having to experience such delays twice a day. The impact is felt beyond the M50 because as a result of the congestion on the M50, the upgrade works and the trucks arriving from the tunnel, the number of vehicles using the M50 has dropped by approximately 15,000. Those vehicles are still making journeys every day but they are now using local roads in the vicinity of the M50 and this is adding to congestion and making life miserable for people living in that commuter belt.

The taxpayer, the motorist and the public at large are all of the view that the toll arrangements on the M50 — which took 20 years to complete — and the WestLink were a rotten deal in every sense and continue to be so. It is time to give the taxpayers and the motorists a break and to show a little sensitivity. The world would not come to an end if the barriers were occasionally raised to clear the worst of the queues. I appreciate the

lifting of the barriers will not solve the general congestion problem on the M50 but it would make some difference at some times of the day and would indicate an appreciation of what commuters must endure every day.

The previous Minister introduced this Bill in the Seanad and he stated that from 2008 when barrier-free tolling is to be introduced, the National Roads Authority would be in a position to manage and address congestion difficulties on the M50. He stated that it will allow systems to be put in place on roads such as the M50 to relieve congestion and improve quality of life. I may be a little over-suspicious but I am not sure what this means. The passive, single-point toll which we were promised and which the Minister has referred to in his contribution is not consistent with the language being used here of “active management”. I would like to know the exact meaning. Is it merely the ability to vary the toll? If so, what are the parameters of the variation in the toll? Can we be assured that the cost will not be such that local roads will become the relief roads?

Can the single-point toll that the Minister has again promised us this morning be levied at any point along the route? Will it definitely be at a single point? What is meant precisely when the Minister refers to “systems to manage congestion”? What is the act of management to which he refers? Is he happy to hand over powers to vary or manage tolls on the M50 to a body not accountable to the Dáil?

Regarding the other provisions, I fully support the designation of high-quality dual carriageways as motorways. I understand that the thinking behind the proposal is to accord protection against overdevelopment. It is a good idea to protect the public investment in such roads. My only reservation is in respect of the differences in compensation paid for land purchased for dual carriageways and motorways. In the case of the latter, I presume that the development controls and limits are quite clear and that the compensation reflects that. If we designate dual carriageways as motorways retrospectively, might that imply constitutional challenges, given our predilection thereto in this country? I presume that this has been thought about, but perhaps the Minister might set my mind at rest.

I welcome the long-overdue introduction of service areas on motorways, something essential for hauliers in particular. For everyone, especially those travelling with children, it is very important that there be a safe place to pull over. For hauliers making long-distance journeys, it is an absolutely essential road safety measure. The Minister will be aware that the sea journey to Europe renders compliance with EU regulations quite onerous for Irish hauliers. Nevertheless, it is essential that they do so, something possible only if the facilities are there. I understand that the market did not respond to invitations to provide such facilities, and it is right that the NRA do so now. I presume that it will franchise out their operation.

[Deputy Olivia Mitchell.]

Deputy Shortall and I, over many years, have sought by-laws to deal with parking arrangements on days when major events take place. That measure is also very welcome.

In the few minutes left, I will refer to an issue in the Bill that I have undertaken to raise at every opportunity. There is an ongoing trend on the part of all Ministers to divest themselves of almost all their responsibilities, instead delegating them to unaccountable bodies. This Bill will pass further powers to the NRA and the Commission for Taxi Regulation that formerly lay with the Minister, in which regard he was accountable to the Dáil.

I have the greatest respect for the NRA, which does a great job, and the Commission for Taxi Regulation has also done well since its establishment. This is in no way a criticism of them. However, transferring administrative tasks from a Department to an agency should not absolve the Minister of overall responsibility and the need to be accountable to the Dáil. Ministers have adopted an unnecessary Pontius Pilate attitude to avoid being accountable to the Dáil or even furnishing answers to it on issues to do with policy rather than administration. That trend is not good for our democracy and not in the public interest. When it is accompanied by a further trend to make significant announcements outside the Chamber, our Parliament is left with very little relevance.

The Minister may be aware that, when launching her recent report, the Ombudsman mentioned the 450 single-purpose bodies set up in recent years to fulfil functions formerly covered by the Government. She was obviously complaining that such agencies did not come under the remit of the Freedom of Information Act 1997 or her office. She referred to the very point that I make today, and which the Minister will have heard made by many other Deputies:

Other accountability mechanisms are also lacking in that they are subject to little or no parliamentary oversight and there has been a diminution in Ministerial responsibility and control over functions which formerly were part of the relevant department. The need for legislation to correct this accountability deficit and to allow users of the services of these public bodies to complain to the Ombudsman is long overdue.

In the Department of Transport and the Marine, there are the NRA, the RPA, the DAA, the RSA, the Commission for Taxi Regulation, all the CIE bodies, the Irish Aviation Authority and many more that do not occur to me at present. One wonders what the Department and the Minister do if they are not responsible or accountable for any of those agencies. Specifically, the Minister is not even willing to answer questions on them. I know that in recent years his predecessor, as my colleague will bear out, rejected more

parliamentary questions than he answered. That practice has definitely got worse over the course of my time in the Dáil. If there is no accountability at the top, how can we expect civil servants and employees in agencies delivering public services to be accountable and transparent, feeling that the public deserve the best? I hope that, during his tenure at the Department of Transport and the Marine, the current Minister will at least answer questions on issues of policy.

Deputy Shane McEntee: I congratulate the Leas-Cheann Comhairle on his appointment and wish him very well. Having been here for two and a half years, I have found the most important people to be my party leader, the Ceann Comhairle and the Leas-Cheann Comhairle. I wish the last-named person well and hope that his work will not be too fiery. My sentiments are the same regarding the Minister for Transport and the Marine, Deputy Dempsey.

Before I speak, I would like to ask that the debate be adjourned, on the grounds that the Minister for the Environment, Heritage and Local Government, Deputy Gormley, should be present. We have discussed Bills and heard the good news about all the completed roads. I ask that this debate be adjourned.

An Leas-Cheann Comhairle: The Deputy will appreciate that the Cabinet operates under a regime of collective responsibility whereby any Minister is responsible for all Cabinet decisions. The Minister, Deputy Dempsey, therefore carries the full burden of—

Deputy Olivia Mitchell: Blame.

An Leas-Cheann Comhairle: —governmental responsibility.

Deputy Shane McEntee: The Minister should be here, since, even this morning, there is total confusion regarding a main road talked about not only in County Meath or in Ireland, but across the world. It is crucial that he attend to explain exactly what is going on. Does he intend to re-route the road? Someone should let us know whether the Green Party asked the Government to sign this off before it entered office. Has any plan B been drawn up to re-route the motorway around the Hill of Tara? Perhaps the Minister, Deputy Dempsey, might be able to answer. He could inform me what is going on tomorrow at the Meath GAA golf classic. It is crucial that the Minister attend to let people know what is happening, since it is on the issue of the M3 that this Government might fall — a good deal more quickly than anticipated.

I am obviously not going to prevail upon the Minister to attend. As Fine Gael spokesperson on road safety, I broadly welcome this overdue Roads Bill 2007. I will concentrate on sections 9

and 10, which will facilitate the provision of service areas on the national roads network.

The lack of such service and rest areas has serious implications for road safety. Drivers travelling long distances for commercial or social reasons need rest breaks. Motorways such as the M1 have no facilities for pulling in safely onto the hard shoulder. The case for service and rest areas is overwhelming. They are a common sight on all motorways in the UK and Europe.

It was a serious error of judgment that they were not planned for on Irish motorways. The NRA and the previous Minister for Transport, Deputy Cullen, belatedly came to their senses and agreed that such facilities should be built on our motorway network. The then Minister for Transport made a commitment that rest areas would be put in place along the new motorways from towns and cities such as Dundalk, Galway, Limerick, Cork and Wexford.

However, the NRA did not have the legal authority to provide service areas via an amendment to the Roads Act. The then Minister for Transport failed to have the necessary amendments to the Act approved by the Dáil before the general election was called. It was intended that the NRA, working with local authorities, should buy suitable sites and secure planning permission. The facilities would then be provided on a "build and operate" basis. However, it appears that little real progress has been made in securing suitable sites and getting construction work started. The previous Minister failed to deliver on this important project. Another tourism season will pass with Irish families and foreign visitors left in limbo on the motorways when they need to fill up with petrol or take a short break in their journey.

Service and rest areas are part of modern, efficient road networks. It is an area in which we lag behind most European countries. I call on the Minister and the NRA to ensure this project is given top priority.

I also welcome the provision in the Bill that there will be consultation with those living close to the new service areas. I know from experience that proper consultation with local residents whenever a project such as this is planned is essential.

An issue which the Minister might take into consideration, which has been brought to my notice by farmers, in particular, and on which my colleague touched is that of land bought from farmers specifically to build a roadway. What will be the case when part of the land is used for industrial or commercial purposes? Will the farmer be able to claim compensation at a later stage on the basis that he sold his land specifically to build a roadway? Perhaps this should be looked into because some farmers in my county have raised it. If we intend to build rest areas, land would have been bought under false pretences. Perhaps the Minister might look into this issue before it ends up in a court in Europe.

Deputy Paul Kehoe: I wish the Minister the very best of luck with his new portfolio. There is no doubt that it is a very exciting portfolio of which he can make much. We are always told there are billions of euros to be given out even though the Leas-Cheann Comhairle, whom I do not want to drag into the debate, and I have seen few of those billions in County Wexford over the past number of years.

An Leas-Cheann Comhairle: The Deputy can tempt me; I am easily tempted.

Deputy Paul Kehoe: Like my colleagues, Deputy Shane McEntee and Deputy Olivia Mitchell, our spokesperson on transport, I very much welcome this much needed and sought after Roads Bill. For the past while, Deputy Olivia Mitchell has called for the tolls to be changed. I compliment her on that as have the Labour Party and many other Opposition parties over the past number of years.

Part of the Bill refers to car parking around sports stadia. I hope the city dwellers did not look for this part of the Bill to deal with culchies coming up to Dublin and parking in front of their driveways, on footpaths and elsewhere. I am very proud to be a culchie and when I come up to Croke Park, I park wherever I can find a suitable place but I have often been penalised for doing so.

An Leas-Cheann Comhairle: The Deputy might be up on Sunday.

Deputy Paul Kehoe: Exactly.

Tolls on the West Link and on many other motorways are causing a major problem. I cannot understand why it has taken so long for this Bill to come before the House to sort out tolls. On the occasions I use the M50, I am held up for 15, 20 or 30 minutes. I do not know how people use the M50 on a daily basis because it is so frustrating for commuters to see the way the situation is handled. The date of August 2008 is welcome but is much later than what is required. This issue has been spoken about for the past five to six years and I know there were problems with National Toll Roads. It is terrible to see commuters having to queue in the morning and evening for perhaps a half an hour or an hour depending on the traffic.

All Ministers for Transport and the Environment have spoken about Transport 21 to the extent that one would think one just had to go into the Department and ask for a bypass. Enniscorthy bypass has been promised for many years. I am glad to say the Gorey bypass has almost been completed. However, the County Wexford villages of Camolin and Ferns and the town of Enniscorthy will face considerable problems once the Gorey bypass is opened in that traffic in those two villages and in Enniscorthy town will be chaotic. I invite the Minister to come to County

[Deputy Paul Kehoe.]

Wexford to meet representatives, including the county manager, members of the chambers of commerce, etc., to try to iron out and speed up the process of completing the Enniscorthy bypass as soon as possible because things are proceeding at a snail's pace at present. The New Ross bypass is well ahead of the Enniscorthy one and I ask the Minister to use Transport 21 and his powers in this regard.

As Deputy Olivia Mitchell said, it is terrible one cannot get answers from the Minister in regard to the National Roads Authority. When one asks a Minister for Transport a question about the National Roads Authority, one is told the Minister has no responsibility and that one must go directly to the authority. It is not very fair for an elected representative to be given such an answer. Although many promises have been made in the past, I would like Enniscorthy, Ferns and Camolin bypassed as soon as possible.

Sections 9 and 10 refer to service areas. I would like the Department of Transport to work closely with the Department of the Environment, Heritage and Local Government and the planning departments in the county councils. There will be major problems when planning is sought from the county councils for these service areas which are badly needed. The Wexford group of the Irish Road Haulage Association raised this issue with me when I was out canvassing during the general election. Once the stretch of bypass from Jack White's pub to beyond Gorey is completed, there will be no service station. One will have travel almost to the Sugar Loaf Mountain before one will find a petrol station or a service area at which to stop. That will be a major problem.

We talk about road safety, taking cars off the road and about people getting proper rest. People will not drive two or three miles off a bypass to a service station to take a rest but will continue on as long as they can. That is when some of these serious accidents with lorries and heavy vehicles occur. One sees tachographs and gardaí tackling drivers. In my local newspaper on a weekly basis, one reads about road hauliers being summoned and brought to court because they have not kept to the correct driving hours. Will the Minister speak to the local authorities to get their views on service areas? As Deputy Shane McEntee said, we are lagging way behind our European counterparts in regard to service areas. When one goes to England, one sees these service areas every 70 to 100 km. Restrooms, retail outlets and restaurants are vitally important. I have spoken about service areas for the past while because they are of the utmost importance. Will the Minister look at how our EU counterparts operate in this regard?

I welcome this very broad Bill and would like to see it pass through the House without any major delay. I have no doubt the Minister will not face any delays from this side of the House. We face into the summer recess and I would like the

Bill to be brought back to the House as soon as possible when we return in September.

Deputy Róisín Shortall: I congratulate the Minister on his recent appointment to the Department of Transport and the Marine and wish him well in that job which is certainly a very onerous one with a wide area of responsibility coming under his remit. I am sure he has noted the fact his two immediate predecessors ran into considerable controversy during their term in office. Each of them had to serve a term in purgatory in the Department of Social and Family Affairs, which I think would be fair to describe it. I am sure the Minister does not intend to go down the same road.

Deputy Noel Dempsey: It would not be unusual for me.

Deputy Róisín Shortall: There are lessons to be learned from his two predecessors. However, I wish him well in the job and look forward to interacting with him in the coming months. I would like the Minister to clarify the status of the Bill in his summing up. While I welcome the Bill, it is not clear whether it represents the road traffic legislation the previous Minister, Deputy Cullen, promised would be provided before the end of last year. In the middle of last year, we spent a considerable amount of time debating the Road Traffic Bill 2006 and several issues were raised by the Opposition, as well as by the Minister, which were not addressed in the legislation. During the course of the debate, the then Minister promised a second road traffic Bill before the end of last year. That did not materialise, which leads me to presume that the legislation before us is intended to be that Bill. While it deals principally with open-road tolling and other matters, there are a number of miscellaneous matters but these are not as comprehensive as promised or required. Does the Minister intend to bring forward further road traffic legislation this year?

The main purpose of the Bill is to provide for open-road tolling, which the magnitude of the problem on the M50 demonstrates is desperately needed. The need for open-road tolling on the M50 has been obvious for a number of years. While I welcome the fact that we are making provision for it, we must ask why we have waited until now. It has been known for ten years that the port tunnel would open and spew several thousand additional heavy goods vehicles on to the M50 daily. Conditions on the M50 were becoming increasingly difficult generally, and in particular at the toll bridge, and we knew the problem would be very much exacerbated by the opening of the port tunnel. Anyone with sense knew open-road tolling should be put in place before the tunnel opened, but unfortunately that did not happen. While there is no use crying over spilt milk, the delays and hardship motorists

encounter on the M50 would have been avoided if there had been proper planning in the Department of Transport. It is important to make that point.

It is unfortunate that the Government made an agreement with NTR that open-road tolling may only be implemented from 2008. While I welcome the fact that the contract has been bought out by the Government, early control of the West Link bridge should have been achieved in the negotiations. From the opening date of the port tunnel to the time when open-road tolling is put in place, in August 2008 at best, traffic congestion will not have been properly managed as required. The NRA, Dublin City Council or an agency of the Department of Transport could have managed traffic congestion better by varying toll rates to encourage vehicles, especially trucks, to use the West Link during off-peak periods very early in the morning or late at night. The failure to secure flexibility through early public control of the West Link in the negotiations with NTR was a missed opportunity. I do not know why an earlier date could not be secured. Ordinary commuters are paying the price for the Government's failure to move sooner.

I am interested to learn from the Minister what measures are in place to ensure that tolls are not flouted by non-national drivers. Will Northern registered drivers be able to avoid paying tolls for substantial periods? In the context of speed cameras, it is common on the M1 to see Northern registered cars ignore the speed limits when they cross the Border to the South. The same is true for southern drivers who go North. Nothing can happen to these drivers if they break the speed limit as there is no mechanism in place to enforce the law on either side of the Border in respect of drivers from the other jurisdiction. We were promised by the Minister's predecessor on a number of occasions that this matter would be taken up in the Council of Ministers and with the North-South body, but nothing has happened. This will be a frequent problem and a source of great annoyance among drivers in the South who will be obliged, rightly, to pay tolls or will be subject to the enforcement mechanisms to deal with those who seek to avoid payment.

Non-national drivers, especially Northern drivers who are very welcome as they come here in increasing numbers, should pay their fair share. If they do not, there will be significant public annoyance as southern taxpayers subsidise toll charges for northerners and other non-nationally registered vehicles. Has agreement been secured to provide the authorities with national driver files in other European member states and with Stormont to ensure mutual observation of rules? Fines and penalties are regularly flouted by drivers from other jurisdictions, but the Bill is silent on the issue and the Minister appears to have no proposals to deal with it. It will become a growing problem and a source of great annoyance to taxpayers.

Will a mechanism be put in place to deal with repeat offenders for non-payment of tolls? In Holland, a system exists whereby fines and penalties can be applied if a driver is later stopped for other offences or checks, but I am not aware of such a system here. It is a system we should consider. While I appreciate fully the need for strict enforcement, however, is it appropriate that drivers should face fines of up to €5,000 and-or a term of imprisonment of up to six months for failure to pay a toll charge? While I believe in strict enforcement, six months' imprisonment is somewhat over the top given the nature of the offence.

Significantly, the Bill lacks provision to regulate number plate providers, which failure may render the legislation in general useless. I raised the matter during the debate on the Road Traffic Bill last year when the UK Government saw fit to extend regulation to this area. Certain disreputable operators provide false number plates, meddle with existing ones or switch them between vehicles, but there is no regulation of such activity. This behaviour will increasingly become a problem in the context of open-road tolling and should be attended to by the Minister.

A question also arises of the need to provide authority to the Minister, the NRA or some other road authority to implement group incentive and discount schemes for certain categories of vehicles or times of the day. I wish to know what will be the proposed locations for the use of tolls. I am not happy that responsibility for yet more toll by-laws will be devolved to the National Roads Authority, a body largely unaccountable to the public and public representatives. While in theory its representatives can be called before an Oireachtas committee, the reality is that at most they will come before the Joint Committee on Transport once a year. There is no effective ongoing accountability. All legislative functions should be performed by the Minister until there is proper public accountability for such organisations.

I share the concern expressed by Deputy Olivia Mitchell that recent years have seen a definite trend on the part of Governments to offload responsibility for the democratic accountability of public bodies. Increasingly, we see this responsibility shifted through legislation from the Minister to the State agency concerned and it is extremely difficult to demand or ensure ongoing accountability. I would like to see this trend reversed or at least halted. The impact and powers of this House are reduced if it is not possible to obtain answers from State agencies on a regular basis.

To some extent the Minister covered the practical operation of an open-road tolling scheme. Will he arrange for a briefing document to be provided for Opposition spokespersons and the Joint Committee on Transport? A great amount of detail must be examined more carefully. Given the experience and difficulties we encountered with speed cameras and the low level of enforce-

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ment against transgressions picked up by speed cameras, I am concerned about the robust nature of the scheme proposed.

We all spoke about the need to establish an open-road tolling scheme as quickly as possible. However, it must also be done properly. My main criticism is that nobody started to work on the project until quite late in the day. We should have prepared for this five, six or seven years ago once work on the Dublin Port tunnel was under way. The Minister has stated it is expected to be in place by August next year, sooner than recommended. I do not complain about the fact that it is coming. However, a balance must be struck between speed and ensuring the system is robust and will operate satisfactorily.

I must express concern about a point made by the Minister. With regard to the trial period, he stated, "Overall this will be done in one year less than the Conference of European Directors of Roads recommends as a realistic implementation timetable for such a project." The Conference of European Directors of Roads is an important body which establishes time limits in respect of what is achievable on a realistic basis. It states open-road tolling cannot be introduced within the period in which we will do so.

I hope this measure will not be rushed. The timescale from the early days of examining various systems, seeking tenders and designing the spec to operation is extremely short and a year shorter than that recommended. There is a reason the Conference of European Directors of Roads recommended a certain period. I hope we will not cut corners which will end up costing us dearly. It is not necessarily a boast to be able to state what the Minister did. For this reason I would welcome clarification on the practical implementation of the scheme and ask for a briefing paper to be made available on its details.

I have experience of the Eazy Pass scheme but not of any of the other similar schemes. I presume they all operate on the same basis. The Minister stated, "As an incentive registered users will be offered a discount on the standard toll rate." This seems sensible and should happen. One wonders why Eazy Pass does not offer an incentive scheme. We could have streamlined the operation of the West Link before now by having more people use Eazy Pass. Of course, there is no incentive for them to use it because there is no discount on toll costs. Will the Minister spell out what is proposed with regard to discounts?

What are the Minister's views on how Eazy Pass operates? It is unnecessarily restrictive. To establish an Eazy Pass account one must lodge a sum of €80. As the toll bridge is used the account balance is reduced. Once it has decreased to €20 the account is automatically topped up to €80. This figure is excessive. Many are not in a position to make such a commitment and keep topping up the account to the level of €80. It is not necessary when one considers how people top up

mobile phones. One can top up by €10 and perhaps €5. Why must one top up to €80? It is a disincentive. We face a situation from the middle of next year where the vast majority of drivers will need a tag on their windows and we should seek to make it easier for them to do so. I do not see why one cannot top up to €10.

I will now discuss the issue of the use of PPPs. This is an issue I raised frequently with the Minister's predecessor and I will raise it with the Minister again in due course. Everybody discusses the great success of the PPP system of procurement for motorways and there was great success in recent years in bringing in motorway projects on time and under budget. However, there is not sufficient scrutiny of budgets. Everybody is delighted to see a road project completed sooner than expected and under budget. However, the budget is not adequately scrutinised in the first place and there is little transparency with regard to the costs involved.

All motorway projects are costed in tens of millions of euro. The programme is costed in billions of euro. Any slippage in respect of value for money means huge expense for the taxpayer. Often in the rush to welcome the opening of a new motorway, particularly if it is on time or under budget, the fact that we are not clear on whether the taxpayer received value for money is masked. All one can do is examine the price quoted by the private consortium for the PPP and compare it with the cost of procuring a motorway in the conventional manner.

I do not know how many comparative studies have been done of the cost per kilometre of procuring a motorway under the two options. I have seen few but often this is the figure which is compared. Perhaps the PPP price looks better. However, the payment of tolls for 30 years is not factored in to the original cost of the contract and while it might look like a good price initially, we should factor in the tolls to be paid by the public. It is a substantial cost to the taxpayer and must be included in the cost of the relevant section of motorway. I would like to see further study on that because it will be some time before people are able to make up their minds on whether we are getting value for money. If I continue to be a member of the Joint Committee on Transport, that is an issue to which I would like the committee to apply some of its time in the coming year. I appreciate a certain amount of work has been done by the Comptroller and Auditor General from the point of view of accountability in respect of keeping to the original budget but the comparative figures have not been adequately considered and I would like to see that done.

On motorway design, section 8 allows the Minister to change the status of dual carriageways to motorways. That is sensible if applied with due diligence. Missing from the Bill is a further improvement in standards for motorways and dual carriageways. For example, one of the candidates for designation as a motorway will surely

be the N2 to Ashbourne, which already has a speed limit of 120 km/h. However, much of that road is unlit. I was surprised to receive a reply to a parliamentary question some months ago informing me there are no regulations governing the lighting of carriageways where a 120 km/h speed limit applies. That is nonsensical and needs early attention. While it seems sensible to designate the N2, which is a dual carriageway, where one can drive up to 120 km/h, it has implications for learner drivers. This is a huge issue and is one of the failures of the Minister's predecessors in that they have not tackled the issue of the long waiting lists for driving tests given that there are more than 400,000 learner drivers on our roads.

This means that learner drivers will be able to drive at 120 km/h on dual carriageways. They are not allowed to drive on the motorway but if they drive on a dual carriageway where there is an increased speed limit they can drive at 120 km/h. Much of the M50 has a speed limit of 100 km/h. I am not sure if the public is generally aware that when the upgrade works are completed the speed limit for the entire M50 will be reduced to 100 km/h. The rule applying to learner drivers is that they cannot drive on motorways but they can drive on dual carriageways. In effect, that means a learner driver is allowed to drive at 120 km/h on a dual carriage but not on a motorway where the speed limit is 100 km/h. It has implications and I am not sure if that aspect of the change in the speed limit has been thought out. Given the large number of learner drivers it is not right that a person who has never sat a driving test, or has sat a driving test and failed, is allowed, under our law, to drive on a road at 120 km/h. That is a serious mistake.

Section 10 provides for the National Roads Authority to make provision for service areas, which is long overdue. One has to ask why such areas are only being provided now given that we are several years into the motorway programme. It is patently clear that what is needed on motorways is an adequate number of service areas. It is not clear whether the service areas will include lay-bys and rest areas for motorists, particularly drivers of heavy goods vehicles. A serious problem with road safety is that a considerable number of truck drivers drive in excess of the time period allowed. The difficulty on our motorway system is that there are no rest areas for them at present. Therefore, there is always the temptation to go that extra 100 km to get to the next town to take the break when they feel tired. Given that such a facility is not available, it is remiss of the Department and previous Ministers not to have provided for it sooner.

The parking provisions deal only with the Croke Park type issue. While this is a valid issue in terms of sports stadia there is a need for greater flexibility to be given to local authorities to deal with the increasing parking problems in our cities and major towns. Under the law, it is not possible for a local authority to designate

streets for "residents only" parking. That should be possible. My colleague, Deputy Stagg, raised this matter with the former Minister for Transport, Deputy Cullen, on a number of occasions and he gave an undertaking to deal with it, but unfortunately he has not done so and is tackling only the single problem around sports stadia. I appeal to the Minister to allow that type of flexibility.

For example, people park their cars outside neighbourhood shops in the morning and board a bus into town to get to work. This is a common feature of which many backbenchers will be aware, particularly in the Dublin area. That means all the parking spaces on a particular road or in front of shops are occupied for the entire day so that there is no casual parking available. The Minister needs to give flexibility to local authorities to allow them to designate certain areas for residents or one-hour parking, or whatever suits the particular circumstances in the local area. Local authorities are best placed to decide what suits a local area. I ask the Minister to consider allowing that flexibility to local authorities because it is an increasing problem in many areas. I see no reason he cannot do that.

Other anomalies need to be addressed arising from the definition of a public road. In recent months several anomalies have come to my attention in respect of estates that are not yet taken in charge by local authorities. We all know how long the taking-in-charge process can drag on. I was surprised to discover that the full rules of the road do not apply on roads which are not yet taken in charge by a local authority. This is incredible and it is causing huge difficulties. For example, if an estate has not been taken in charge, the Garda cannot enforce the law in respect of speeding. This is a very serious problem in housing estates. If a developer puts down double yellow lines during the course of the building of the estate the Garda cannot enforce those double yellow lines because the estate has not been taken in charge and is not a public road. Similarly, the standard urban speed limit of 50 km/h cannot be applied to a road that has not yet been taken in charge. We must have a law that addresses these anomalies and offers the same level of protection on these roads to all users, irrespective of whether the estates are in public or private charge. I will table amendments on this issue on Committee Stage.

I have raised the matter of footpaths by way of parliamentary question and I will table amendments on Committee Stage. For example, there are public footpaths, public rights of way, which are privately owned and there is no provision for the local authority to tackle that issue.

There are two other issues that could have been dealt with in this Bill, such as the blood-alcohol limit, which was promised, particularly for learner drivers. There is no provision for the regulation of tinted windows despite the fact that they make the enforcement of the law impossible

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in respect of the use of mobile phones. Given that that should have been done, I will table an amendment on Committee Stage. There is no provision to change the default speed limit on national roads. The Minister will discover very soon within the Department the urgent need to consolidate road traffic legislation because the Garda and everyone else finds it extremely difficult to tackle it.

I wish the Minister well with the Bill and I look forward to tabling many amendments on it.

Deputy Michael Kennedy: Ba mhaith liom mo bhuíochas a ghabháil leis an Leas-Cheann Comhairle agus comhghairdeachas a dhéanamh leis. Go n-éirí leis ina phost nua. I congratulate you, a Leas-Cheann Comhairle, on your elevation and wish you every success in the post. I assure you of my co-operation.

I wish to share time with Deputy Christy O'Sullivan. I welcome the Roads Bill. I compliment the Minister, Deputy Dempsey, and all his predecessors on the huge progress we have made in the delivery of roads across the country in the past ten years. The roll-out of these new roads continues apace and the Minister referred to the fantastic Transport 21 programme to be completed over the next ten years. This has significantly cut journey times for motorists and has improved safety. In my constituency of Dublin North the delivery of the M1 and N2 — hopefully we will see the M3 after the Bill is passed — has transformed travel times and greatly boosted the economy in the constituency and outside it.

It is appropriate to mention that yesterday the 1 millionth truck travelled through the Dublin Port tunnel. I travelled through the tunnel yesterday and today. The time saved in getting into the city is fantastic. Much more needs to be done on our delivery of roads. The upgrading of dual carriageways to motorway standard as proposed in the Bill is long overdue. I have had many complaints from constituents over the years asking why they are restricted to travelling at 80 km/h on what people recognise as a motorway quality road when 100 km/h or 120 km/h would be more appropriate. This aspect of the Bill will be greatly welcomed. While none of us would advocate speeding, motorways are built to accommodate speeds of up to 120 km/h. Upgrading certain dual carriageways will be welcome across the country and will cut journey times for ordinary commuters and business people.

I very much welcome the provision of the service areas. In my former position as councillor, along with other public representatives I attempted to make provision for service areas on motorways. At the time the NRA wrote to the county manager blocking the proposal. I am glad these service areas will soon be available. We have all had the experience of travelling around the country and being unable to stop for a meal, refuel, use toilets etc. Young families in particular

will welcome this change. Heavy goods vehicle operators will certainly welcome it. Drivers often need to pull into small towns and villages to take meals, refuel etc. The clogging of small village roads with HGVs has caused considerable problems for local residents. This is a very positive step.

I wish the Minister, Deputy Dempsey, every success in his post. I have no doubt he will be an outstanding Minister. He has shown great courage in all his other portfolios and I have full confidence that he will deliver Transport 21 in a time-efficient manner.

Discussions should take place with the Road Haulage Association and other organisations to agree the location of these service areas, as they are the experts. When undertaking a journey to Galway, Cork, Sligo or wherever their drivers know where it is appropriate to stop. With the advent of tachographs they would be more than familiar with the exact locations.

Everybody will welcome the provision of barrier-free tolling on the M50. Nobody using the M50 is happy with the delays at the toll plaza. As one who uses Eazy Pass, I recognise that the system works particularly well. I do not believe the difficulties Deputy Shortall envisages would arise on a practical level. The system works extremely well and the vast majority of people would be more than happy to pay by direct debit rather than needing to stop and throw in a cup of coins. Upgrading the M50 to six lanes is more than welcome and coupled with barrier-free tolling will make driving along the M50 more convenient. Following the opening of the port tunnel, business people in particular will find that journey times and costs will be greatly improved.

Like other Deputies, I will be parochial. As the Minister, Deputy Dempsey, comes from Meath he will be aware of the need for an outer ring road north of Balbriggan, perhaps between Balbriggan and Drogheda as outlined in the Government proposals. I recommend that the planning for this project should proceed apace. We need to keep as much traffic as possible out of the Dublin region. There is no reason traffic coming from the north and going to the south or west should need to use the existing junction with the M1 to access the M50.

Given the proposed new port at Bremore, a new link road from the M1 to that port will be essential. As the Minister will know, Balbriggan is a now major residential area and a separate link road is necessary. The concept of HGVs passing through local residential areas is not appropriate. We need to plan to have six lanes on the M1 now, with the advent of the North-South corridor and the increased North-South business, and given the development of our economy. This will be particularly appropriate if Bremore port comes about as proposed. I understand that even Guinness is considering moving from the city out to Balbriggan. All those proposals suggest we should have six lanes on the M1.

Good access to any motorway is essential. The NRA should co-operate with Fingal County Council in planning new access in the Lusk-Blake's Cross area to facilitate motorists from Skerries, Rush and Lusk to access the motorway rather than needing to travel to the existing Lissenhall interchange which already has considerable congestion with motorists from Donabate and Portrane joining the motorway. A slip road from Donabate and Portrane to the M1 is also needed.

The public demands that the M50 be freed up as quickly as possible. It is incumbent on everybody in this House to allow a speedy passage of the Bill so we can get barrier-free tolling on the M50.

I refer to the parking regulations outside sport stadia. I am a regular visitor to Croke Park. I will be there next Sunday and I wish Wexford the best of luck. The Minister is also a regular spectator and I often see him there. I hope I will have the opportunity to go to Croke Park a few times this year, particularly on the third Sunday in September. However, indiscriminate parking is an issue around the stadium. Spectators need parking so that they can attend and enjoy a match but a number of them block gateways and so on. This involves supporters not only of Dublin but also Meath, Wexford and other counties playing in Croke Park. This issue needs to be addressed but the Bill should be passed forthwith.

Deputy Christy O'Sullivan: I congratulate the Leas-Cheann Comhairle on his appointment and I wish him well in his new position.

An Leas-Cheann Comhairle: Go raibh maith agat.

Deputy Christy O'Sullivan: I also congratulate Deputy Noel Dempsey on his new portfolio and my fellow Corkman, Deputy Billy Kelleher, on his appointment as Minister of State at the Department of Transport and the Marine. I look forward to working with them closely on transport infrastructure in my constituency.

Our roads infrastructure needs improvement. My constituency does not even have 1 km of national primary road. A national secondary road runs through Cork South West but it is only at the standard of a county road. While I welcome the programme in place to expand dual carriageways and motorways, which are necessary, my main concern is that my constituents do not have the opportunity to travel on 1 km of national primary road in south west Cork. The public transport infrastructure in my constituency is such that we cannot attract industry and that is a major concern. I hope this issue will be addressed in the near future. The Minister made only one reference in his contribution to this issue but I would like him to take it seriously and address it in the near future.

Deputy Seymour Crawford: I wish to share time with Deputy Deenihan.

I congratulate the Leas-Cheann Comhairle on his appointment. I wish him well and I hope he will have a clear view of our opportunities to contribute and so on. I also congratulate Deputy Billy Kelleher on his appointment as Minister of State at the Department of Transport and the Marine.

I welcome the opportunity to contribute to the debate. As the Minister stated, the Bill primarily deals with the congestion on the M50 and the national primary roads infrastructure. While I welcome the effort to free up the traffic flow on the M50, it is unreal that the problem has been allowed to continue for as long as it has. In recent times, I have had the advantage of using the M1 to travel between County Monaghan and Dublin. The Eazy Pass system allows motorists to travel more quickly along motorways but one must stop at the toll booth on the M50 because the traffic is so heavy. In this day and age, I do not know why better use has not been made of technology on the busiest thoroughfare in the State. Six or seven Eazy Pass lanes should be provided at the West Link while the M50 upgrade is under way and it is impossible to understand why that has not been done when one considers the massive profits NTR has made and is guaranteed to make until the State takes over responsibility for the bridge. Simple initiatives could be taken to make life a little easier for people; it is impossible to know who is in charge at any given time.

The management of public transport is fragmented. When one travels between Donegal, Derry or Monaghan on the M1 to Dublin, one can travel at 70 mph on the motorway but the minute one hits the city, one must sit in traffic. On one occasion, which the Taoiseach attributed to a broken down lorry, I sat in my car for one hour and five minutes on the M1 without moving because of the gridlock. It does not take a genius to create park and ride facilities and provide buses to take people into the city centre.

None of us likes the system of tolls and it is a major problem for industry. This issue must be examined carefully. The new system will provide that foreign registered lorries do not have to pay tolls, yet Irish lorry drivers will. I would like the Minister of State to clarify whether that is the case because the haulage industry is enormously handicapped as it is without facing further competitiveness problems. Hauliers and other motorists who must pass through a number of tolls on a daily or weekly basis face a significant cost.

I refer to the extension of the M1 through County Monaghan to Derry. I welcome the recent decision by the Taoiseach and former British Prime Minister, Tony Blair, to provide moneys to upgrade the road between Dublin and Derry. However, I beg the Minister to ensure that decision is not allowed to delay the upgrade of the road. It is proposed that a dual carriageway will be built between Derry and the Moy Bridge

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in County Monaghan while it was originally proposed that the single carriageway between Moy Bridge and Monaghan town would be upgraded. Meanwhile, a three-lane motorway will be built between Clontibret and Castleblayney and I am not sure whether that will be extended. However, this will lead to complications. The M1 runs between Dublin and Ardee, County Louth. One then travels on a single carriageway between Ardee and Castleblayney, County Monaghan. We then have a three-lane road from Castleblayney to Clontibret and a single-lane road from Clontibret by Monaghan town to the Border. There is a dual carriageway again from that point to Derry. This should be looked at carefully. We do not want this to be given as an excuse to hold up the entire system or allow the NRA to state it cannot continue with the Monaghan-Emyvale stretch until there is progress on what is happening in Northern Ireland. It must be remembered, to echo what the new Deputy from Cork South-West said, that one of the main areas with no rail service is Cavan, Monaghan and Donegal. This roadway is significantly important for tourism, industry and the general public. We do not want to allow what has been a very progressive and worthwhile agreement in Northern Ireland to slow this issue or bring it to a halt. It is vital that there be quick thinking and action on it.

In his speech, the Minister mentioned provision of service and rest areas on the national road network. Nobody welcomes that statement more than I. I have tried for years to get information in this House on the policy for that issue. It is unbelievable that the Department of Justice, Equality and Law Reform and the Department of the Environment, Heritage and Local Government insists that hauliers and others have special times in which they must stop and rest. If these people do not show they have complied by means of a tachograph, they are liable to heavy fines. However, we do not provide any service area for them, and when we ask the relevant Minister about service areas, we are told the Department is not responsible. We are told by the NRA it is not responsible either.

At least with this Bill it looks as if there is some move in the direction of solving this issue. I put down a question to the Minister for Transport and the Marine for today and I cannot find it anywhere. It is not on the list and the only place it is, proving that it was sent, is on my computer. The question was:

To ask the Minister for Transport and the Marine if he has any plans to insist that park and rest areas are provided by the NRA or county councils in light of the fact that hauliers must adhere to the law and rest at regular intervals; if he can advise how many such rest areas are already in place along the national primary and secondary routes in Ireland at the

present time, and if he will make a statement on the matter.

It is unbelievable that one can ask a question like that in this House and not get an answer. There is not even an explanation as to why the question is not on the list of questions. I had another refusal on a question put down for the Minister for the Environment, Heritage and Local Government but that is not surprising. I would urge that there be no hold-up in the provision of an upgraded road between Dublin and Derry. It is part of the cross-Border agreement and it should be one of the issues prioritised by this Government and the NRA. I look forward to it.

Deputy Jimmy Deenihan: I join the previous speakers in congratulating the Leas-Cheann Comhairle on his election to such a very important post in this House and I am sure he will be very fair to all of us, particularly on this side of the House. I congratulate Deputy Billy Kelleher, one of the nice people in this House over the years. His elevation is deserved. I also recognise the change of Office in the case of Deputy Noel Dempsey.

As the Minister pointed out, the principal purpose of this Bill is to provide the necessary statutory basis to facilitate the implementation of free-flow, open-road tolling, also known as barrier-free tolling on toll-based national road schemes. It also provides for appropriate deterrents for non-payment of tolls. Deputy Olivia Mitchell has been particularly strong on this issue for some time and I recognise her work and that the Government must have been influenced in its policy by her insistence over the years, and Deputy Roisín Shortall's, that this was the way forward.

I welcome the Bill. I am in favour of tolls. Those who use a facility such as a motorway must contribute towards it. There are problems and I have heard some aired in my clinic regarding people not living in this country and who may be from Northern Ireland or the UK, for example, using such roads on a very regular basis. I am sure such issues will be dealt with by the Minister.

Our road system is very important from a tourism perspective. People would appreciate the type of tourist that kept tourism in the west of Ireland and other rural parts of the country going, was the tourist who brought his or her own car. That type of tourism is on the decline and it is very important for us to encourage people to bring their cars to Ireland and show them we have a high standard of road network and that the roads are safe. This has not been the case, as we all know, but the situation is improving.

People stopped bringing their cars to Ireland because they went to Europe instead, and although there were other reasons, it was principally because of the inferior condition of the road network and a lack of signage. The issue was not mentioned in the Minister's speech but we must

review signage, particularly signage for leaving this capital city and negotiating around it. It must be a nightmare for tourists coming off the car ferry and then trying to leave the city, be it north, south or west. I raised this issue some years ago and although there were promises of progress, unfortunately none has been made.

I refer to two sections of the Bill as I know my time is limited. As one who drives on a regular basis between Kerry and Dublin, I have experience of the new motorway and dual carriageway sections of road in the country. Service areas are not included in the planning for major road improvements. Service areas should be built into motorways and should be included in processing the plans. They have not been up to now.

A person leaving Dublin could have to travel beyond Portlaoise before coming to a service station. For the local, the tourist and visitor alike, a sudden realisation that petrol or other supplies are required and a service station is not in sight can be quite alarming. It is a matter of major concern for people. The provision of service stations at intervals should be built into road planning. Several companies provide service stations. I am sure the NRA could enter into contractual arrangements at an attractive profit. It could assign service stations to a particular company in some cases. The provision of proper service stations should be included in road plans so people can avail of services, rest and other facilities, such as toilets. I welcome this provision and it is important that it is included in road plans for the future.

The issue of major sporting events in respect of which by-laws could be introduced was mentioned. I welcome that suggestion. It applies not only to events in Dublin but to those in other parts of the country, be it Limerick, Cork, Killarney, Tralee or wherever. Order needs to prevail at such major events. Where parking is prohibited and restricted, the promoters of the events should put in place alternative arrangements, otherwise people will have to walk for miles to attend, or will be discouraged from attending, sporting events. We have all witnessed haphazard parking at sporting events where cars have been abandoned. If people cannot park their cars in designated areas, if parking facilities are not provided and if such laws are not put in place and strictly enforced, certain venues will not be able to stage events. Therefore, the provision of parking facilities is a major consideration.

I draw that matter to the attention of the officials and suggest that the by-laws should provide that motorists cannot park in certain places but that the promoter of an event should ensure proper parking facilities are made available for it and show the location of such parking provision.

In regard to the national primary road network, Transport 21, which was launched on 1 November 2005, outlined the specific national roads that

would be completed over a period of time. I acknowledge that major progress is being made and that is welcome to motorists. The length of time it takes to travel to Dublin has decreased and that must be welcomed.

To return to local issues, major issues exist in Kerry concerning the national primary and secondary road infrastructure. I would like the Minister, through his officials, to respond to one issue in particular. The Minister's predecessor, the Minister, Deputy Cullen, came to Castleisland in County Kerry during the week the general election was called and declared that the proposed bypass at Castleisland would go ahead at the end of 2008 and that a financial directive would be sent to the NRA to enable it to do that, to enable it to frontload the money for it. Will the Minister confirm today if such a financial directive was sent to the NRA by the Government to enable it to frontload the money to commence work on that project at the end of 2008 as promised? It is important that is clarified.

Another issue is the bypassing of Tralee in County Kerry. Tralee is currently choked with traffic. It is easier to get around Dublin at times than it is to get around Tralee. People are frustrated about that. The provision of a bypass around Tralee must be prioritised from a local and tourist point of view. Castleisland and Tralee are the gateways to County Kerry.

The N69 is mentioned in a press release. Flexibility must be exercised in regard to certain requirements for major new industrial enterprises. A major enterprise is under way in Tarbert, County Kerry, namely, the liquefied natural gas, LNG, project at the Tarbert-Ballylongford landbank. The N69 certainly needs to be upgraded to facilitate this project. The officials may be aware of that.

Acting Chairman (Deputy Johnny Brady): As Deputy Ó Fearghaíl is not here, I call Deputy D'Arcy who I understand will share time with Deputies O'Mahony and Terence Flanagan. Is that correct?

Deputy Michael D'Arcy: Yes. I also congratulate the Minister, Deputy Noel Dempsey, who has a new brief. I hope he will have a successful period in it. If he has, it will benefit the country. I also congratulate the Minister of State, Deputy Kelleher. The last time I saw him before I was elected to this House he was singing his socks off on television.

Deputy Billy Kelleher: Trying to.

Deputy Michael D'Arcy: I wish him the best of luck in his brief.

There is not a person in the country who would disagree with barrier-free tolling. The only criticism of it is that it did not happen many years ago, especially on the M50. The problem experienced on the M50 will be mirrored throughout

[Deputy Michael D'Arcy.]

the country because of the increasing number of cars being purchased. Every household used to have one car and now households have multiple cars. Barrier-free tolling throughout the length and breadth of Ireland would be beneficial.

However, one criticism I have of it is that the NRA will determine the default toll. I question the reason we continually devolve the authority of Departments to other agencies. We have seen this practice perhaps at its worst with the HSE and the Department of Health and Children. An earlier speaker asked why should we have a Department when it gives its authority to other agencies. I draw a comparison between that and the Government last year effectively regularising parking fines throughout the country by bringing the fine up to €40 throughout the State. The NRA will determine the default toll, but why is this House, which is the correct forum to make these decisions, devolving such authorities to other agencies?

In regard to motorway designations, this Bill will effectively reduce, if not negate, the difference between a motorway and a dual carriage. That has implications because of the planning process for motorways and dual carriageways. Everybody would welcome the speeding up of the planning process for these major arterial routes, which are the lifeblood of the country. However, the NRA has spent a great deal of time on route selections and route designs. Then the contracts are awarded and the tender is awarded to the successful individual who in turn designs and builds the same route that the NRA has spent time planning. This appears to be a silly duplication of resources. Nevertheless, anything that will speed up the building of motorways must be welcomed.

The section of the N11 between Rathnew and Arklow is a single carriageway that is the most dangerous route in this State. People have been killed on it year in year out. Work on it should be given priority — I go so far as to say it should be given priority over projects on major inter-urban routes. Members might question the reason a Deputy from Wexford is championing a route in Wicklow. I am realistic enough to understand that it is unlikely that the Government will leave work on that section of the N11 prior to commencing projects in Wexford and proceeding with the Camolin, Ferns and Enniscorthy bypasses. Those areas of the county must be developed because without them trade, people's quality of life and many other areas suffer.

The provision of motorway service areas is absolutely essential. People have touched on this issue. I assume the NRA will undertake a part 8 planning process if it acquires land. As many Members from a local authority background will know, a part 8 planning process guarantees planning permission. People are not allowed to object to it and although they can make a submission it tends not to get much of a hearing.

A part 8 planning process will most likely cover the design and build of a project by the successful tenderer with whom the NRA has struck a deal or entered a contract. If the NRA plans to provide a motorway service area on a route, the people who have had their properties dissected by the provision of that route should be informed of the planned motorway service area. I am sure the Minister will state advertisements will be placed in the newspapers in this regard. However, these will not be sufficient. The NRA knows who owns land on either side of that which it has purchased and should send letters to the people concerned — in the context of openness and transparency — in order to ensure they will be in a position to express their interest in proposed projects and also to ensure their land will be taken into consideration. In effect, what will happen as a result of that to which I refer is that the designation of agricultural land will be changed to commercial land. That will be a major development. There has been a great deal of discussion regarding planning rezonings in urban areas. On foot of what I have outlined, agricultural land will effectively be rezoned as commercial land. The process must be open and transparent to those who wish to take advantage of the possibilities. It goes without saying a site must be deemed suitable before development proceeds.

I am disappointed that certain facets of the Bill do not take other matters into consideration. Local authorities are trying to fund new roads in urban areas from development levies. We need to consider putting in place a package that will give local authorities in major expanding towns the opportunity to proceed with the building of such roads.

Deputy John O'Mahony: In their absence, I congratulate the Ceann Comhairle and Leas-Ceann Comhairle and wish them well in their important job of upholding the dignity of the House. As I know from another sphere of activity in which I am involved, the referee is never the most popular person on the field, particularly when he gives a red card in the first minute. I do not doubt, however, that the Ceann Comhairle and the Leas-Ceann Comhairle have the ability and political experience necessary to allow them to do an excellent job. I also congratulate the Minister, Deputy Noel Dempsey, and the Minister of State, Deputy Billy Kelleher, on their new roles.

As this is my first time to speak in the House, I am honoured to have the privilege to represent the people of County Mayo. To those who supported me in my campaign and voted for me, I offer my sincere thanks. It is my firm intention to work on behalf of and represent the interests of all of the people of County Mayo, both in the House and on whatever committee of which I become a member.

I welcome the decision to introduce barrier-free tolling on motorways. This decision should

make an enormous difference to the M50 which has been described as the biggest car park in Europe in easing traffic congestion and facilitating smooth traffic flow. The new system to be introduced in 2008 will include a default toll penalty for motorists who fail to pay. However, I foresee considerable logistical and technical difficulties in enabling the huge number of drivers who use the M50 to come to terms with the new system. Will the Minister indicate in detail how the new system will operate successfully, particularly in the context of foreign registered cars, etc?

The Bill contains the word “motorway”, a term that has no relevance to the county I represent or the west as a whole. There is not a single motorway in the west and many of the so-called national roads in the region are scarcely worthy of the name. I travel to Dublin on the N5 national primary road which links Westport, Castlebar, Ballina, Swinford and Charlestown to Dublin. There are long stretches of this road which can only be described as a tortuous series of bends and accident black spots, where safe overtaking is impossible and only minor incremental improvements have taken place during the years. The position as regards the N26, the N60, the N59 and parts of the N17 is similar. These roads are narrow and completely substandard, with no fencing on some stretches.

The explanatory memorandum to the Bill refers to the proposal in Transport 21 to construct high quality dual carriageways from Dublin to Limerick, Waterford and the Border. There will be only one such dual carriageway to the west, namely, that to Galway city. Nobody begrudges the upgrading of the road network to these locations. However, one must ask why other counties, particularly Mayo, have been omitted. The roads in County Mayo also need to be upgraded as a matter of urgency. Phase 2 of the N26 needs to proceed immediately. There is a need to carry out works on the roads from Castlebar to Westport and Ballinrobe. Bypasses are required at Kiltimagh, Ballyhaunis and Ballinrobe.

The economic reality is that, from the point of view of manufacturing industry, the major difficulty in attracting investment is the lack of ease of access. Unless manufacturers can transport their products to the market efficiently and quickly, we will be at a major disadvantage.

The Bill includes a proposal to develop service and rest areas on the national road network. I welcome this because these are regular features on motorways in other countries. However, the Bill is vague with regard to when and how these rest areas will become a reality. I presume they will be privately operated. I would like the Minister to indicate exactly how they will be developed.

One of my main priorities as a Member of the House is to fight for much needed and better infrastructure in the county I was elected to rep-

resent. There is a major infrastructural deficit in County Mayo, the economic consequences of which are self-evident. Moneys from the European Union intended for the west were siphoned off elsewhere. Between 2000 and 2005, only 74% of the expenditure assigned to new roads in the BMW region was spent. In the same period, 120% was spent in the east and south. We do not begrudge the east or the south their good fortune. However, the west and County Mayo, in particular, are seeking their fair share.

Deputy Terence Flanagan: I congratulate the Minister for Transport, Deputy Noel Dempsey, on his appointment and also the Minister of State, Deputy Billy Kelleher, on his elevation. Like previous speakers, I enjoyed his contribution with other politicians on the “You’re a Star” show.

Deputy Billy Kelleher: I hope I perform better in this job.

Deputy Ciarán Lynch: We will vote the Minister of State out.

Deputy Terence Flanagan: I look forward to many more contributions from the Minister of State.

As a new Deputy for Dublin and daily road user — I travel both by public transport and car from my home in the north east of Dublin — I must admit that I am not overly impressed with the standard of our roads or the length of time it takes to commute. For me, a journey of six miles can, depending on whether it rains, sometimes take up to one hour to complete. That is simply not good enough. Too many of the capital’s streets are badly congested. Is it any wonder that motorists drive around the city with very gloomy faces and that they are stressed out, particularly if they are late for work? This is not acceptable and the sooner the better Operation Freeflow is introduced on a year-round basis in order to help rectify the situation. After all, carbon emissions will decrease if traffic begins to flow.

Motorists pay their fair share of taxes, including VRT and excise duties on diesel and petrol. They must also meet the high cost of insurance. They deserve better treatment.

There is a serious lack of adequate public transport services in my area. There is no Dublin Bus service for the residents of Clonshaugh in Dublin 17, referred to by the people concerned as the forgotten estate. In addition, there is a very poor bus service for those who live on the Howth Peninsula. Many elderly residents are forced to walk, sometimes in inclement weather, to catch buses on other routes. There are no Luas or metro lines in my constituency.

There is still no DART station for the people of the north fringe area, which will house a population of up to 40,000 over the next ten years, despite the promise of one once the population reached 1,000. Today, the population is more

[Deputy Terence Flanagan.]

than 1,200 but there is still no DART station to be seen. However, there is promise of one by the end of 2008, about which I am sceptical. I certainly hope the Minister will take note of this issue.

I agree with the provision to provide adequate rest facilities for drivers on our national road network and feel that these facilities will be greatly welcomed by all road users. They will help to prevent driver fatigue, which certainly contributes to many accidents on our roads. I welcome this new legislation which will also provide sanitary and refreshment facilities to cater for all road users.

There should be no tolls on our national roads. Motorists pay enough taxes and should not have to face double taxation charges. As it stands, anyone travelling from the south side to the north side on the M50 on a daily basis faces a daily charge of €3.60 or €18 per week, over €900 per annum. Someone living in Howth and working in Finglas faces no toll so the system is neither equitable nor fair. Travelling to work by car is very expensive but for many, there are no other options because of our poor public transport network.

I attended the match between Dublin and Offaly last weekend in Croke Park and felt sorry for the many residents in Fairview and North Strand whose gateways and driveways are constantly blocked by cars abandoned during match days. For the emergency services, this situation is totally unworkable. For local residents and other road users, there is no doubt that this new legislation to deal with parking at sports stadia on event days will be welcomed.

Why are 75 out of 100 new buses recently delivered to Dublin Bus not operational and why is the bus service from Swords to the city centre, which briefly used the port tunnel thus cutting 30 minutes off the journey, now discontinued?

Deputy Ciarán Lynch: I will begin by congratulating my fellow Corkonian, Deputy Billy Kelleher, on his recent elevation and wish him good luck in his position.

I have a number of observations on reading the Bill. A very obvious one is that the Minister almost by means of a magic wand can now change the designation of a dual carriageway to a motorway. There is more to that than the Minister simply coming in and making that decision.

Last year, in his former portfolio as Minister for the Environment, Heritage and Local Government, Deputy Dick Roche spoke about the need for noise pollution and other environmental measures to be in place as a result of an EU directive. These matters are still outstanding. In my constituency of Cork South Central where motorways were built approximately ten years ago, many of the environmental standards and motorway requirements that should be in place are outstanding. If we were building these roads

now, they would not be built in the fashion in which they have been built. The survey work to itemise and highlight the different difficulties and environmental noise pollution being experienced has been done but when will we see the funds freed up and the proper noise restrictions put in place in these areas? In areas like Capwell and Slieve Mish and around Turner's Cross, people cannot use their back gardens because of these motorways and increasing traffic usage.

Another matter, which I suppose is the bigger picture, is the absence of joined-up thinking in the development of our roads network in recent years. An obvious case is the South Link road in my constituency where a very successful flyover was put in place on the Kinsale road roundabout and where we are now awaiting the completion of roundabouts on Sarsfield Road and Bandon Road. Once again, the council has carried out the preliminary survey work and we are waiting on the NRA to come in with the finances. This is just one example of disjointed action. On the one hand, we have the NRA, while on the other, we have local authorities. When one tries to pin down Ministers on issues relating to road works, they wash their hands and say it is the responsibility of the NRA.

We are approaching 2009. The county development plans are about to be rolled out and we will see major rezoning, including industrial, light industrial, commercial and particularly residential rezoning, taking place across the country. We do not have a system where the roads plans we have for this country are tied to that type of rezoning. What tends to happen is that roads are built and we then look at rezoning or we look at rezoning and then look at roads. Once again, I point to my constituency of Cork South Central. Right across the necklace of the south of the city, regardless of whether it is from Rochestown, Douglas, Carrigaline, Ballygarvan, Lehenaghmore and right over as far as Bishopstown, over the past 15 years we have seen housing estate after housing estate being built. Thousands of houses have been built in Cork and in major satellite towns along country boreens. In effect, people come out of their brand new homes in the morning, get into their cars, drive on a road which is probably yet to be taken in charge by the local authority because it is so new and, when they come to the end of that road, in places like Maryborough Hill or Donnybrook Hill, they come out on to a country breen. The same thing happens in Carrigaline. This is something the Bill should address but I see no mention of it. A situation should not arise where we look at maps, see roads where two cars would struggle to get up and down if they met one another coming in opposite directions and yet facilitate the development of major housing estates of between 500 and 1,000 houses.

The previous speaker mentioned the use of buses on our road networks. By means of a parliamentary question, I recently discovered that there is a bus in Cork with mileage equal to the

distance between here and the moon and back and half way back up again. That bus is being driven around Cork city as I speak.

Deputy Billy Kelleher: It is called a shuttle.

Deputy Ciarán Lynch: Well it is. Sometimes, the shuttle is the No. 3 and sometimes it is the No. 2, which goes into the Minister of State's constituency. In addition, this bus is being driven around the city. We have a bus fleet where the newest bus is five years old and has come from Dublin. I understand that when buses reach a certain age limit in Dublin, they are added to our fleet in Cork.

In his earlier manifestation as Minister for the Environment, Heritage and Local Government, Deputy Dick Roche spoke about the need to deal with environmental noise. Planning authorities are allowing massive housing estates to be built. The NRA is saying it can do what it wishes and when one asks a Minister what the NRA is doing, he or she tells one that it is not in the Minister's brief.

I would like to have seen the Bill provide for some sort of joined-up thinking and, in particular, some forward planning because of the errors I have witnessed in Cork-South Central and other areas where development and road development are not measured hand in hand but accidentally collide at times. Regrettably, this is not the case.

Deputy Martin Ferris: Although barrier-free tolling is the central tenet of this proposed legislation, Sinn Féin believes the debate should centre around the very concept of tolls. In respect of the M50, through tolls alone, motorists have already paid for the cost of this motorway many times over. It is a sizeable chunk ending up in the hands of the private National Toll Roads. Although public private partnerships have failed and proved costly for road construction, the Government continues to embrace this form of privatisation. Sinn Féin believes public moneys should be utilised for building roads and is fundamentally opposed to tolls, with or without barriers. This piecemeal and long-awaited commitment to the removal of toll barriers has been well overdue. However, it is only the toll barriers that will be removed and not the tolls. Road tolling is another stealth tax, one which motorists are compelled to pay for the pleasure in entering Europe's largest car park, the M50. Motorists already pay road tax, which is supposed to cover the cost of building and maintaining roads. Tolls are simply another form of double taxation and are essentially a tax on workers travelling to and from work. Tolls have proved to be a lucrative money-spinner for private toll operators who make millions of euro annually. The then Minister for Transport, Deputy Cullen, consistent in his record for wasting taxpayers' money, gave the green light for the buy-out of the tolls at the sub-

stantial cost of €730 million, when the cost of introducing barrier-free tolling is included.

A positive element to the Bill is the provision for rest and service areas on the national road network. The Bill states a road authority or other relevant authority may make provision for a service area scheme. Will it be mandatory for all motorways to be provided with proper rest and service areas or is it at the discretion of the relevant authority? Sinn Féin raised the concerns of road hauliers on this matter with the former Minister for Transport Deputy Cullen, only to be met with a sense of inaction. The number of service stations and washing facilities for hauliers and motorists are inadequate. There is a lack of safe areas for hauliers to park. With the EU directive on drivers' hours being enforced by the Garda traffic corps, it is impossible for hauliers to find safe and secure places to park to take required breaks and sleep overnight if needs be. The current predicament is that road hauliers are forced to use the hard shoulder for breaks which is illegal and dangerous. It is a catch-22. If truck drivers stop for a break, they break the law by parking on the hard shoulder; if they do not stop to take their breaks, they also break the law. With the carnage on the roads, we need progressive measures to ensure there are no tired truck drivers on our roads.

The Bill contains powers for the Minister to designate a high quality dual carriageway as a motorway. What about assigning powers to stop a motorway being constructed? Protected roads are referred to in the legislation. What about protecting our heritage? I refer to Fianna Fáil-led plans of cultural vandalism in constructing a 70-mile motorway close to the Tara Valley which contains a high concentration of ceremonial monuments. It is no wonder that Tara has been announced as one of the 100 most endangered sites in the world.

I welcome parts of the Bill, particularly those for service and rest facilities on motorways which will benefit hauliers. Safe areas must be made available where they can park. I always note when travelling on the N7 the number of trucks parked on the hard shoulder which is dangerous for other motorists.

Deputy Michael Fitzpatrick: The Government is embarking on the largest and most ambitious investment in our national infrastructure. Under Transport 21, €10 million will be invested every day for ten years. This €34 billion investment is transforming infrastructure with an investment of €18 billion in the road-building programme and €16 billion in public transport.

From 1997 to 2006, 191 km of new motorway and 479 km of new dual and single carriageways were built. Of this, 100 km were completed in 2006. In 2007, €1.5 billion will be invested in the national road network with a total of 673 projects. Spending on non-national roads at €607 million in 2007 means that over €2.1 billion a year will be

[Deputy Michael Fitzpatrick.]

invested in new and improved roads. This amounts to €178 million a month.

There has been criticism from some quarters that it is taking too long to build up the transport infrastructure. No Government has ever built on the scale of the Fianna Fáil-led Government. While some projects have come in behind schedule, others are ahead of schedule. A combination of several significant initiatives is delivering major road projects faster, in budget and, in most cases, ahead of schedule. These initiatives include securing agreement on multiannual investment plans that guarantee State investment, greater efficiencies in construction, a competitive edge introduced by the involvement of international consortia and the development of a dedicated skills base in construction firms. The steady pace at which projects are going through the planning process means there will be a reserve of projects that can be quickly elevated to the tender and construction stage. Increasingly, the trend is towards the completion of major stretches of motorway and dual carriageways ahead of schedule.

The Roads Bill is predominantly concerned with the introduction of barrier-free tolling on the M50. Many Dubliners and constituents in Kildare North are too familiar with traffic problems on the M50. The population of Kildare has risen by over 23,000 people since 2002. This large rise in population, in addition to a dramatic increase in the number of cars on roads, has meant commuting to Dublin takes its toll on many young working families. The introduction of barrier-free tolling will ease journey times for many people.

The move to barrier-free tolling on the M50 is the most modern way of dealing with large volumes of traffic. The upgrading of the M50 from two to three lanes is also vital and will allow the motorway deal with 50% more traffic, as well as alleviating congestion in and around Dublin and on the N3, N4 and N7.

While the cost of the buy-out has been the subject of criticism, a contract was in place with NTR until 2020. The buy-out means that, on behalf of the taxpayer, the Government will ensure NTR does not get the benefit of the €1 billion investment on the M50 which will see its capacity increase by 50%.

The road-building programme is eliminating bottlenecks, alleviating congestion, reducing journey times and increasing road safety. In County Kildare, examples include the Naas Road upgrade and the Monasterevin, Kildare and Kinnegad bypasses. Next year work will begin on the Carlow bypass, providing more benefits to County Kildare. A modern efficient road network is vital for our continued prosperity. Transport 21 and the development of a high quality road infrastructure will support competitiveness, create jobs and facilitate regional development. It will also lead to better road safety. I congratulate Kildare County Council for its recent approval of

material contravention for a service area on the M7 at Monasterevin.

Deputy Andrew Doyle: I wish to share time with Deputy Burke.

Acting Chairman: Is that agreed? Agreed.

Deputy Andrew Doyle: I wish Minister of State, Deputy Billy Kelleher, well in his new appointment. As this is my first speech in the House, I wish to thank the people of Wicklow for electing me.

Having studied the Bill, I believe it is both practical and progressive for an era with multi-car households and high volume traffic. Even as we strive to improve public transport provisions, it is noteworthy that other countries with much better services also have barrier-free tolling in place. The caveat is that just because we improve tolling efficiency and speed up throughput, this may be taken *as carte blanche* for applying tolls everywhere and anywhere. Such initiatives must be justifiable and a *quid pro quo* for an efficient tolling system should be reflected in toll costings and in the reviews that take place. We do not want to replicate the experience on the M50 where an increase in the toll was approved as part of a contract, when it was clearly shown this was unnecessary.

One of the concerns already highlighted relates to the application of default fines. We can apply EU laws right across the European Union when it suits us. Is it odd that when a car is insured by a Polish company, for example, to cover travel in Ireland, it should be liable for fines in this jurisdiction? I am taking Poland as an example. Across the EU there is harmonisation of all Community legislation, so it should be possible to implement this.

As regards the M50 the only concern is the timeframe, which is more than a year ahead and this in particular should be prioritised. As an aside, yesterday the figure of 1 million was reached for trucks going through the port tunnel, a great testament to its success. However, I heard on one of the *vox pops* that a bus driver who was using it and got a round of applause from his passengers has been told he can no longer use it. I urge a review of the usage of the port tunnel so public transport vehicles are the next class of carrier to be able to use it without incurring charges. This probably would alleviate traffic, especially that which is heading north. I have had occasion to use the tunnel once or twice while running late when the charge was €6, outside the time when the charge is €12. When there are two or three people in the car who will otherwise miss a flight it certainly seems like good value.

On the issue of the high quality dual carriageway, this proposal has a harmonising effect as regards high quality roads and motorways and speed limits, signage, etc. Since everyone else has been given latitude as regards being parochial, I

wish to ask that Euroroute 1, Larne-Rosslare, which includes the N11, be included in that along with the major urban routes. However, this would mean completion of the final 11 km from the Beehive to Scratnagh Cross in Wicklow. This road has caused carnage in the past couple of months. The €750,000 in Government funding for improvements is welcome but the volume of traffic is such that when people emerge from the motorway or dual carriage, which now extends to the Border, they find it difficult to come to terms with this stretch of road. Regardless of speed limits and traffic management, people are involved in major and minor accidents every week. I know it is mentioned in the latest development plan, but there is no timeframe. If it was to start tomorrow it would still be 15 months before construction would begin.

I am sure the Government will not quote statistics that indicate the extra kilometres of motorway being provided include roads that might be upgraded. I presume only new motorway statistics will be included when the statistics are published. As regards service areas, the road from the Border to the Beehive, which is continuous motorway and dual carriageway, extends over 150 km and there are not more than two pull-over points in either direction. There is a requirement for five or six rest areas. About 14 months ago the NRA put local authorities on notice that it would enforce its right to object to planning permissions on or near interchanges, including those that provided for rest areas. If this is a new initiative from the NRA, I welcome it, but it appears to fly in the face of the notice given at that stage. I would like clarification in this regard. Nonetheless, it appears to be a welcome initiative, reflecting as it does best practice on health and safety grounds for truck drivers in particular, who are mandatorily obliged to take certain periods of rest.

Car-parking at stadia, especially at major venues, and not just in Dublin, is also of some concern. In Thurles, for example, it is a particular problem for local people, and the by-laws should be introduced in consultation with both residents and local businesses. All classes of stadia in future will be used for more than just sport, because they have the infrastructure and are modern and people want such facilities. Certainly, the people who suffer continuously in this regard should be considered.

Finally, the taxi regulations are generally welcome. However, by-laws in towns in particular should allow for non-taxi people who do not enjoy taxi rank facilities to park in despatch areas, load bays, etc. without incurring the obligation to pay a parking fee. The current arrangement is unfair because as a hackney operator expressed it to me, he does not make money when his car is parked outside a despatch office. Invariably such people have to pay €1 or €1.50 and this should be taken into consideration. I realise it is a matter for the local authorities, but

it is something on which the Department should give a directive.

Deputy Ulick Burke: I thank Deputy Andrew Doyle for sharing time and I welcome the Minister of State, Deputy Terry Killeen, to the House.

I am glad of the opportunity to contribute to this debate. All of us, particularly in the west, are conscious that we are only now starting to initiate major projects as regards infrastructure. Expenditure over the past ten years in the BMW areas relative to Dublin and Leinster clearly reflects the imbalance in the delivery of major infrastructure to the west. The NRA's forward planning techniques are very poor. There are many examples of this, as the Minister of State is aware. As we leave Dublin this afternoon we find that what should have been incorporated in the initial stages of major infrastructure around the capital is totally inadequate, at the roundabouts, etc. Nobody within the NRA's engineering or planning staff appears to have had the foresight to see the necessity for the slip roads now being put in at various junctions.

There are other examples in the far west. The Taoiseach, along with the former Minister for the Environment, Heritage and Local Government, visited Gort in County Galway, where we are at the final planning stages for the provision of the new N18, particularly the part from Oranmore to Gort to Crusheen, bordering the Minister of State's constituency. The NRA has continuously refused to provide a second entrance to the town of Gort, despite the fact the case for its obvious need has been submitted to it. It continually says it will be considered when there is a need. That is a classic example which shows the NRA has learned nothing from the mistakes of the past.

Is it responsible to anybody or the Minister for its very costly mistakes? Those in the west and the Border, midlands and west region have had to wait a long time for a major upgrade of their infrastructure and have had to sit by while the mistakes the NRA made in the rest of the country have been corrected at great expense.

Consider the rest areas proposed in the Bill. Why is the NRA so secretive about identifying their exact position in its plans for the major routes throughout the remainder of the country and in respect of existing upgraded roads? There is no indication whatever that it has identified the locations of rest areas on roads subject to planning and under construction. Is there a reason for its not doing so?

People in the west, including industrialists, travelling to Dublin Airport or Dublin Port for commercial reasons will have to pay three tolls to get to the former and four to get to the latter. In some cases, particularly for a truck, this would cost an additional €60 for the return journey. If we are to disadvantage manufacturers transporting goods from the west to Dublin Port with an additional penal tax on road use, we are not

[Deputy Ulick Burke.]

being serious about encouraging growth in the west. How can any industrialist seriously consider locating in the west when there is such an impediment and disincentive put in place by central government and the NRA? The toll booths represent a money machine for those constructing them.

If one leaves the outskirts of Dublin and travels westward as far as Kinnegad on the N6, one will find no service area of any kind, even though one is travelling on a motorway. There is a maximum speed limit of 120 km/h. Between Kinnegad and Kilbeggan, there is a road of equal, if not better, standard. There is no doubt that it is a top-class road but a speed limit of 100 km/h is applied thereon. This has caused confusion and some have been penalised because of the inadequacy of the road signage on the new section.

The quality of the signage on modern roadways leaves an awful lot to be desired. As one approaches many signs, especially at dusk, even if driving with full-beam lights, the information does not show up clearly. There are several cases of very inferior road signage on the new section of road between Kinnegad and Kilbeggan, either because of the way in which it is manufactured or the quality of material used. This can be regarded as a danger because one's inability to read signs on time to determine the location of exits can cause disruption to motorists behind who clearly intend to drive straight ahead. I ask that these points be taken up with the NRA.

Do the NRA and Government realise the consequences of certain new infrastructural developments, for instance, on the N17 and N18, which extend from Tuam to the Clare border beyond Gort? Already fragmented farms are being split again. The Government is continuing to impose a penal tax on farmers' livelihoods by way of acquiring their land through compulsory purchase orders. In the west, where farms are already seriously fragmented, the splitting in two of small parcels of land prevents absolutely the continuation of viable farming in many instances. While it may not be the case in all instances, those responsible for compensating farmers should have a more considerate and conciliatory way of apportioning compensation and the Government should not have demanded an additional penal tax on what was, to many farmers, their livelihood and which is now rendered pretty much useless. I hope these matters will be attended to.

Everyone is aware of the steadfastness of the NRA in refusing to move its routes, even marginally, once put on paper, although they may just be desktop designs rather than finalised proposals. It creates a design and route and will not change them regardless of the consequences. In this regard I hope the case of Gort will be addressed. The Taoiseach said there would be no problem having a second entrance into Gort and Deputy Roche, the former Minister for the Environment, Heritage and Local Government, said

there would be a second entrance into the town. I do not refer to a bypass but to the new section of the N18 proposed for the area. There is no reasonable access to the town. Heretofore, traffic coming from the midlands, going through Loughrea and on to Gort, would have turned left before the town to avoid passing through it, but under the new plans of the NRA, it is now forced to go through the town. Trucks and other vehicles from the midlands on their way to Shannon Airport and Limerick are now forced to pass through the town, thus adding to the serious traffic congestion on the N18 from Limerick to Galway.

I do not understand why the NRA persists in ignoring the practical considerations of the people living in areas where difficulties have been identified. I hope there will be a response, even at this late stage and in this Bill, to the practical considerations and to the lack of forward thinking of the NRA and, as a consequence, the Government.

Deputy James Reilly: I congratulate the Minister on his appointment. Barrier-free tolling is welcome but no toll at all would have been better, as others have pointed out.

Given that we will have tolling, although I thought we were wealthy enough not to need to impose a further tax on motorists and hauliers,

2 o'clock I appeal to the Minister to take the disabled into account. My appeal to his colleague, the Minister for Finance, on stamp duty fell on deaf ears so I hope we will get a better response today. There is an anomaly at present where if a person is driving a vehicle that has been specially adapted because of a disability, he can pass toll-free but if he has a disability and is displaying a sticker from a body such as the Irish Wheelchair Association, he cannot. Will the Minister examine this area and lessen the burden for those who are already burdened with disability?

People have mentioned rest areas, highlighting a problem that is particularly acute in my constituency — the lack of forward planning. People know the motorways will be used and the lengths of journeys that must be undertaken but it is only now that we are providing for rest areas. Hopefully it will be a speedy process.

The other issue is congestion on the M50. It is a nightmare for commuters; the "M50 car park" and the "mad cow roundabout" have entered common parlance. Fingal County Council, in its discussions with the NRA when the road was being designed and built, wanted to put in proper junctions, flyovers and on-off ramps so traffic could flow freely. It was told they were not necessary but now we are in the current mess, digging up the M50 to install a third lane on each side and we may need to add a further lane in ten years. Has that been studied? What is the projected usage for the M50 in ten years time and will we need a fourth lane?

The M1 must be upgraded to six lanes. Large-scale development is proposed, with talk of a new port at Bremore, lands zoned for industrial use at Lissenhall, Tesco, Ikea and the new terminal and proposed new runway at Dublin Airport. All of these will cause a huge increase in use and we should anticipate it. Instead of waiting until capacity has reached breaking point, we should plan ahead. The people of north Dublin would be happy to see new developments in the port at Balbriggan but they will not suffer as they have had to for the past 15 years a development that creates more problems than it solves. I demand that the Minister ensure there is simultaneous development of the infrastructure necessary to make that port an asset rather than a headache. There must be access roads and a new ring-road from north of Balbriggan to Navan and on to Naas for traffic to the west and south that does not need to go near Dublin or the M50.

On the M1, with the development of Lissenhall, we need another spur, something I have called for in the past, to ease congestion in the mornings and evenings. Such congestion will only get worse as these lands are developed. At present it takes 30 minutes to get from Lusk to Swords, and longer to get from Skerries, Lough Shinny or Rush. That journey used to take ten minutes. Despite the improvements brought by the M1, we have not planned for sufficient capacity. With all respect to the Taoiseach, I do not want to hear again that no one could have anticipated the growth of the country and that is why the M50 is insufficient and must be upgraded.

Road signs are not clear enough. There is no sign for Lusk at the first motorway junction coming from Dublin city. It is first posted at another exit three or four miles further north, even though the town now has a population of 7,000.

The gridlock on the M50 is not just a nuisance for commuters, it is a serious problem for the emergency services. The Fire Service and ambulances get held up. It is bad enough that ambulances are stuck in accident and emergency wards because their trolleys are being used by patients in the hospital due to the lack of beds. I asked the Minister for Health and Children to make spare trolleys available so ambulances can leave hospital and get back on to the road. If the road is blocked, however, it could be a matter of life and death for someone.

In Skerries, the local area plan includes a new access road so trucks and buses do not have to go through Rush because they cannot go under the bridge in Skerries. Using this new road, they will be able to go straight through but we have been told by the county engineer that it may take up to six years to achieve the necessary €5 million spend. What is the problem and where are the hold-ups that mean something so straightforward takes so long? It certainly baffles the people of north Dublin.

A model for road use and capacity around Swords was carried out in 2004 by the then

county architect, who is now county manager, and even then it showed we were operating 25% above capacity. This will get worse with the proposed metro coming on stream. Have arrangements been made for a park and ride facility and if not, why not? If arrangements have been made, it will increase traffic flow into the area as people start to use public transport.

The train stations throughout Dublin north have insufficient car parking and no nipper bus service, except for a pilot service in Balbriggan north in recent years. This scheme has worked and should be extended to Portmarnock, Malahide, Rush, Donabate and Skerries. Road access to the stations is also appallingly bad, particularly in Portmarnock, making it difficult for pedestrians to walk to them safely. In Lusk, it took six years to complete a footpath from the village to the train station so pedestrians could get there.

The trains are overcrowded. The motorways under this Bill, like the accident and emergency departments in the hospitals, are not islands onto themselves in the system. While we put roads in place, we must also support trains, extend the DART out to Balbriggan and put more capacity in place on the trains. I see patients who faint on the train, particularly pregnant women, and schoolchildren who are forced off the train by people trying to get to work. I know a man who retired early because he could no longer face the journey on the train from Balbriggan.

We seem to be caught up with difficult red tape which people either do not understand or find difficult to accept. I refer to the Dublin Port tunnel which has been mentioned by other speakers and to the fact that the No. 41 express bus cannot use the tunnel because it needs a licence to do so. It is a bizarre situation that public transport should require any licence to pass through the tunnel but even if this is the case, surely the Minister should make that happen as soon as possible. Even if EU rules and regulations state that a licence is necessary, why was Dublin Bus not invited to tender for a licence? Swords has a population of 40,000. I congratulate Paddy Maguire, the bus driver, for using his initiative and exposing this farcical red tape where taxpayers have paid for the tunnel and the public buses but cannot avail of the tunnel. I wonder what is the view of the Green Party of this unnecessary increased pollution with the bus on the road half an hour longer than it needs be. I hope the Minister will pre-empt the problems rather than waiting for them to develop.

Deputy P. J. Sheehan: I congratulate the Minister on his elevation as Minister and I congratulate Minister of State, Deputy Billy Kelleher, a politician from my own county who has been elevated to the post of Minister of State in the Department of the Enterprise, Trade and Employment.

[Deputy P. J. Sheehan.]

The Roads Bill 2007 will create major freeflow roads for the major cities but nothing for my region of the south west. I remind the Minister of State that the constituency of Cork South-West extends from Cork Airport to Mizen and Sheep's Head and the Dursey Sound. It does not have one mile of national primary road, yet it is 120 miles from Cork Airport to those three locations. This area is much larger than many counties. The only legacy left by Fianna Fáil to south-west County Cork was the removal of the railway between Cork city and Bantry and Skibbereen and the light rail system and tram service from Skibbereen to Schull in the 1950s. They sold the railway tracks to a Third World African country and I believe it is still running to perfection in that country.

On that occasion the then Fianna Fáil Minister with responsibility for transport, power and local government promised that our road system from Cork to Bantry, Castletownbere and Baltimore would be reclassified to national primary status. Yet, 50 years later, we do not have one mile of national primary route in south-west County Cork. This is a dismal legacy for an uncaring Fianna Fáil Administration. Rosy promises but no action seem to be the name of the game in so far as south-west County Cork is concerned. How long more will the Minister treat south-west County Cork as the Cinderella region of this country? It has no rail service, no air service, no ferry service and no primary road service, yet Castletownbere is the largest fish landing port and Bantry is the national capital of mariculture and aquaculture.

Barley Cove, Inchydoney and Owenahinch are in the tourist riviera of Ireland. It is the major agricultural region of Ireland with companies such as Carbery Milk Products, Bandon, Barryroe and Drinagh and Lislevane co-ops, yet the region is starved of adequate road, rail and air infrastructure. It is time for the Minister to wake up from his slumber and recognise that his Government is slowly strangling the life blood of the south-west Cork region.

The last time I spoke in this House on a Roads Bill was on Tuesday, 12 June 2001. I took an enforced sabbatical from this House at the last general election but, thank God, I am back again to speak on behalf of the people I represent.

Deputy Bernard J. Durkan: Hear, hear.

Deputy P. J. Sheehan: In the five years of my absence from this House, not one thing has changed in so far as south-west County Cork is concerned.

Deputy Bernard J. Durkan: They are still over there.

Deputy P. J. Sheehan: They are still in Government but there are no results from that long-term

power-sharing arrangement. They are now with the Greens, the Progressive Democrats and Independents. The Taoiseach's purse must be greater than Séadna's purse if he can placate and please the five or six Independent Deputies he has brought in behind him as a safety hatch—

Deputy Bernard J. Durkan: As a parachute.

Deputy P. J. Sheehan: —for fear that the Greens might get cold feet and pull out.

Deputy Bernard J. Durkan: An overdose of muesli.

Deputy P. J. Sheehan: I await the results and I hope that south-west Cork will be thought of in a better way now. It is to be hoped that some of the largesse that Deputy Jackie Healy-Rae has in the boot of his car and in his briefcase will be diverted to the constituency of Cork South-West as well because we cannot live on fresh air and cold water.

Acting Chairman (Deputy Joe Costello): The Deputy is moving slightly off the point.

Deputy Bernard J. Durkan: He is moving to a crescendo.

Deputy P. J. Sheehan: The south-west corridor does not touch one inch of Cork South-West, yet that is an important bulwark of the south-west region. Proper road infrastructure is of paramount importance and it is the keynote to success and to any region's sustainability.

I live 240 miles from Dublin in the picturesque village of Goleen on the Mizen peninsula. I must travel one third of that distance in my car before I meet a dual carriageway on the road to Dublin. Cork South-West is deprived of industrial development by an inadequate road structure.

A relief road is long overdue for Bantry town, whose inhabitants are subjected to huge juggernaut lorries conveying fish from the south-west port of Castletownbere to the Continent. They must pass through that narrow network of streets in Bantry. We have been waiting for a relief road for the past 15 years. The land has been acquired and I ask the reason it has not been commenced. The inhabitants of Bantry town must put up with this inconvenience. The life blood and livelihood of the town is being strangled for the want of a proper road infrastructure. I invite the Minister for Transport and the Marine, Deputy Noel Dempsey, and his Ministers of State, to come to that picturesque area of Ireland this summer and spend a weekend there, if they are unable to spend a week or a fortnight, to see at first hand the serious situation that appertains to traffic in that town.

A proper relief road is vital for Bandon town where half a relief road was constructed 12 years ago. Since then, not a single yard of the remaining half has been completed. Why is there that dead-

lock in Bandon town? The road from Bandon to Bantry via Dunmanway should be upgraded to the status of at least a national secondary route.

Seven sections of the Bill are devoted to tolls and tolling systems. What good are they to the inhabitants of west Cork? The people of south-west Cork are entitled to the same concessions as all other citizens of this country, and the same service levels prevailing in Dublin, the midlands and elsewhere. Unfortunately, we are not getting that. Let us hope that, before long, this Bill has some repercussions that improve the situation. I see from section 46(3) that the Minister may now declare a proposed road to be a motorway under subsection (1).

In conclusion, I would like to amend the Roads Bill 2007 to allow the Minister to upgrade the road from Cork to Skibbereen and Bantry from a national secondary route to a national primary route. That is not too much to ask the Minister if he wishes to make up for the neglect of west Cork over the past 50 years.

Deputy Bernard J. Durkan: This legislation deals with barrier-free tolling and other matters. Surely the only contribution the Government could make to road construction and traffic management would be to move away from it altogether. To ascertain what the problems are, all one need do is go down to the M50 and sit there. One can park there all day, but it is not even free since one must pay to pass through. It is extraordinary that, through an inability to improve the way that we meet our modern need for roads, we have, as Deputies Sheehan, Reilly and others have said, allowed daftness to prevail.

For example, the Dublin Port tunnel cannot accommodate tall trucks. It could only happen here that a tunnel could be designed for the needs of modern traffic at a time when roads across the country are chock-a-block, only for us to decide that it should accept only trucks below a certain height. Our answer has been to ban all others from the country. That is crazy and could only have happened here. Another anomaly is that we cannot bring buses into the tunnel without passing legislation. How did that happen? How did we reach a situation where the smallest and simplest things require legislation?

The Minister will put paid to all that, however, since, with a wave of his pen — at his whim, depending on whether he has enjoyed sweet dreams the previous night — he may now impose tolls. That will happen regardless of people's wishes and without consultation. It is nice that he may now do so. It is almost a kind of royal command performance. I doubt whether such proclamations represent progress. Those of us who served on local authorities, long ago or more recently, feel that we should take stock of what is happening and ask ourselves a serious question.

I recently visited Portugal to consider its road-building campaign. In four or five years, that country has opened motorways everywhere. They

pass over mountains and through valleys, with various viaducts. The Portuguese have built a road system that is second to none. They have not produced something that is three quarters of the way there, but an excellent six-lane motorway all over the country. They have built up their transport and communications infrastructure to bring all parts of their country together.

We have not yet done so, despite our proclaiming that we have achieved great things. The Irish road transport system is appalling, yet we have a very high degree of dependence on it. For some unknown reason, no one seems to have thought about it. The population is rising, and one can see how many trucks are on the roads if one goes driving early in the morning. We presume that our introduction of barrier-free tolling is a great thing for society. They have had that for some time everywhere else and people can simply drive through. Why we must legislate for that at this stage I do not know.

It would have been a great gesture if, four or five years ago, the tolls that caused so many logjams, especially on the M50, had been abolished. To have lifted those barriers and let people drive through would have been a concession to society, the hard-pressed motorist and the over-taxed citizen. At some point we must give them a break. In return for all the long delays, we are heavily taxed regarding tyres, cars and the VRT that we pay on them. In case there is any possibility of our escaping, we are hammered at the toll bridges. As recompense, we have the privilege of waiting. We need Valium to soothe our shattered nerves, so long have we waited.

The Bill refers in passing to various issues now so obvious that the very dogs in the street bark their awareness. The fact seems to have escaped us that, apart from the famous Transport 21, there has been no overall plan. The phrase was trotted out so often during the general election that it seems to have lost its meaning.

Several factors are relevant to our quality and way of life. Ireland does not have a road system developed during the Industrial Revolution, and neither did we get one in the 1960s or 1970s. Other countries provided for such development and they do not share our problems with traffic. There is no use in throwing up our arms and saying that the situation is serious. We are a very small country with exceptional traffic problems. Other, smaller countries with bigger populations have managed to solve the problem. They did so by a variety of means, drawing on all available alternatives rather than relying on a single transport system.

With the Green Party in Government, one might expect to see those various options now being brought forward. I am not sure that a police motorcycle escort is necessarily a step in the right direction. I would not advise the Minister of State opposite, Deputy Tony Killeen, to indulge in that type of fantasy. I do not know that his constituents would advise it either.

[Deputy Bernard J. Durkan.]

I want to see something realistic in terms of the development of those alternatives and putting them in place so as not to waste any more money or time and infuriate the taxpayer to a greater extent than he or she has already been infuriated. We must now look at the options.

One can move goods and people from one point to another by road or rail and by public or private transport. I do not know the extent to which attention has been given to the transportation of goods by rail, although much has been said about it in passing. If it is to happen, there must be serious investment in rail of which I have not seen evidence certainly in my time in this House. It will require a much more ambitious plan than Transport 21. It will mean the heavy goods vehicles on the roads will travel by a different means. It is possible but requires serious investment and planning. God love us all on this little island of ours but serious planning is not one of our strong suits. It took a long time for us to stop the water coming into that little old tunnel about which we spoke a few moments ago. We have not yet been able to build a swimming pool in which we can keep water. We have difficulties in the planning area. If we are to see a shift from road to rail transport in terms of the transportation of goods, we need to see the plan which does not exist at present. Various logistics must be addressed in terms of roads and bridges. Either it is possible or it is not but we should be told.

The greatest opportunity available to us is road passenger transport. As Deputy Michael Fitzpatrick, my constituency colleague, will readily agree, the commuter rail service presents itself as the best we can achieve in terms of an answer to road traffic congestion for commuters. However, it must be to the benefit and convenience of the commuter and not the transport provider. That means the train service must be at a time and frequency which will suit the commuter, which will shift 1,000 people at one time and which will ensure 1,000 people are not stuck in their cars on the M50 or elsewhere. There would be huge benefits if that was pursued to the extent it could be. If the extent to which that could be achieved is maximised by way of forward planning and financial provision, it would be a good thing, as would Transport 21 and this Bill.

I expect the Green Party in Government will play a major role in providing these alternatives. I know Green Party Members are a little bit reluctant to come into the House at present. Shyness comes with recent promotion. It is normal in this country.

Deputy Martin Mansergh: They might just be busy.

Deputy Bernard J. Durkan: They could well be busy but I hope they do not exert themselves too

much because running in front of or behind a squad car is a very strenuous exercise. I expect to see the Green Party's influence in this area soon. There is no use being shy or coy about it. They need to demonstrate their willingness to act.

Deputy P. J. Sheehan mentioned the road infrastructure to Cork. It is an awful reflection on our country which has been one of the wealthiest nations in the world, or certainly in Europe, for the past number of years that we still do not have a proper motorway to Cork, the southern capital, or to the south west. Notwithstanding everything that has happened heretofore, it is only now that we are suddenly realising nothing happens unless one plans and provides money. Our colleague across the water, Margaret Thatcher, when in government, decided in her latter years in office that there would be no more road building. This was seen by environmentalists as a great score and recognition of environmental issues. What she did not tell them was that she would not have to spend any money building roads and that it was a huge saving. As a result, the subsequent British Government had to invest. We can learn from the mistakes of our neighbours and can inspire others around us by doing the right thing.

I refer to our future transport requirements which we should bear in mind. In the 1940s and 1950s, we had roughly half the population we have now. It is quite easy, but expensive, to service a small population in terms of transport and other requirements. However, it is much more difficult to meet the transport requirements in today's world if one does not have a good network of obstruction-free roads. If we are not in a position to deliver to the public its requirements on a regular basis and reliably, we will face serious problems.

Incidentally, I saw an interesting programme on RTE recently in which energy and transport were discussed as well as the threat presented. It is not a threat but merely a challenge we must face. Many of the prophets of doom tell us the reasons we should be fearful of the future but I am surprised so few tell us the options of which there are many. It is purely a matter of developing those options. This country has plenty of options, including alternative and clean fuel. It is not true to say we face a doomsday situation. It is within our grasp to ensure we prevail in the future in the same way as other countries will. It is not true that the only answer to climate change is if everybody runs scared. Scientists are developing and bringing forward the options and alternatives. The time, energy and money we expend on research and development in that area will be money well spent.

I refer to a matter which has been a bone of contention with me for a long time. I cannot understand why we do not build roads for the future. We build roads for the past all the time. The M50, when completed, was already out of date. The only road built to stand the test of time was the Naas dual carriageway. It stood the test

of time from the 1950s until the past couple of years. All the other roads built in the past ten years have failed the test of time within two or three years. Why take out a slow lane and build another lane? No other country does that. Rather, they build a road to take a precise amount of traffic over a projected period of time. They do it well and plan it accurately. Why can we not do that here? Why has it not been done?

I remember when I saw the original excavations for the M50 I rang the Department of the Environment to ask what had gone wrong. The works did not reflect the plan which had been shown to the local authorities, including Kildare County Council, which had an ongoing interest in the issue. I was informed that cost-cutting was responsible and the plan was to build a cheaper road. However, it has not worked out cheaper. Every day infrastructural expenditure is postponed, the cost is multiplied. The infrastructure will have to be provided at some stage in the future, but it will not be done for less. It is the lesson that must and can be learned from every infrastructural project undertaken in this country in the past ten years.

An Ceann Comhairle: The Deputy has one minute.

Deputy Bernard J. Durkan: As the Ceann Comhairle knows, it is very difficult to describe the ills of society in one minute. I will do my best.

An Ceann Comhairle: The Deputy has done a good job in the last one.

Deputy Bernard J. Durkan: No better person than the Ceann Comhairle to assess that. The Minister is sincere and hard-working and the only advice I give him is to, for God's sake, get those who plan projects to plan for the future not the past. Will the Minister tell the Green Party to be careful when they are running down the road in front of the squad car? Road safety must be observed at all times at all levels of society and we should be careful about the example we give to others.

An Ceann Comhairle: I thank the Deputy for his own good example. I call Deputy Mansergh for what is probably his maiden speech.

Deputy Martin Mansergh: I have blooded myself already. Indeed, one of the Deputies opposite told me I had already lost my maidenhead three times.

An Ceann Comhairle: I should have known better.

Deputy Martin Mansergh: I wish to share time with Deputy Johnny Brady.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Martin Mansergh: I congratulate the Ceann Comhairle on his election and express my delight at seeing him where he is. From time to time, I will probably embarrass him by referring to some of his exploits in previous existences.

Deputy Bernard J. Durkan: Go on. Do go there.

Deputy Martin Mansergh: The Bill comes from the Seanad and I come with it. It is not often one has the opportunity to debate Second Stage of a Bill in both Houses of the Oireachtas and I am grateful for the second bite of the cherry. I notice that on a number of matters, including the Bill, the Green Party, which is very welcome in Government, is being incited to take up positions by Fine Gael Members which are quite contrary to Fine Gael policy. I wonder why.

Deputy Olivia Mitchell: Consistency.

Deputy Martin Mansergh: The foundation of liberal economics was the phrase "*laissez faire, laissez aller*" coined in the 1750s by Vicomte de Gournay, a Frenchman who was part of what Edmund Burke called "that sect of economists". I have always had mixed feelings about tolls given their association with *ancien régime* Europe where they obstructed traffic and commerce. However, we have, for what must be admitted good reasons, had to reintroduce them to a certain extent. It is possible — I hope we will see them very soon — to have tolls which do not involve physical barriers as in the worst and most notorious case of the M50 toll bridge. I cannot find in the Minister's speech a precise date as to when the toll at the West Link will become electronic, but I hope it is soon.

While all sensible people avoid the M50 during rush hour if they can, considerable queues may also form outside that time. However, I am not so naive as to believe that when the obstruction is removed, traffic will not pile up promptly at some other pressure point. I have paid a few times for the pleasure or privilege of using the port tunnel which is a marvellous example of infrastructure. It speeds up a journey from the south side to the airport and gives one another option although one has to pay for it. As for swimming pools and lakes, I saw no moisture in the tunnel unless it was from the wheels of trucks.

Reference was made to a motorway between Dublin and Cork. I remember being a child in the 1950s before the Naas dual-carriageway was constructed when it used to take at least an hour, if not longer, to get from Naas to Dublin. Some time ago, we had a trip down memory lane, unfortunately due to a tragic accident at the M7-M9 junction, when we had to travel painfully through Kildare, Newbridge and Naas. It took the best part of two hours with modern levels of traffic and reminded one of the way things were. One was reminded if one needed it of the marvel-

[Deputy Martin Mansergh.]

lous infrastructural progress which has been made. Deputy Durkan referred to planning ahead. There are critics of the intercity motorways who say current traffic volumes do not fully justify motorway infrastructure on every stretch of each route. The existence of such criticism, however, is proof that we are planning ahead and providing extra capacity now. While fine plans were made in the past, the money was not there to pay for them, unfortunately.

I am very enthusiastic about the provision in the Bill to upgrade the dual carriageways which are motorways in nature. One is reminded of those newspaper cartoons where one is invited to spot the difference. I must not be observant and percipient enough because I cannot see what difference there is between the Glanmire bypass and a motorway. On the assumption that the upgrade to motorway status will mean an upgrade to motorway speed limits, the change will deliver a better return on the hundreds of millions of euro we have invested in our road network. I cannot for the life of me see why the dual carriageway on the N4 beyond Kinnegad to the outskirts of Mullingar is not designated a motorway.

It is not before time that we are making provision for rest places on our road network. As the continuous stretches of motorway lengthen and link up, the shortage of places to stop becomes more acute. The conspiratorial side of me wonders if a spoken or unspoken deal was made some time in the past with the traders of particular towns that if they were bypassed, no services would be provided on the dual carriageways or motorways outside them. Whatever the case, it is high time the matter was corrected.

I draw the attention of the Minister to a particular aspect of the transport plans which involves the provision of cross-linkage. It was receiving the attention of his predecessor and continues to need urgent attention now.

The one flaw in the Atlantic corridor concept is that it is a large curve on a map which takes in Sligo, Galway, Limerick, Cork and Waterford but nobody travels from Limerick or Galway to Waterford via Cork. People take the N24 from Limerick to Waterford and we have congestion particularly in those towns which do not have a bypass, namely, Tipperary town and Cahir. Clonmel has an inner bypass but needs an outer bypass. Carrick-on-Suir has an inner relief road but traffic does not go through the main streets. It is becoming an acute bottleneck and I do not need to tell the Minister the importance of the ports of Waterford and Rosslare. The tremendous amount of heavy freight traffic means the situation which we had for a long time in Gorey, New Ross and at its most extreme in Ennis is being created in Tipperary. The situation in Gorey will soon come to an end when the bypass is completed.

The Minister's predecessor met with Tipperary Town Council approximately three months ago

with regard to the significant stretch of road from Oola or Pallasgreen in County Limerick to beyond Bansha. He stated money was provided in this year's budget for further design work and it will be upgraded to dual carriageway which will involve redesign. It should commence in 2009. I, my colleague from Tipperary South, Deputy Mattie McGrath, and the entire community, are extremely anxious to see it not merely started but completed during this term of Government. Limerick to Waterford is an essential cross-linkage. If nothing were done about it and the wait stretched from one hour to two hours one could eventually force people to go via Cork but this would defeat the purpose. This is my number one priority. The position at Cahir is different because it intersects with the M8 bypass which will also sort out the N24.

One often suspects that many of the people who speak about buses in the media have not used a bus for a very long time. I use all forms of public transport as well as a car. I use trains, the Luas and DART when I am in Dublin and buses. A tremendous amount of ongoing investment and improvement is taking place in public transport as well as in road transport. We have great services. The Luas is marvellous. I parked my car at the Red Cow park and ride facility this morning so I could get away reasonably quickly this evening. I took the Luas to the forum on Europe. The only problem is that longer carriages are required on the Tallaght line but I believe they will arrive within a few months.

The improved frequency of the train service from Dublin to Cork is greatly appreciated by those who use it. I use Limerick Junction and Thurles stations. We have more space and less overcrowding on the trains. I regret the underutilised capacity on our railways which could be used for heavy, slow-moving freight. I do not mean all types of freight. If the Minister examines discussions from the early years of this decade, he will see an expert group from Britain suggested Iarnród Éireann should get out of freight altogether. This seemed to consider its local focus without examining energy or environmental considerations. The Minister should explore freight use with Iarnród Éireann. If more mineral developments are opened up, particularly in the vicinity of a railway line, strong encouragement should be given to the company promoting or exploiting those ore deposits to use our railways.

I made a suggestion in the Seanad which perhaps is not dealt with directly in the Bill that the penalty points system should be applied to the problem of litter. This has been picked up or perhaps somebody thought of it in parallel. Vehicles are involved in a great deal of littering. I would not hesitate to attach five penalty points per sack of litter dumped at night in addition to any other penalty. I do not see why people who throw non-biodegradable rubbish out of their cars such as cigarette packs or plastic bottles should not incur two penalty points.

The Minister was responsible for one of the most brilliant environmental initiatives introduced in the State, namely, the 15 cent levy, which may have increased, on plastic bags which defaced the countryside. A vast improvement has been made since then. The impact of this was not that 15 cent would bankrupt anybody but it had a psychological deterrent effect. Applying penalty points to litter put out on roads from vehicles would be a major deterrent. I recommend the idea to the Minister.

Deputy Johnny Brady: I wish the Ceann Comhairle well and compliment him. He has done a tremendous job so far and I know he will continue to do so. I wish to be associated with the many other speakers who complimented my colleague and great friend Deputy Noel Dempsey on becoming the Minister for Transport and the Marine. When I entered the House in 1997 he became Minister for the Environment and Local Government. He then held the education portfolio and in more recent times that of communications, marine and natural resources. He now holds another important portfolio.

It is hoped the Minister will cut the ribbon to open the M3 during his term of office because he was responsible for it and I compliment him on it. When he became Minister for the Environment and Local Government, councillors and TDs had problems with traffic congestion in my home town of Kells as well as in Navan and Dunshaughlin. At the time we sought bypasses and discussions commenced with the Minister who had the NRA under his brief and the M3 became a reality. We have gone through many difficulties, arguments, hearings and court cases. I compliment the Minister and hope that road will be completed during his term of office and that there will be an official opening. In fairness, I would like to have the road called after the Minister given the amount of work he has put into it.

Deputy Olivia Mitchell: It has a name. It is called the M3.

Deputy Johnny Brady: I would have no problem calling it after the Minister, Deputy Dempsey.

Deputy Leo Varadkar: It would have to be redesignated as a non-motorway in that case.

Deputy Johnny Brady: It does not matter. In any case he will be remembered in Meath for the M3. That is certain.

Deputy Olivia Mitchell: For whatever reason.

Deputy Johnny Brady: From the word go, with his colleagues we have fully supported it and never wavered or buckled at the knees. We kept at it and will continue to keep at it until it is built.

On the N52 from Ardee through Kells and into Westmeath there have been massive improvements. As part of the M3, we are getting the N52 bypass of Kells which is a major boost. There are other places such as Collierstown, outside Kells on the Mullingar Road, which also need to be bypassed, including Clonmellon and Delvin. I compliment the Minister on the work done on the Navan bypass and the N51 into Athboy. There is a serious problem with the road between Athboy and Delvin which needs enormous improvements, particularly at Lynch's cross, Lisclogher. Neither I nor the Minister wants to see an accident take place at that cross roads. I ask the Minister to go down any of its byroads, whether the road to Ballivor or Kildalkey or the N51 from Kells to Clonmellon and try to come out at that junction. It was a death trap not only during the elections. It is in Westmeath. I appeal to the Minister to provide funding for that particular junction.

An Ceann Comhairle: I am afraid we will not have time to travel any more roads today because the Deputy's time has expired.

Deputy Johnny Brady: I am sorry to hear that as there are many other roads I would like to speak about and on which I compliment the Minister. However, I will discuss them with him in private.

An Ceann Comhairle: I call Deputy Varadkar to make his maiden speech and I wish him every possible happiness and success here over many years.

Deputy Leo Varadkar: This is actually my third speech. I am getting in quickly.

An Ceann Comhairle: That is the second time I was caught out today.

Deputy Leo Varadkar: I had a matter on the Adjournment.

An Ceann Comhairle: The Deputy is welcome in any case.

Deputy Leo Varadkar: I am finding my way around. I join with other Deputies in congratulating you on your election to the position of Ceann Comhairle and I extend my congratulations to the Minister, Deputy Dempsey, on his appointment as Minister for Transport and the Marine. I have a particular reason for doing that as the Minister shares a constituency border with me. Much of the traffic that is blocking up my area is made up of constituents of his, who have inadequate public transport, and are driving through Dublin West to access the M50 or to get into town. I sincerely hope that during his tenure in that Department he will significantly improve roads and public

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transport in his constituency, which would be of considerable benefit to me.

Deputy Noel Dempsey: If the Deputy would send out some of the jobs in his constituency we would be delighted to reverse the flow of traffic.

Deputy Leo Varadkar: We would be delighted to send out the jobs and the housing as well because we have enough of both in Dublin West. We will send some of the people too if he wishes. In a previous incarnation, when I was a mere young Fine Gaeler, I gave the then Taoiseach, John Bruton, much abuse for not opening the train line to Navan. I certainly hope the Minister will do that.

Obviously everyone in the House welcomes the introduction of barrier-free tolling which is long overdue. It is nothing new in any other country. I have been to Norway where there has not been barrier-tolling since the 1970s. The people there were amused and bemused at the thought that a country like Ireland still has barrier tolling. Even in Washington, its airport motorway is all tolled by a camera system that reads one's licence plate and, if one breaks it twice or three times, the matter proceeds through the courts. That technology has been there for more than a decade. It is an indictment on the Government and the Civil Service that it has taken us so long to get this far.

The issue of the M50 toll bridge is of particular concern to my constituency, at least half of which is located in Dublin West. Deputy Brady suggested recently that the M3 should be named after the Minister. I suggest we rename the M50 toll bridge, the Bertie Ahern bridge or, perhaps, even more appropriately, the Burke bridge, after Ray Burke. That would be a fitting tribute to both of both of those men, given what they have done to commuters in Dublin.

The toll bridge, as most people are aware, was a sweetheart deal between the Government and NTR. Not only did they make the deal once, when the second bridge was built the deal was made all over again. The present position is that NTR's return on that investment will be in the region of 2,000%. Not since Jack bought his magic beans did anyone make such a good investment. I certainly hope we will never make that mistake again.

The provision for rest stops is long overdue. I suggest caution in selecting the location of rest stops and on giving local authorities too much power to designate them. I am aware that a number of herd-owners and business men across the country have designated their field or farm as a rest stop. For example, there is one area beside the M50 toll bridge where the owner of that particular ten acres would like to develop a rest stop. I cannot think of anywhere less appropriate for a rest stop than beside the toll bridge. I ask the

Minister to be very careful in regard to the regulations he draws up to select the location of rest stops because if they are in the wrong place they will become a source of congestion.

I welcome the change of rules in regard to the designation of motorways although I do not know why this did not happen sooner. There are various sections of the N2 that are really motorway but have to be called N2, and the signage has to be the N2, because of the current legislation. That change is long overdue.

On the M50 upgrade, Deputy Reilly and others asked whether we would soon learn if the upgrade to three lanes would not be adequate. We already know from the information available that the upgrading of the M50 to three lanes and the upgrading of the interchanges will not be adequate. I suggest the development of the outer ring road, which should be at an advanced stage. There is no question that, sooner or later, we will need to have a proper outer ring road stretching, perhaps, as far north as Balbriggan and all the way around to Blessington and Bray. I expect to see that outer ring road well under way during the term of this Government. If we build an outer ring road it is important that the areas on either side are protected from development in order that we do not make the same mistakes as with the M50, which essentially became a magnet for development when it should have been a limit to the city.

Among the issues on the M50 that have not been resolved are noise and sound. Noise barriers are being put in place in some areas but in many others they are not. Those living alongside the M50 are subject to horrible disruption from noise and major devaluation to their properties. That is not the case in other countries. Anyone who visits Australia will see how its motorways are landscaped and how perspex tunnels and perspex barriers are put in place to keep out the sound. There is also the question of air pollution given that the levels of nitrous oxide in much of my constituency in the vicinity of the M50 exceed the recommended limits.

There is an issue in regard to forward planning for motorways that has not been properly addressed. Deputy Reilly expressed the view that the M1 will have to be upgraded to a much larger motorway. It is obvious we will need the eastern motorway on the sea side of the city to link up the M50 to the east and the completion of the city motorways. In some of the Nordic countries a system is used whereby all motorways are more or less provided by the private sector. They are all tolled and the toll is in place until the motorway has paid for itself and a certain profit for the private sector has been made after which the road reverts to the state with a considerably lower toll. That would seem to be the way to develop motorways across the country without expending any public money in developing them. Having done

that all that money could be invested in public transport, particularly railways, which is where investment is needed.

We have mentioned Kells and Navan already. It is clear that regardless of what is done with the roads we will have major congestion on all those routes unless we upgrade public transport considerably. For many years in my constituency we have been asking for the DART to be extended to Dublin 15. The train service in my area, which I use, is greatly oversubscribed. It is not uncommon for people to faint on it or to be left on the platform. Despite considerable improvements in the frequency of service and length of carriages and the recent opening of the Docklands station, I was amazed that within a few weeks of the station opening the train was already full in Castleknock and was unable to pick up passengers in Ashtown, Broombridge and further down the line, which proves the massive latent demand for DART-type train services in other parts of the city.

Extending DART services to Maynooth appears to be the last item on the Transport 21 agenda after metro north and metro west. It is an enormous policy error to proceed with major land acquisition and tunnelling to build metro north and metro west — having metro west may be questionable — yet we are putting on the long finger the considerably easier job of electrifying the Maynooth line and reopening the Navan line, which could be done without the purchase of land and without planning delays.

Today the route options for the interconnector were published. I suppose this is welcome — they all look more or less the same to me. It appears that it will be at least 2015 before the interconnector will be in place. The interconnector is the crucial infrastructure to integrate our public transport network and allow people to get to where they want to go. Commuting has changed in Dublin. People no longer simply commute from the suburbs to the city centre, they commute from one suburb to another. They may live in Blanchardstown, work in Tallaght, shop in Dundrum and go to the airport and Swords. Without having a proper interlinked mesh of transport, we will get nowhere on public transport. I do not expect any major improvements in the next five years, which is disappointing. It may be the next government under this party that will open the interconnector, metro north and metro west. We will be happy to do that, but it is disappointing that it will take so long.

The introduction of integrated ticketing is crucial. While Iarnród Éireann and Dublin Bus claim we have integrated ticketing to a certain extent, that is not the case. It is still not possible to travel from Luas to bus or bus to DART while using the same ticket. It is not complicated and does not require much expenditure. We do not need detailed review groups and we do not need

all the technology being proposed. It would be possible to take a model from any other city with concentric zones or whatever we wanted to use and introduce it within six months if the political will existed. Unfortunately the political will has been lacking for the past ten years and it remains to be seen whether the new Minister has the will to do it.

The same applies to planning guidelines. Motorways and roads do not stand on their own, but are crucially interlinked with how we develop our country. The more sprawl we have and the more inappropriately we develop towns around the country the more we will need roads, whereas what we all know we should be doing is limiting the size of our towns and cities and developing high quality housing at higher densities in existing built-up areas in brownfield sites near to transport nodes. As part of the Seanad election trail when I was canvassing around the country with Pascal Donoghue, who I hope will soon join us in the Seanad, I got to see the Westmeath county development plan. In a five-year development plan serious consideration is being given to increase by 500% or 600% the size of many small towns in Westmeath, including towns I had not heard of before going there. It took centuries or even a millennium to get those towns to their existing level.

We are now seriously considering allowing those towns to increase fivefold or sixfold in the space of five or six years. Obviously, the net consequence will be huge numbers of people on the roads who will need to travel elsewhere for employment and education. Those are the planning mistakes that have been made in the past ten years, leading to the development of huge towns like Celbridge, Leixlip and even Blanchardstown, whereas high quality, high density housing could have been developed nearer to the city.

I hope the new Minister for the Environment, Heritage and Local Government will have the courage of his convictions, or at least the convictions he used to have, to throw out the development plans in Meath, Kildare, Laois and Offaly, and advise them that we cannot continue to develop the country in that way because the cost of developing sewerage systems and motorways is phenomenal. We need to reconsider how planning is carried out and it needs to be done properly. Green Party Members no longer seem to attend the Chamber except for divisions. I warn them that if they do not honour the commitment to introduce proper planning, another party, Fine Gael, will take up the mantle and supplant it as the party of proper planning and appropriate development.

It behoves me to welcome the aspects of the Bill that relate to barrier-free tolling, rest stops and the change in the definition of motorways. However, I cannot do so without emphasising the

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huge disappointment among the public in the way transport has been mismanaged in the past ten years. Unfortunately, I do not have confidence that when we go to the country in four or five years' time things will be dramatically different.

Deputy Joe Costello: I congratulate the Leas-Cheann Comhairle on his appointment.

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy Joe Costello: While this is not major legislation it contains provisions with which one could hardly disagree, including the redesignation of dual carriageways as motorways. We have often been concerned about coming off a motorway on to a dual carriageway only to find a garda waiting to catch people moving into a lower speed limit area. I hope that issue will now be rectified. It is ludicrous that we need legislation to provide for service and rest areas on the national road network. It should have been included in the original legislation and such areas should have been built into all the motorways, including the one to Drogheda and on to the Border, which connects to Belfast. That no service station has been built on the Southern stretch of motorway would be unthinkable in other countries.

We are way behind the times on barrier-free tolling. I remember driving in the United States approximately ten years ago and finding barrier-free tolling was quite common in many states as it is on the Continent. In these areas we should have been more imaginative and far-seeing. Like Deputy Mansergh, I have some reservations about tolling on roads. His reservation related to the *ancien régime* in France and he gave us some learned references in that regard. Closer to home I refer to Daniel O'Connell who stated at one time that he intended to drive a coach and four through British legislation, and he started when he was Lord Mayor of Dublin in the 1840s. There was a toll on Glasnevin Cemetery beside the Gravediggers pub and Daniel O'Connell decided he would open another entrance to Glasnevin Cemetery. Having done so, he got on to his coach and four and drove through that entrance thus avoiding paying the toll. Ever since then there has been no toll on Glasnevin Cemetery and the original entrance to the cemetery beside the Gravediggers pub has been closed, as can be seen by anybody who goes for a pint there.

While I have some reservations in that respect, I agree with Deputy Varadkar that money needs to be pumped into public transport. As time goes by we should look more towards this area. While there are mechanisms through which the private sector can finance projects, it needs to be done carefully because at present the involvement of the private sector in public private partnerships has been a cashcow for the private sector and has

not been beneficial to the citizen. However, my main concern relates to section 12 which deals with resident parking. This section was amended in the Seanad but has not been referred to by previous speakers. The original section was introduced by the then Minister for Transport at the behest of residents associations in my constituency, particularly those near Croke Park such as the Iona and District Residents Association. They have conducted a long campaign to address traffic congestion in the inner city which worsens when major sports and entertainment events are held in Croke Park. Traditionally GAA matches are held in the stadium between the spring and autumn but international soccer and rugby matches are now being played there, while major concerts also take place throughout the year. Virtually all these events attract a capacity crowd of 82,500. A considerable number of one-storey and two-storey artisan dwellings are located in the area which becomes very congested. Life can be very difficult for local residents because of parking issues. They often become prisoners in their own homes which on occasion they cannot access. They find it almost impossible to park in the vicinity.

Section 12 provides for by-laws to be introduced to restrict parking around Croke Park at specific times during major sports and entertainment events. This is a desirable development which will make life relatively easier for residents on days when such events take place. The inner city, south and north, is inundated with cars when GAA matches take place in the stadium. When planning permission was granted for the expansion of Croke Park, a parking free zone with a one mile radius was proposed and the GAA undertook to locate a railway station beside the stadium following negotiations with Iarnród Éireann in order that spectators could be brought directly to the stadium. This never happened, nor was the proposal in respect of a parking free zone ever implemented. The discussions at the time also referred to the construction of a series of car parks at the perimeter of the zone, which also did not happen.

When the by-laws are introduced to prohibit parking by spectators, park and ride facilities will be necessary because matchgoers should be provided with means to access the stadium. Park and ride facilities are vaguely referred to in Transport 21 but it contains no specific provisions for such facilities in the north or south inner city. A number of years ago my colleague, Deputy Shortall, proposed a number of park and ride sites along the M50 but nothing happened. Like everything else, the Government ploughs ahead with part of a project without seeing the overall picture. Park and ride facilities are non-existent for both commuters and matchgoers. This issue must be examined. When the new Lansdowne Road stadium comes on stream, the same issue will arise. Similar facilities will be required

because local residents will seek the same exemptions under this legislation to apply in their area. One can imagine the pressure that will be exerted on local councillors to ensure their neighbourhood is not congested by cars every time a major match is held in the new stadium. This is a major issue which deserves to be teased out.

There is no template for the provision of residents only parking spaces in specified areas of Dublin. Since the Minister has no template, the legislation should be amended to provide for consultation with residents in order that local authorities would be obliged to put residents and residents associations in the picture rather than making unilateral decisions on the matter. Provision is made for notification of the drafting of by-laws but no provision is made for an egalitarian, consultative process between residents and the local authority as it carries out this work. The legislation should provide for such a structure to be put in place, otherwise we are going down the road with our eyes closed, as we are if we do not make provision for park and ride facilities to deal with spectators who are forced to park a long way from the stadia without access to public transport to get them to their destination.

Enforcement is another issue that needs to be examined. I attend residents association meetings and individuals outline instances of cars blocking their driveways for hours and green areas being damaged by SUVs and so on when matches are played in Croke Park. However, traffic laws are not enforced very much. Gardaí in Store Street, Fitzgibbon Street and Mountjoy stations are put to the pin of their collar to provide for the necessary policing of the event taking place in the stadium. As a result, other normal policing duties are not carried out. It will, therefore, be difficult for gardaí to check whether residents are affected by indiscriminate parking, unless specific mechanisms for the enforcement of parking regulations are provided or traffic wardens are deployed in the area.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Rail Services.

1. **Deputy Olivia Mitchell** asked the Minister for Transport and the Marine if he is satisfied with the progress made to date in joining up the existing two LUAS lines; and if he will make a statement on the matter. [18285/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Transport 21 includes a Luas line connecting St. Stephen's Green with Liffey junction on the Maynooth suburban railway line. This project is being considered in two phases —

one connecting the two existing Luas lines in the city centre; and the other extending the line northwards via Broadstone and Grangegorman to Liffey junction.

In November 2005, the Railway Procurement Agency began a public consultation on five potential routes, A to E, for connecting the two existing Luas lines. During public consultation a new option, F, was identified. Options A and F emerged as the better options and the RPA launched a second phase of public consultation in January this year, focusing on the selection of the best of these two route options.

I also understand the RPA engaged in dialogue with Dublin City Council, Dublin Bus and the Dublin Transportation Office, DTO, on the implications of the potential routes for bus services and other road users. Arising from these discussions, Dublin City Council and the DTO recommended a traffic management plan for the city centre be initiated to facilitate light rail, bus and metro development. I understand Dublin City Council is currently undertaking the necessary traffic modelling and is committed to delivery of early results from this work.

In March this year the RPA decided that its preferred route option for the cross-city Luas line is option F. The RPA's detailed design work will take account of the results of the City Council's traffic modelling exercise, the preliminary results of which are expected in the autumn. Following completion of this design work, and subject to a satisfactory outcome to the city centre traffic management planning work, the RPA will submit a railway order application to An Bord Pleanála. The construction timescale will be dependent on the outcome of the city council's work and the statutory approval process.

The selection of an emerging preferred route for the cross-city link will facilitate the advancement of work on the route selection for the onward extension to Liffey junction via Grangegorman and Broadstone. Subject to an enforceable railway order, the scheduled completion date for the overall project is 2012.

Deputy Olivia Mitchell: This relatively simple project to join the red and the green Luas lines, never mind going on to Liffey junction, highlights the difficulties in making any sort of progress with this particular route. It demonstrates the lack of any kind of a body in Dublin to co-ordinate decisions and ensure they are made.

The urgency of this cannot be overstated. Earlier, my colleague spoke about people coming in from the west of Ireland. The Luas red line serves not just the Tallaght area but significant numbers of people from mainline rail at Heuston Station who are coming from the west and all the commuter counties around Dublin. It is absolutely essential that the trams can bring people right

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into the city centre and on to the south side. It will create many more trips.

I am sure the Minister would agree the absence of this join-up is dividing the city, along with a River Liffey which does not have half enough bridges across it. In Transport 21, the completion date for joining of the two Luas lines is next year, yet a route has not even been selected yet. The chances of finishing it by next year are zero, so even as we start Transport 21 we are already way behind.

Will the Minister give us any firm date for the completion of the joining of the two lines? I will come to Liffey junction in another question but when is it likely that the red and green Luas lines will be joined? Is there any chance that the DTA will push this ahead?

Deputy Noel Dempsey: The answer to the question posed by the Deputy is that I do not know. It is not completely in my hands nor those of the RPA. There are outside agencies, such as the city council, which must be consulted, as they are doing a study on transport in the city centre area. The overall finishing date for the project is 2012, as I indicated earlier.

I do not disagree with the Deputy in that there is a need for greater co-ordination, and that is the reason one of my first actions in this Department was to ask about the DTA legislation. I have indicated my wish to have it brought to Government as a matter of urgency and I hope we will have it in the House in the early stages of the autumn session. It has been sought by all sides and I hope we will get it through the House in the autumn session if possible with the co-operation of everybody. As the Deputy has indicated, that would help expedite projects such as this.

Deputy Olivia Mitchell: I would very much welcome it if we could get that legislation enacted and make the DTA a body with teeth. As the Minister correctly states, we are consulting outside agencies. There should be no outside agencies, rather a single agency to drive this ahead. The consultation must take place but it has been ongoing since 2005. It is time for it to stop.

State Airports.

2. **Deputy Olivia Mitchell** asked the Minister for Transport and the Marine his views on the long-term development of the State airports sector; and if he will make a statement on the matter. [18286/07]

Deputy Noel Dempsey: The Government's objective with regard to aviation policy is to facilitate and encourage as wide a range as possible of reliable, regular and competitive commercial air services to maximise opportunities for Irish tourism, trade and industry. The State airports have

a vital role in this overall policy and will be restructured as independent airport authorities under the State Airports Act 2004 to realise their full potential to serve the needs of their customers and their respective catchment areas, and to encourage balanced regional development.

Overall passenger growth at the State airports has increased significantly in recent years. In 2006 total traffic reached 27.8 million passengers and growth at Dublin, Shannon and Cork amounted to 40% for Dublin, 55% for Shannon and 61% for Cork for the period since 2002. With traffic of 21.2 million passengers in 2006, Dublin Airport remains crucial to the national economy as a vital strategic component of national infrastructure.

In line with the aviation action plan adopted by the Government in May 2005, the Dublin Airport Authority, DAA, will be investing €2 billion in new facilities at the airport over the next decade to radically improve the passenger experience. More than half of this will be invested between now and the end of 2009 and it will deliver a new departures facility, pier D, due to open this autumn and an extension to the existing terminal, to be completed in autumn 2008, as well as terminal 2. The DAA is focused on meeting the Government deadline of the end of 2009 for terminal 2 but this is dependent on a timely and favourable planning decision from An Bord Pleanála.

Shannon and Cork airports are key airports in their respective catchment areas. They are close to significant population bases and facilitate direct air services to many international locations. Both are therefore important contributors to the development of their respective regional economies and under the framework of the State Airports Act 2004, I believe Shannon and Cork have the potential to sustain this major role in the future.

In keeping with the programme for Government I will shortly be bringing an economic and tourism plan to Government to assist in strengthening Shannon's role in the region, taking account of the airport's future challenges, including the open skies agreement.

Deputy Olivia Mitchell: Currently there is a general drift with regard to our State airports in terms of the Government aviation policy. If there is a long-term vision it is so distant that it is invisible to us all.

I am pleased a redundancy package has finally been agreed in Shannon but the reality is the airport is ill prepared for the open skies agreement. It is already losing out to Knock, and both Cork and Shannon are in a position where they cannot have any independence and are not masters of their own fate. There has been no move to set them up as separate authorities. The issue of whether Cork will have to carry its debt still appears to be up in the air. An announcement was made prior to the election but that seemed

to be questioned by Deputies during the election campaign.

The future of those two airports is completely uncertain as they are not masters of their own fate. The focus is off what they should be trying to do, which the Minister has correctly indicated is to attract business into Ireland to ensure we have competitive additional routes and see that we are not dependent on the two major airlines.

It is already clear that the new terminal for Dublin Airport will not be ready by 2009 as it still does not have planning permission. Given that we know how long the planning system takes, will the Minister proceed with the planning process for a third terminal at Dublin Airport and allow the planning for it to commence at this stage? This would be the third privately run terminal. We might have a chance of making progress there.

Deputy Noel Dempsey: I would not take as pessimistic a view as the Deputy of our airports and aviation policy generally. Undoubtedly there are difficulties but an action plan has been in place since May 2005 and on which work is progressing.

In regard to Shannon Airport, my predecessor prepared that airport as best he could for what would happen. He gave signals long in advance of what would happen in regard to the open skies policy. The first task Shannon must undertake is to produce a business plan.

That action plan specifically addressed the uncompetitive cost base of Shannon. As the Deputy rightly said, a severance package has now been put in place which will remove costs of approximately €10 million per annum. That process is moving forward in a positive way.

A debt issue still exists in regard to Cork Airport. I do not know how long it will take for the message to get through but the policy that was in place prior to and during the general election remains in place after the general election. I will make that clear to Cork Airport during the round of meetings I will have during July.

I have outlined the programme of development for Dublin Airport as it moves forward. There are issues that need to be resolved but some of them are outside the control of the Dublin Airport Authority, particularly the planning issue, a process I would certainly like to see in place. As the Deputy will note from my initial reply, I make no secret of the fact that if the planning permission does not come through in a positive manner very quickly, this will cause a delay and that would not be in the national interest. I ask those involved in making that decision to make it as quickly as they possibly can.

On terminal three, the Deputy was right in what she said and I will examine the position. She will appreciate that I am only reading into my brief but I have learned that terminal three will

probably be needed by the middle of the next decade. As the Deputy said, it is as well to start thinking in terms of doing something about it now because of these kinds of issues. We will return to it but I will consider commencing the planning process in a positive light.

Deputy Olivia Mitchell: I thank the Minister for that response.

Harbour Authorities.

3. Deputy Róisín Shortall asked the Minister for Transport and the Marine his policy on the future of Dublin Port; the timescale for developments proposed; and if he will make a statement on the matter. [18263/07]

Deputy Noel Dempsey: Dublin Port is the country's premier port. In 2006, it handled 79% of the ro-ro trade and 62% of the lo-lo trade. Therefore, the capacity provided at Dublin Port is of critical national economic importance.

The national spatial strategy identifies strategic merit in relieving pressure on Dublin through targeted interventions in building up port capacity elsewhere. In 2006, Dublin City Council commissioned a wide ranging economic, amenity, recreational and environmental study of Dublin Bay, including the port area. I understand this study is nearing completion.

The National Development Plan 2007-2013 contains the following paragraph:

The Government proposes to undertake a comprehensive study of the role of Dublin Port, taking account of locational considerations, in the context of overall ports policy on the island of Ireland, wider transport policy, urban development policy, the National Spatial Strategy and national economic policy. This review will take account of the findings of the study on the role of Dublin Bay and the Dublin Port Area commissioned by Dublin City Council.

The terms of reference of the proposed study under the NDP will be finalised in the light of the outcome of Dublin City Council's study.

Deputy Róisín Shortall: I appreciate that the Minister is new to his brief but in my question I asked him to outline Government policy. I am aware of the report and study Dublin City Council has carried out, which I understand is due to be published tomorrow, and the further review that is required, but that is primarily in regard to Dublin Bay. It will take into account the port but also other issues in regard to Dublin Bay. What is the current Government policy on the future of Dublin Port?

Deputy Noel Dempsey: The current policy on the port is as I outlined. It is a strategic port and

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of national importance. It is nearing its capacity and we must examine ways and means of either expanding that capacity or operating in a different manner. We cannot do that in isolation from a range of considerations in regard to Dublin Bay, urban regeneration and various plans on which a variety of groups, including Dublin City Council, the Rail Procurement Agency, the National Roads Authority and various other bodies would have to be consulted. The current policy is that the port remains the premier port and that there is an urgent need to examine its future, how it might be developed and how that might be integrated with a range of other transport policies, urban regeneration policies and so on. That is the current position.

Part of the difficulty in regard to Dublin Port over the years is that it has not been examined strategically, rather it has been examined as a port. Furthermore, the port authorities decide to do something with little or no reference perhaps to Dublin City Council, the Dublin Docklands Development Authority, developments such as national transport policy and so on. One of the benefits of having all transport within the remit of the Department of Transport and the Marine is that we can examine these issues in an integrated way, and that is what I intend to do.

Deputy Róisín Shortall: The Minister accepts there is an urgent need to examine the future of Dublin Port. Given that we will shortly have the Dublin City Council report, what are the Minister's proposals for urgently examining the future of Dublin Port? What process does he propose for doing that? Will it be headed by the Minister or his Department? Has he any plans at this point to examine urgently the future of the port?

What is the Minister's view on the proposal being promoted by a number of interests to relocate the port to Bremore, to move it out on a phased basis, perhaps over ten or 15 years, from the city centre area and possibly to redevelop that area as a housing and retail development space? What is his initial reaction to that proposal?

The Minister spoke of the need for targeted intervention being identified to relieve pressure on Dublin Port. What, if anything, has the Department done to provide those targeted interventions?

Deputy Noel Dempsey: Dublin Port is an independent entity. It is up to the port to decide what it will do in regard to targeted intervention. Since I took up this brief, I understand it has purchased a port at Greenore and that it is transferring some of its business there. That type of decision is one for the port, not for the Department.

Regarding proposals that have been put forward about Bremore, that is a decision for Dublin Port. My understanding of the Bremore project is

that Drogheda Port is in the process of developing a plan and a proposal for that. If Dublin Port has an interest in that, it should at least talk to the harbour board in Drogheda to ascertain if they should become joint partners or whether there is any prospect of their doing business together.

Deputy Róisín Shortall: Is there any Government policy on it?

Deputy Noel Dempsey: It was clearly set out a number of years ago that Government policy was to make the ports independent, commercial entities. A ports policy was clearly outlined, namely, that they are to operate in a commercial manner. There has been a loosening of various ties, strings and control over recent years to try to allow them to be commercial. As far as I am concerned, policy will continue in that direction. The ports must make these decisions. As a shareholder, along with the Minister for Finance, I will have an interest in how matters proceed. If proposals are made, I will, as a shareholder, consider them. However, I will do so only in that capacity. The ports are independent in terms of how they decide to proceed.

I indicated that we are discussing a comprehensive study of the role of Dublin Port. This will have to be multifaceted and it will be carried out under the auspices of my Department. Obviously, however, other Departments will be involved.

Public Transport.

4. **Deputy Olivia Mitchell** asked the Minister for Transport and the Marine if he will reform the Transport Act 1932; and if he will make a statement on the matter. [18287/07]

Deputy Noel Dempsey: At present, bus services are authorised under the Road Transport Act 1932 and the Transport Act 1958. The programme for Government includes a commitment to improve bus services under Transport 21 by reforming bus licensing to facilitate the optimum provision of services by creating a level playing field for all market participants. The new licensing regime will be designed in a manner consistent with the new EU regulation on public service obligations in the transport sector, which was recently agreed by the European Parliament and the Council. This new regulation is expected to be adopted formally in the coming months.

The programme for Government also includes a commitment to examine a national transport regulator in the context of the fundamental review of the entire economic regulatory regime, which will be established immediately. This review will be designed to ensure that the existing regulatory regime is operating efficiently, is balancing the needs of users with the requirements

of producers and is not imposing excessive costs on the economy.

My first priority is, however, to fulfil the Government's commitment to expedite the establishment of the Dublin transport authority, DTA, which will have overall responsibility for surface transport in the greater Dublin area. In this regard, I expect to be in a position to bring legislative proposals for the proposed authority to Cabinet for approval next month in order to facilitate the early publication of the Dublin transport authority Bill.

It is not possible at this juncture to indicate a precise time as to when the legislative proposals on regulatory reform of the bus market will be published. However, the licensing provisions of the Road Transport Act 1932, as amended, and the Transport Act 1958 will continue to be applied and all applications and notifications from bus operators will be considered on their merits in accordance with the provisions of the legislation.

Deputy Olivia Mitchell: I am pleased the Minister intends to reform the 1932 Act. However, this is hardly refreshing news. Such reform was promised by the Minister's predecessors, namely, Deputy Mary O'Rourke, who stated she would introduce competition, Deputy Séamus Brennan, who stated that he would open up 25% of the market to competition, and Deputy Martin Cullen, who stated that 15% of the market would be opened to competition. The Minister for Health and Children, Deputy Mary Harney, stated in 2003 that she would walk away from Government unless competition was introduced. However, there is still no competition and the Taoiseach recently stated it is an insult to the good men and women of Dublin Bus etc., if we even discuss competition.

What is the current position? I appreciate the Dublin transport authority is extremely important but its establishment is not a sufficient condition for reform of the Transport Act. What we are seeking is competition in the bus market. Such competition has been the subject of discussion for the past ten years and the lack of it has given rise to a ludicrous situation whereby the Dublin Port tunnel is operating way under capacity. The tunnel is a huge white elephant. I laughed when I heard about it being used by 1 million vehicles in the past six months. That figure represents only a fraction of its capacity. Encouraging the use of the tunnel by public and private transport operators should be an absolute priority. The current nonsensical position is a direct result of failure to make any progress on the reform of the 1932 Act. Will the Minister act on what I have outlined as a priority?

Deputy Noel Dempsey: My absolute priority is to ensure the DTA legislation is published and

that the authority will be established as quickly as possible. Immediately thereafter, I intend to reform the bus market and the Transport Acts 1932 and 1958. In my ten or 12 years of experience as a Minister, I have learned that one cannot have 25 priorities because none of them would ever be dealt with properly.

An Leas-Cheann Comhairle: Question No. 5 cannot be taken as Deputy Perry is not present. We will, therefore, proceed to Ordinary Questions. I wish to highlight to new Members that while supplementary questions relating to Priority Questions are confined to nominated spokespersons, any Deputy may pose a supplementary in respect of Ordinary Questions.

Question No. 5 lapsed.

Other Questions.

Taxi Regulations.

6. Deputy Seán Sherlock asked the Minister for Transport and the Marine his views on an outline proposal from the Commission for Taxi Regulation for a subsidy scheme to assist with the purchase of wheelchair accessible taxis and hackneys; and when he proposes to introduce such a scheme. [17909/07]

Deputy Noel Dempsey: I understand the Commission for Taxi Regulation is currently completing an assessment of the submissions received on its recent consultation paper on vehicle standards for small public service vehicles. The paper incorporated a number of proposed changes in vehicle specifications and standards, including in the area of accessibility. I also understand the commission has commenced a regulatory impact assessment on these proposals and continues to liaise with key stakeholders and will publish vehicle specifications for small public service vehicles before the end of 2007.

While this process of public consultation is under way, my Department is in discussion with the commission about an outline proposal for a draft subsidy scheme to assist with the purchase of wheelchair accessible taxis and hackneys. The proposal is to provide assistance with the purchase of a fully accessible small public service vehicle, the design for which is being developed by the commission. It is proposed that this fully accessible vehicle will meet the needs of many people including those with a broad range of disabilities and those who need to travel in their wheelchairs.

Pending completion of the consultation process and the receipt of definite information regarding the revised accessible vehicle specification and

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associated costs, I am not in a position to make a final decision on the subsidy scheme proposal.

Deputy Róisín Shortall: The review to which the Minister refers relates to technical specifications. The original question specifically inquires about his response to the proposal for a subsidy scheme. That is an entirely separate matter. The taxi regulator made a proposal to the Department of Finance last autumn and received a negative response. He then made the same proposal to the Minister's Department in January last and is awaiting a response.

The percentage of wheelchair accessible taxis is decreasing all the time. Even those that are in place are not necessarily available for people who are mobility impaired. An issue arises as regards cost for the provider and this was made quite clear by the taxi regulator, who is proposing a system under which there would be a reduction in VRT and VAT. The regulator continues to await a response from the Minister's Department in that regard.

The other aspect of this matter relates to affordability for those who wish to use wheelchair accessible taxis. Again, a proposal was made to the Department in this regard and a response is awaited.

This issue has been dragging on, ignored and sidelined for many years. At this stage, surely we are in position to make a clear statement regarding access for people who are mobility impaired. Leadership and direction in this regard must come from the Minister's Department and it will only come about by recognising the issues involved, the cost to suppliers and the matter of affordability for users. When will the Minister make a decision in respect of this issue?

Deputy Noel Dempsey: I completely agree with the Deputy in respect of this matter. As soon as a very robust business case is made available to the Department, I will consider the matter. However, I am not going to spend taxpayers' money without first being in possession of a proper, fully costed proposal. Such a proposal has not yet been forthcoming. I would be very favourably disposed towards increasing accessibility but I will not do so willy-nilly.

Provision for public transport is made in Transport 21. There is also the public transport accessibility committee and €15 million has been provided for accessibility improvement projects. I could see that the outline proposal or the type of proposal put forward could be favourably considered under that once the case is properly made. I assure the Deputy that I will not delay responding to that and making the recommendation to the Department of Finance. However, I have not received a properly robust business case.

The total number of wheelchair-accessible taxis is just under 1,400, almost double the number in November 2000, so it is not true to say that there are fewer such taxis.

Deputy Róisín Shortall: I said the percentage was decreasing. The overall number of taxis has gone up but the percentage that are wheelchair-accessible is decreasing. While the numbers in the Dublin area appear to be okay, it is extremely difficult for people outside Dublin to book a wheelchair-accessible taxi.

I welcome the Minister's proposals in respect of accessibility under Transport 21 but, again, there are many areas, particularly outside Dublin, where people simply do not have access to public transport. I know the Minister is very new in the job and his initial reply referred to the technical specifications, rather than the issue I raised. He may not be aware that a very robust proposal has been made to his Department. Last January, the Commission on Taxi Regulation sought a subsidy for bona fide wheelchair-accessible taxis. Under this scheme, a taxi driver would be provided with a subsidy of 40% of the open market selling price of a wheelchair-accessible taxi, subject to a maximum of €20,000. Based on a figure of 200, this would cost the Exchequer €3.84 million. However, the yield to the Exchequer from VRT and VAT from these vehicles would be €4.09 million.

An Leas-Cheann Comhairle: Could the Deputy confine herself to questions?

Deputy Róisín Shortall: I am simply pointing out that a very robust case has been made to the Minister. He probably has not had a chance to look at it and I ask him to undertake to examine it within the next few weeks.

An Leas-Cheann Comhairle: We will take a final supplementary question from Deputy Olivia Mitchell.

Deputy Olivia Mitchell: In addition to the number of wheelchair-accessible taxis, there is a need for a dedicated taxi service. There are a number of such services, such as Vantastic and accompanied community taxi services, which get grants from the Department of Justice, Equality and Law Reform under the equality heading. These services are very anxious to become mainstream and come under the transport brief. Will the Minister look at taking them under the wing of his Department? The people who use these services are severely handicapped and would probably never be able to use an ordinary taxi service but it is very important to them that this service continues. It is not even the extent of the subsidy so much as the fact that they become a mainstream transport service. I would be grateful if the Minister could look at that issue.

Deputy Noel Dempsey: I will look at the issues raised by both Deputies. I am aware of the outline of the proposal put by the commission. We have responded to the commission in respect of the initial proposal and asked it to be more firm on matters like purchase prices and to give us a better business case in respect of that issue. It is the proposal discussed by the Deputy.

I will look at the issue raised by Deputy Mitchell concerning groups like Vantastic. I would not wish a very focused and dedicated service like this to suddenly become diluted and for the people using the service to be shoved to one side because another side of the business might be more lucrative. That is the balance we must keep.

Light Rail Project.

7. **Deputy Dinny McGinley** asked the Minister for Transport and the Marine when work will begin on extending a Luas service to Liffey Junction; when this project will be completed; and if he will make a statement on the matter. [18113/07]

18. **Deputy Lucinda Creighton** asked the Minister for Transport and the Marine if a route has been selected for joining up the existing two Luas lines in Dublin city centre; when this project will proceed; and if he will make a statement on the matter. [18042/07]

65. **Deputy Mary Upton** asked the Minister for Transport and the Marine the projected impact on travelling times to cross city bus services in Dublin if the Luas BX line is completed; and if he will make a statement on the matter. [17903/07]

Deputy Noel Dempsey: I propose to take Questions Nos. 7, 18 and 65 together.

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

Deputy Noel Dempsey: We have already had the discussion to a certain extent during Priority Questions in respect to the first two questions. Dublin Bus is concerned about the impact of the proposed Luas project on its services. The RPA believes that its preferred route option, option F, which incorporates a single loop track between Trinity College and the top of O'Connell Street and a new bus-only bridge across the Liffey, will serve to minimise the impact of the line on bus services, both during construction and subsequent operation.

However, the modelling work currently being undertaken by Dublin City Council for a traffic management plan for the city centre is of critical importance, not only to the successful implementation of this Luas project but also to the provision of much-needed, improved bus priority in

the central area. I look forward to the earliest possible completion of that work.

Deputy Olivia Mitchell: My main concern and the reason I raised this issue is because of the arguments between the RPA and CIE about the use of Broadstone, which the Minister may have seen and which I am sure he has heard about. Again, it highlights the need for a Dublin transportation authority to knock their heads together.

It is outrageous that providers of services that are meant to integrate at Broadstone should be publicly rowing. Again, this will hold up the decision and the provision of the service to everybody. Does the Minister agree that it is ludicrous that the Dublin transportation authority is not in place and making these decisions when, again and again, we are given examples of how urgently it is required?

The question of the impact on bus services is again the cause of rows between Dublin Bus and the RPA and highlights the need for the Dublin transportation authority. I beg the Minister to encourage the construction of more bridges across the Liffey. This is essential if we are to provide transport services. I believe the construction of Macken Street bridge finally started in the last few weeks. They have been talking about starting construction for ten years. It was ready to go ahead ten years ago and has only started in the past few weeks.

There is a great need to provide bus services across the Liffey when the metro is being built, never mind the BX line. There will be chaos unless we have alternatives available by then.

Deputy Noel Dempsey: I agree with most of the Deputy's comments in respect of a number of those issues. She is correct on the issue of Macken Street bridge, although it might be about nine rather than ten years, because it was talked about when I was in the Department of the Environment, Heritage and Local Government even before some of the bridges that now span the Liffey were built.

We have discussed the other issue raised by the Deputy, namely, the Dublin transportation authority, and I do not disagree with her. There is a need for heads to be banged together and less rivalry on this issue. People in the various sectors must get it into their heads that Dublin and its population are expanding and that there is now a desire, which perhaps was never there previously, for people to use public transport if we have a proper system. Nobody is going to lose out or lose their jobs. If we put the entire system in place, we will have a very integrated transport system for the city that will be of benefit to the public.

My focus in this particular period of office will be to provide the best possible service for the customer. In most cases, that will be through public transport. I was not long in the brief, maybe a few

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days, when the issue of Broadstone appeared in one of the Sunday newspapers. It took me by surprise but I had not read into the brief fully.

Given the general knowledge I had about Transport 21 and everything else, this issue seemed to come out of the blue for everybody. I am not sure whether I would classify it as a row between the RPA and CIE because some people in CIE are a bit surprised by it as well. It has certainly taken most people by surprise. Based on my knowledge going back to my time at the Department of the Environment, Heritage and Local Government, the Dublin Transportation Office and A Platform for Change, everybody knows that Broadstone was a central part of our plans. Given the existence of A Platform for Change, Transport 21 and the national development plan, for people to suddenly discover they will not be able to facilitate the Luas because they need certain things does not make sense. I will be seeking clarification on that issue over the coming weeks.

Deputy Róisín Shortall: When does the Minister expect to have the final report from the traffic management review being carried out by Dublin City Council? What timescale is proposed for the joining up of the two Luas lines?

Deputy Noel Dempsey: My understanding is that progress is being made on the review and I expect to receive the report in the autumn. I cannot give a timescale on the joining up of the two lines. The “F” option — the full completion — would be done by 2012.

Public Transport.

8. **Deputy Enda Kenny** asked the Minister for Transport and the Marine when the national transport regulator will be established; and the duties and functions of this agency [18121/07]

10. **Deputy Seán Barrett** asked the Minister for Transport and the Marine the way he will increase private sector involvement in the provision of public transport bus services [18092/07]

26. **Deputy Phil Hogan** asked the Minister for Transport and the Marine his views on the introduction of bus competition on the Dublin bus market [18106/07]

36. **Deputy Paul Kehoe** asked the Minister for Transport and the Marine the reason for the significant delay in the reform of the Transport Act 1932 [18148/07]

43. **Deputy Brian O'Shea** asked the Minister for Transport and the Marine the way he proposes to reform bus licensing; the timescale he is

working to in this regard; and when legislation will be published. [17905/07]

Deputy Noel Dempsey: I propose to take Questions Nos. 8, 10, 26, 36 and 43 together.

The Government is committed to the expansion of bus services nationwide. Transport 21 provides more than €530 million for bus investment in the greater Dublin area in the next ten years while more than €240 million is included for investment in bus services outside the area.

The programme for Government also includes a commitment to improve bus services under Transport 21 by reforming the bus licensing process to facilitate the optimum provision of services and providing a level playing field for all market participants. Bus services are authorised under the Road Transport Act 1932 and the Transport Act 1958. The new licensing regime will be designed in a manner consistent with the new EU regulation on public service obligations in the transport sector, recently agreed by the European Parliament and European Council. This new regulation is expected to be adopted formally in the coming months.

The programme for Government also includes a commitment to examine a national transport regulator in the context of the fundamental review of the entire economic regulatory regime, which will be presently established. This review will be designed to ensure the existing regulatory regime is operating efficiently, balances the needs of users with the requirements of producers and does not impose excessive costs on the economy.

My first priority is, however, fulfilling the Government's commitment to expedite the establishment of the Dublin transport authority, which will have overall responsibility for surface transport in the greater Dublin area. In this regard, I expect to bring legislative proposals for the proposed Dublin transport authority to Cabinet for approval next month to facilitate the early publication of the Dublin transport authority Bill. It is not possible to indicate when the legislative proposals on regulatory reform of the bus market will be published. However, the licensing provisions of the Road Transport Act 1932, as amended, and the Transport Act 1958, will continue to be applied and all applications and notifications from bus operators will be considered on their merits in accordance with the provisions of the legislation.

Deputy Olivia Mitchell: Will the Dublin Transportation Office be a subset within the Dublin transport authority? The programme for Government contains plans for integrated transport plans for the gateways and hub towns in the national spatial strategy. Will this come under the remit of a transport regulator? Is it too early to say how this will pan out?

Deputy Noel Dempsey: It is too early to say. We are committed in the programme for Government to examine the need for a national transport regulator. This will be done against the background of the wider review of regulatory regimes in place. Although I must have discussions with Cabinet colleagues on integrated planning for transport in hub towns, I expect local authorities to take the lead on it.

Deputy Olivia Mitchell: A budget was to be provided for a feasibility study on the extension of the Luas line to Rathfarnham. Has any progress been made on this study, which was to commence in April?

Deputy Noel Dempsey: As far as I understand the feasibility study has commenced but if I am wrong I will get back to the Deputy.

Deputy Róisín Shortall: Does the Minister intend the proposed Dublin transport authority to regulate bus transport in Dublin city? The former Minister for Transport, Deputy Cullen, promised 100 additional private sector buses. Will these only come into the market when the Dublin transport authority is in place and the bus licensing system is updated? Private operators are applying for licences and, as the system does not work properly, this is holding up the provision of new Dublin Bus services. What percentage of bus services both in Dublin and nationally are run by private operators?

Deputy Noel Dempsey: I do not know the percentage and I do not have evidence that applications from private operators are holding up the provision of services by Dublin Bus. This is a myth being perpetuated.

Deputy Róisín Shortall: What about the 128 and 41X routes?

Deputy Noel Dempsey: Three services have been deferred due to a prior application from a private operator. One service has been part approved. Up to 11 notifications have been received in the past three months which are being processed in the normal way. I understand Dublin Bus received 100 new buses but claims it cannot use them. It receives 100 new buses each year to replace old buses that need to be taken out of service. Up to 60 of those are sitting somewhere. Confident in the knowledge it will get 100 new buses each year, it is up to the management of Bus Átha Cliath to ensure the new buses are brought on-stream as quickly as possible and it manages them better. I am making inquiries into this matter.

Deputy Róisín Shortall: Dublin Bus needs approval for new routes. That is what it is waiting for.

Deputy Noel Dempsey: That is not the cause of the delay. Three services—

Deputy Róisín Shortall: There is the 128 and 41X.

Deputy Noel Dempsey: —have been deferred due to a prior application. If I did not have the Transport Act 1932 as it stands and the 1958 Act, which is beloved by some people in the transport sector, we might be able to put a more streamlined system in place as regards approvals. That is certainly something I will be delighted to do, chronologically, but we cannot have it both ways. I must operate in accordance with the law and the recent highly publicised case in relation to this. The Department has to follow the law. It cannot ignore it and the Minister cannot put himself above the law.

The sequence of events is that if a private sector operator applies to run a service on a particular route that must be judged and decided upon before any subsequent applications can be made.

Deputy Róisín Shortall: Why is that taking up to nine months?

Deputy Seán Barrett: I congratulate the Leas-Cheann Comhairle on his elevation and wish him the best of luck.

An Leas-Cheann Comhairle: Go raibh maith agat.

Deputy Seán Barrett: On public transport, particularly in my constituency of Dún Laoghaire where we are fortunate to have both the DART and the QBCs, unfortunately, while we are trying to encourage people to use public transport, this is all right as long as one lives adjacent to the DART line or a QBC. However, if one lives half way between both, the only way to use public transport is to either drive or get a lift in a car, parking it in a housing estate, or go by shanks mare. At times, in the middle of winter, to ask people to walk up to four miles is not conducive to encouraging them to use public transport. Has the Minister any proposals to introduce a feeder service such as the small Imp buses to bring people to and from either the QBCs or the DARTs? They could run in a circular fashion and would be very attractive, particularly if we are going to have integrated ticketing, as I hope we will. In the event, one ticket could be used for the feeder service and the DART or QBC journey.

On another issue, would the Minister kindly contact local authorities and prevent them from introducing pay and display tickets in public car parks where they are charging people €5 a day. Again, this is no encouragement for people to use public transport — €25 a week for some people

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out of taxed income, together with their fare does not encourage them to use public transport.

Deputy Noel Dempsey: This is not a matter for the Minister concerned. We are able to provide services such as the Imp, but I believe a business opportunity exists for Bus Átha Cliath or whoever wants to do it. I cannot understand why it is not happening much more. People become fixated on issues, instead of looking for new commercial opportunities. The Deputy's idea is a good one and it would work well, particularly as increased public transport levels are being made available whether in the form of DART, Luas or whatever. This is certainly something I would encourage and like to see happening more and more.

As regards the Deputy's second point, he will appreciate that any diktats from a Minister to local authorities are normally viewed with great disdain by the elected members of such bodies. However, I take his point. The general thrust of what he is saying, I believe, is that there needs to be more integrated thinking in this area. If it is not possible, as it will not be, to provide public transport within a few yards of everyone's home, we should try to make it as easy as possible for people who have to use other means to get to a DART station, a Luas or whatever else. This is certainly something the DTA, in looking at an integrated plan for the city, should take into account and I will convey this view to that authority in the strongest terms.

Deputy James Reilly: I congratulate the Minister on his new appointment. His constituency adjoins mine and many of my constituents now live in his area because they cannot afford housing in ours, so difficult and expensive has it become.

An Leas-Cheann Comhairle: I am sure there is a question to come.

Deputy James Reilly: Tá ceist agam agus tá sé ag teacht anois. Why do we have such nonsensical red tape so that we cannot have public and private services both running together? There is plenty of precedent in health, for example, with the co-location of public and private hospitals. Are we saying that in other areas public and private enterprise cannot work hand in hand? That does not make sense. This Act apparently dates back to 1932, so it is time it was changed. I do not understand why a public service should need a licence to go through a publicly built tunnel.

What is the reason the bus corridors, which cost millions to maintain, are lying empty most of the time? Has the Minister any plans to allow vehicles containing four or more people to use them? It is frustrating for motorists in Dublin

north to sit in queues miles long with an empty bus lane beside them. In some cases there is no bus, for example, on the N32, the extension of the M50.

Deputy Noel Dempsey: I am not a free marketeer, totally, as regards this. Public transport is not quite the same as other commodities that are allowed to operate in a totally free market. My preference as regards transport in the greater Dublin area in particular as well as in areas around other cities is to have a regulated competitive market, one where the needs of the public are met. If it happens that the private sector is in first and gets a licence, the public transport system cannot be allowed to undermine this simply on the basis of a subvention. I do not mind competition where no subvention is involved. However, it is a regulated competitive market. One does not want a totally free market where one may end up with all of the lucrative areas being served, and poorer areas being ignored.

I understand the Deputy's position as regards QBCs and the need to have those routes populated with buses. The issue of changing the regulations has been examined several times and there is no proposal before me at the moment in that regard.

Deputy Róisín Shortall: Will the Minister confirm that the DTA will act as the regulator of bus services? What is the timescale for what is being proposed?

Deputy Noel Dempsey: As regards the DTA, I hope the legislation will be with Government during the course of next month. If it is cleared by Government, it will then be before the House in the autumn. With the co-operation of Members on all sides of the House, I should like to see it going through as quickly as possible, consistent with it being scrutinised fully. The DTA will have overall responsibility for surface transport in the greater Dublin area. It will have a primary role as regards strategic transport planning, the procurement of public transport infrastructure and services, the regulation of fares, routes and service levels and the delivery of integrated ticketing and passenger information, while trying to ensure, generally, that there is effective traffic management in the greater Dublin area.

Deputy Róisín Shortall: But not the market.

Deputy Noel Dempsey: In what sense?

Deputy Róisín Shortall: Will it regulate the bus market?

Deputy Noel Dempsey: It will be responsible for the regulation of public transport fares, routes and service levels, the delivery of integrated ticketing and passenger services etc.

Rail Network.

9. Deputy James Reilly asked the Minister for Transport and the Marine the proposals he has to extend the DART service north of Malahide to Balbriggan, servicing Donabate, Rush, Lusk, Skerries and Balbriggan; the timescale for the provision of such a service; and if he will ensure the planned metro service connects to the main rail line at Donabate [17998/07]

Deputy Noel Dempsey: Transport 21 provides for a significant growth in capacity in rail services in the greater Dublin area, including the electrification of the northern line as far as Balbriggan. This will essentially allow for DART-style services on the northern line to Balbriggan, serving stations beyond Malahide at Donabate, Rush and Lusk, Skerries and Balbriggan. This project also involves the acquisition of new rolling stock on the lines.

The project forms part of larger Transport 21 projects involving the construction of the interconnector linking Heuston Station to Connolly Station, quadrupling the Kildare line and the electrification of the Maynooth and Navan lines. This will quadruple existing rail capacity from 25 million to 100 million passengers per annum in the greater Dublin area.

Under Transport 21, the overall project is due to be completed by 2015. However, in line with the programme for Government, I will be asking Iarnród Éireann to examine options for the possible advancement or phased advancement of the electrification northwards. No decision has yet been taken in that regard. There are no plans to extend the metro from Swords to Donabate.

Deputy James Reilly: I am sure the Minister, being from the neighbouring constituency, will be aware of the major infrastructural deficit in Dublin North generally, affecting schools, policing, roads and public transport. Allowing Dublin Port to make a decision in isolation should not be allowed because of its impact on the local road and rail infrastructure. Currently in Moylaragh in Balbriggan, children are living in what they believe to be their estate, although 40-foot lorries are using the road through it to make deliveries to one of the major superstores in the area. There is no alternative road access to the store. Parents are at their wits' end regarding the safety of their children and themselves. We do not want this to be repeated.

I am given to understand that Fingal County Council will be very supportive of the development of Bremore, but we do not want to see another development that does not have the infrastructure necessary for it to function such that, instead of becoming an asset to the area, it would become a major headache and cause a deterioration in the quality of life for all who live there.

Will the Minister ensure, before he has the line electrified, there are so-called nipper buses and proper car parking at the stations? There are six stations in Dublin North and they all suffer from the same problem of inaccessibility. Ludicrously — this may not relate directly to the Minister but to one of his colleagues — a local farmer who applied for planning permission for a badly needed car park had his application turned down two years ago on the grounds of prematurity. There are people parking on the roads and being clamped and they are parking in farmers' fields if the gates are left open. It is mayhem. I was in the area at 7 a.m. and noted that if one was not there by 7.10 a.m., one would not get a car space. There are women with children fighting with one another. This causes great stress and, God knows, people are stressed enough. I hope the Minister will ensure, during the course of this development, these issues are addressed urgently, even before the rail line is electrified.

Deputy Noel Dempsey: The Deputy was imparting useful information to me rather than seeking it from me. He has highlighted one of the major problems in Fingal and in my constituency. Owing to the explosion in the population, houses were built without proper integrated planning for the area. That point was well made and I would not disagree with it. In fairness to Fingal County Council, it is probably one of the better county councils, but because of the explosion in the earlier part of its development cycle, approximately eight to ten years ago, it probably built houses more quickly than integrated transport could be planned. The council has got its act together in a very good way regarding some of the more recent developments, certainly over the past four or five years. I take the Deputy's point, which the Dublin Transport Authority will be able to address.

Question No. 10 answered with Question No. 8.

Road Traffic Offences.

11. Deputy Joe Costello asked the Minister for Transport and the Marine when he will commence the remaining penalty point offences provided for in law but not yet brought into force. [17896/07]

61. Deputy Tom Hayes asked the Minister for Transport and the Marine when the full regime of penalty point offences will be introduced [18129/07]

Deputy Noel Dempsey: I propose to take Questions Nos. 11 and 61 together.

The roll-out of the penalty points system to the range of offences set out in the Schedules to the Road Traffic Act 2002 was commenced in October 2002 in respect of speeding offences. It

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was progressed further in 2003 to cover driving without insurance and non-wearing of safety belt offences and extended in 2004 in respect of the offence of careless driving.

The range of penalty point offences was significantly extended from 3 April 2006 with the addition of 31 new offences. The most recent extension was in September 2006 to bring the offence of holding a mobile phone while driving within the ambit of the system. The total number of offences to which the penalty point system now applies is 36. The focus of the roll-out of the penalty points system to date is on offences that relate primarily to the behaviour of drivers. This reflects the fact that 86% of all road deaths can be attributed to driver behaviour in its broadest sense.

The relevant support systems must be put in place to support the extension of the penalty points system and, where applicable, the fixed charge system. Discussions are held in advance with the Department of Justice, Equality and Law Reform and other relevant agencies regarding the timing of each scheduled roll-out of new offences to ensure the relevant interfaces are in place between the Garda Síochána and the Courts Service's information technology systems, and the administration of the national driving file. The progressive extension of the penalty points system will continue to be pursued.

Deputy Róisín Shortall: On hearing that, I ask again when the Minister will commence the remaining penalty point offences provided for in law but not yet brought into force.

Deputy Noel Dempsey: We will introduce them over the lifetime of the Government in consultation with the relevant agents. I cannot give the Deputy a specific timescale at this time. The offences we have covered are aimed at driver behaviour. These are the more serious offences and were accorded priority. The remainder relate to the lighting of vehicles and to their construction, equipment and use. A small number of offences not yet commenced relate to driver licensing.

Deputy Róisín Shortall: Is the timescale five years?

Deputy Noel Dempsey: I am not giving the Deputy a timeframe.

Deputy Róisín Shortall: Obviously. I was trying to elicit the timeframe in my question, but the Minister has none.

Rail Network.

12. **Deputy Tony Gregory** asked the Minister for Transport and the Marine the action he is tak-

ing on the failure of the Railway Procurement Agency to consult and inform residents on the change in the route of the metro north tunnel, causing great concern to residents in the Drumcondra area; if he will instruct the RPA to revert to the original agreed route [17997/07]

71. **Deputy Ruairí Quinn** asked the Minister for Transport and the Marine if he will report on all lands which will be acquired at Dublin Airport by the Railway Procurement Agency for the purpose of building metro north; if he will report on the current ownership of this land and the estimated cost involved. [17910/07]

78. **Deputy Seán Barrett** asked the Minister for Transport and the Marine the position on the work completed to develop metro north; the completion date for this project [18091/07]

82. **Deputy Tony Gregory** asked the Minister for Transport and the Marine if he has approved funding for independent expertise for residents most directly effected by the metro north tunnel route; his views on a tunnel route that maximises the use of open space and minimises the impact on residential homes [17996/07]

Deputy Noel Dempsey: I propose to take Questions Nos. 12, 71, 78 and 82 together.

The Railway Procurement Agency is responsible for this project. Work is under way on the preparation of an environmental impact statement and the documentation required to support an application to An Bord Pleanála for a railway order, the legal permission needed to build and operate metro north. The actual construction timescale for the project will be dependent on the outcome of this statutory approval process.

Geotechnical work has also commenced along the planned route. This work will provide the RPA with detailed information on underground conditions and will feed into the detailed design of the project. The public private partnership procurement process has formally begun, with the publication in the *EU Journal* of a series of notices inviting contractors to express their interest in building metro north by taking part in an initial pre-qualification short-listing round. Results of this stage of the tendering process are expected this summer.

The design of the project, including the detailed alignment, station locations and land to be acquired, are matters for the RPA in the first instance, and ultimately a matter for An Bord Pleanála when considering the application for a railway order. This statutory planning process also allows considerable opportunity for the public to comment on and challenge the detailed plans for the project.

I understand from the RPA that the detailed alignment of metro north will be influenced both

by the outcome of ongoing consultation with residents, businesses and institutions in the area and by detailed engineering design considerations. The RPA has engaged in detailed consultations with the representatives of residents in the Drumcondra area and has written to householders whose properties are located close to the proposed tunnel alignment as part of the ongoing consultation. Furthermore, I am informed that the RPA has agreed to provide funding for independent technical advice for representations of residents who may be affected by tunnelling works along the route, subject to agreement on the detailed arrangements for this. The RPA will continue to consult with residents on these issues. Whichever route is chosen, however, it will pass beneath houses, businesses and other buildings.

When the detailed design options have been further developed, the RPA will write to all affected residents again enclosing details of the option and seeking comments from them. These comments will feed into the overall environmental assessment of the options so that the detailed tunnel alignment for this portion of metro north can be finalised.

Deputy Tony Gregory: Has the Minister approved the making available of funding for independent expertise for the residents concerned? His predecessor agreed this at a meeting between himself, the Taoiseach and local residents but the funding was not signed off and that is holding up the process, adding to the concerns in Drumcondra.

The crux of the issue is that the RPA published a route that maximised the use of open space in the Drumcondra area, gaining the support and trust of residents based on that route while, behind the scenes, it worked on a different route that minimised the use of open space and maximised the use of local residential areas for a different route, telling no one about its own preferred route and leaving the residents to believe the route was under open space, as was widely publicised.

The RPA has agreed in writing to the residents that it will review the matter with a view to maximising use of open space but continues with the preparatory drilling on its preferred route. It is rapidly losing the confidence of a largely elderly community in the Drumcondra area. Will the Minister talk to the RPA about this? Everyone wants metro north to proceed as quickly as possible but it must have the confidence of those directly concerned.

An Ceann Comhairle: Since only two minutes remain, I will ask Deputy Shortall to ask a brief supplementary question so the Minister may conclude.

Deputy Róisín Shortall: Is the Minister aware of the widespread concern about the manner in

which the RPA is conducting its business? Deputy Gregory has outlined the deception it engaged in when it did not tell people what it proposed to do. There are major implications for residents of Drumcondra and the RPA did not see fit to tell people what it had in mind. The RPA must go back to the drawing board to examine its interaction with the public. I experienced this in Ballymun last year. The agency must speak to people and provide information that is clear and based on a logical decision-making process. So far it has utterly failed to do so.

When will the final decision be taken on the route through Drumcondra? Is the Minister aware that residents will be protesting about this outside St. Luke's in Drumcondra in an hour because they were given guarantees that funding would be available for independent advice but the funding has not been made available?

Deputy Noel Dempsey: I understand that, in common with all of these projects, a number of routes were laid out for consultation and such consultations continue. The RPA has indicated clearly, subject to normal procurement rules and regulations, that it will make funding available for residents to get their own technical advice. There have been difficulties in recent weeks in making contact with a member of the residents' group to set up a meeting and I hope by the end of the day to have some information on a meeting between the RPA and the residents.

I have received an assurance that the RPA wants to facilitate residents to the greatest possible extent. No matter what it does, not everyone will be satisfied and whatever route is chosen, it will pass beneath some houses, businesses and other buildings. Residents wish to minimise that and I have no problem with that. As the Deputy said, there has been a breakdown in trust between the two groups and the quicker it can be restored, the better for everyone. As both Deputies point out, this project is needed because people on the north side of Dublin wish to see it secured. I will do all I can to advance that.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Ceann 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 Bernard Durkan — the extraordinary situation whereby primary medical certificates are being refused on the ground of persons' alleged failure to qualify on medical grounds, despite each having proven their degree of disability in line with the regulations; and the urgent need for the Minister for Health and Children to intercede in these and related matters; (2) Deputy Finian McGrath — the urgent need to

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improve health and disability services on the north side of Dublin; (3) Deputy Tony Gregory — the decision of the Railway Procurement Agency to change the metro north route from the original publicised route which had maximised the use of open space to a route through a largely residential area; and (4) Deputy Thomas Broughan — the need to change the density guidelines and reform planning legislation to ensure that the development of areas like the north fringe of Dublin city will cease to be developer-driven and are instead planned in a sustainable and democratic way with all the necessary public and social infrastructure provided on a timely statutory basis; and if the Minister will make a statement on the matter.

The matters raised by the Deputies have been selected for discussion and will be taken now.

Adjournment Debate.

Disabled Drivers.

Deputy Bernard J. Durkan: There are clear inconsistencies in the regulations for disabled drivers and passengers tax concessions and the way they are applied.

To qualify for a concession under these regulations, a person must have lost the use of one or both limbs. I do not understand this, having studied the regulations for some time. I have met people who have lost the use of an arm or leg and neither of them have qualified under the rules. I have also seen people who do not appear to qualify at all who are in receipt of the concession.

One of the people I am referring to has lost a hand. A person either has a hand or does not. However, those wise people who make determinations in this area have come to the conclusion that he has not lost his entire arm so he is not disabled. When it comes to operating a motor vehicle, the man has lost the use of a limb and should qualify under the regulations for the concession.

The last straw must be the length of time adjudication takes. It can be up to a year before a person hears back from those making the decision. The notice then comes back from the HSE that a person was not eligible under any of the categories outlined for a medical certificate for a disabled driver and that he or she should appeal. God help such people when they go through the appeals system, because they will be sent back around the same course and will be told the same thing at the end of that process.

Will the Minister get hold of whomever is responsible for screwing up that system and remind him or her that the scheme is supposed to assist people who, for work or leisure, wish to drive a motor vehicle? The concessions are in

respect of a modification to the motor vehicle. They should be awarded that concession and a special effort should be made to ensure the applications of those who are refused would be reviewed in the shortest possible time with a view to awarding them their necessary entitlements.

An Ceann Comhairle: The Minister has not received the reply yet so the Deputy will have another minute and 20 seconds.

Deputy Bernard J. Durkan: I have never been in this situation before.

An Ceann Comhairle: Some strange things have been happening here in recent days.

Deputy Bernard J. Durkan: It goes to show that no matter how long a person has been around, one can learn something every day. I thank the Ceann Comhairle.

Deputy Noel Dempsey: It is not like the Deputy to be caught short.

An Ceann Comhairle: The one sacrifice makes a stone of the heart.

Deputy Bernard J. Durkan: This is a case of bureaucracy gone mad. There is a need for fairness, transparency and accountability in this area. Members of this House should not be regularly in receipt of daft replies such as those to which I have referred and which the Minister has probably received on numerous occasions. One of the people concerned approached me recently and asked me why he did not qualify, considering he had lost his hand and he maintained that under the regulations he should qualify. He stated he knew of people in a less serious situation who had qualified. I refer to a case of a person who had suffered a severe stroke and had lost the power on one side. I do not understand the stringent interpretation of the regulations in a negative fashion but I will leave it to the Minister to come to my rescue.

Minister for Transport and the Marine (Deputy Noel Dempsey): I apologise for the absence of my colleague, the Minister for Finance, but I am pleased to clarify matters relating to the disabled drivers and disabled passengers tax concession scheme which dates back to 1968, when relief from road tax was made available under section 43 of the Finance Act 1968 for persons with a disability meeting specific medical criteria. Since then, the scheme has been extended and amended on several occasions.

The benefits of the scheme for qualifying persons are set out in the legislation. They consist of (a) full relief in the year of purchase of an adapted vehicle of vehicle registration tax and VAT, subject to limits of €9,525 for a qualifying

driver and €15,875 for a qualifying passenger or organisation. In the case of passengers, there is a requirement that the adaptation to the car must amount to at least 10% of the cost of the car. In the case of both drivers and passengers, the vehicle must be retained for at least two years; (b) relief from excise duty up to a maximum of 600 gallons per year; 900 gallons in the case of an organisation; (c) exemption from road tax.

The average total annualised value of these benefits is estimated at around €5,500 per claimant. In the year of purchase of a car, a claimant receives benefits relating to the purchase of the car, fuel relief and road tax. In the other years, the benefits received are fuel relief and road tax. The regulations also provide for the inclusion in the scheme of non-profit organisations involved in the transport of persons with a disability.

In terms of the overall scale and scope of the scheme, the most recent data available from the Revenue Commissioners shows that the total number of claimants in the system in 2006 was around 11,000. This was made up of approximately 4,500 drivers and 6,500 passengers. In 2006, the total cost of the scheme, excluding road tax, was €59 million, an increase of some €9 million on 2005. When road tax is included, the total cost in 2006 is estimated at more than €67 million.

The statutory basis for the current scheme is section 92 of the Finance Act 1989. The 1994 Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations, made under the 1989 Act, set out the medical criteria, certification procedures, reliefs available to eligible persons, appeal procedures, and other matters.

Given the generosity of the scheme, there are strict medical criteria set down for qualification. The scheme is not open to all people with a disability and was never intended to be. It is only available to people with certain serious permanent physical disabilities which result in considerable mobility difficulty.

The medical eligibility criteria for the scheme, as set out in the legislation, are as follows: the applicant is wholly or almost wholly without the use of both legs; the applicant is wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs; the applicant is without both hands or without both arms; the applicant is without one or both legs; the applicant is wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg; the applicant has the medical condition of dwarfism and has serious difficulties of movement of the lower limbs. It is a fundamental requirement for admission to the scheme that the applicant meets the specified medical criteria and is in possession of a primary medical certificate to that effect.

Considerable efforts have been made in recent years to improve the level of service in relation

to appeals. There is still some work needed in this regard, but I note that following a period of difficulty in organising sufficient meetings of the medical board of appeal, the Tánaiste reconstituted the board in early 2005. Since that date, the panel of doctors has been incrementally expanded from three to 17 members. This has facilitated more frequent meetings of the board, thus enabling progress to be made in reducing the backlog of appeals that had arisen.

A person who is deemed to satisfy the criteria is issued with a primary medical certificate by the senior medical officer of the local Health Service Executive administrative area. Possession of this certificate qualifies the holder to claim the benefits of the scheme.

In some cases the persons concerned do not appear to the senior medical officer to meet the criteria and so the relevant certificate is refused. As the Deputy might expect, where the medical certificate is not granted, the legislation provides for an appeal procedure operated by the Disabled Drivers Medical Board of Appeal. The board is an independent body, whose decision is final. The board's members are appointed by the Minister for Finance, on the nomination of the Minister for Health and Children. A special inter-departmental review group has reviewed the operation of the disabled drivers scheme. It examined the current benefits, the qualifying medical criteria, the Exchequer costs, relationship with other schemes and similar schemes in other countries. The report also made a number of recommendations, both immediate and long-term, referring respectively to the operation of the appeals process and to options for the future development of the scheme.

Health Services.

Deputy Finian McGrath: I thank the Ceann Comhairle for the opportunity to speak on the urgent need to develop health and disability services on the north side of Dublin. This was an important element of my recent agreement with the Taoiseach which was about delivery of services to people and creating an opportunity for those who have been left behind. It is an agreement built on equality and social justice. I did not seek nor ask for merces and perks; all I asked for was services.

Today I make myself accountable to the 30th Dáil and also to the people of Coolock, Marino, Drumcondra, Donnycarney, Clontarf, Raheny, Artane, Fairview and Beaumont. I make no apology for trying to deliver services to these people who put me into the Dáil. I am standing by the people of Dublin North-Central. My mandate is to look after the vulnerable, the sick, the disabled, the elderly and the very young. This is my agreement with the Taoiseach. The real challenge is to deliver services, particularly to those people who have been left behind. Society is people and

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without people there is no society. My agreement is about redeveloping respect and trust and an insistence on people-centred policies that can be implemented. This is not rocket science but rather about helping the weaker sections of society to receive their rights as citizens of this nation. This is also an excellent investment opportunity and relates to delivery on important issues such as health, education, disabilities, housing, foreign policy matters and important environmental issues such as Dublin Bay.

An agreement has been made on a number of important local priorities. I will be accountable and I will inform the constituents and the Dáil as these are rolled out. These will include the following: increased funding for the Stardust inquiry of €400,000-€100,000 has already been delivered; funding for Kilmore West community centre, Coolock, which supports elderly and youth services; the retention of Greendale community school for educational use and to ensure that no part of it is sold; extra funding for services for children and adults with a disability living on the north side; funding for the Central Remedial Clinic in Clontarf; €1.7 million for the upgrade of the Tolka River flood programme; assistance for the residents of Richmond Road; capital moneys must be allocated to the orthopaedic hospital in Clontarf to upgrade its facilities; support and funding for a new PE hall at Rosmini School in Drumcondra; extra funding for services at St. Michael's House; improved facilities for the visually impaired; and extra community gardaí on the beat in Dublin North-Central. Those are just some of the local priorities, and I will announce more later.

The Taoiseach and I share a vision of an Ireland where people with disabilities have the greatest possible opportunity to live full lives with their families and as part of their local communities without discrimination. I am strongly pushing for implementation of the national disability strategy, which would cost €900 million over the next three years, that is €300 million per year. In real terms, that means more residential places, respite places, speech therapists and services on the ground for everyone with a disability.

I look forward to seeing extra teachers reducing class sizes, improvements in special education, more support for children with autism and the tackling of educational disadvantage, and more services for citizens. People will be informed as they are rolled out.

An Ceann Comhairle: I remind the Deputy that his Adjournment motion relates to the need to improve disability services on the north side of Dublin, interesting as these other aspects may be.

Deputy Finian McGrath: We have also dealt with health matters, and over the next five years,

I look forward to extra hospital beds, including long-stay beds, and primary care teams, better services for cystic fibrosis patients, and improved cancer services. I stress that we need action on cystic fibrosis and cancer services as quickly as possible.

On foreign affairs, I have also supported the anti-war movement and have major human rights concerns regarding US policy. In the negotiations, I did my best to push that agenda, especially regarding the aid target of 0.5% of GNP in 2007, more support for the UN, and our being more progressive, taking an all-Ireland view of the economy, health, education, agriculture and the environment. Under the agreement, transit through Shannon and other Irish airports of foreign troops participating in military operations will be permitted where such an operation has been authorised by the UN. In the absence of such authorisation, it will be for the Government to consider the merits of each situation on a case-by-case basis and decide whether to grant permission, which shall be given only following a motion passed by Dáil Éireann.

An Ceann Comhairle: We will have to call a truce, since the Deputy's time has expired.

Deputy Finian McGrath: My agreement with the Taoiseach is about the sensible spending of taxpayers' money. It has the potential to build and develop a better future for everyone. As the Independent Deputy for Dublin North-Central, all that I ask for is people's support.

Deputy Bernard J. Durkan: Rather than follow that, all that the Minister can do is applaud.

Deputy Noel Dempsey: I am unsure whether I can talk to the Deputy about Shannon. Having negotiated the programme for Government with the Green Party and the Progressive Democrats——

An Ceann Comhairle: The Minister should confine himself to health and disability services.

Deputy Noel Dempsey: I am at something of a loss, since there was so much of everything else.

I know Deputy Finian McGrath has an interest in disability services and education for persons with special needs, since he was opposite me when I was Minister for Education and Science and we put the Education for Persons with Special Educational Needs Act 2004 on the Statute Book. I acknowledge that and remind the Deputy of the Government's record on disability services over recent years. The commitment is shared by all Ministers.

Between 1997 and 2006, additional revenue and capital funding of €851 million was invested in health-funded support services for people with disabilities, of which €549 million was provided

for persons with an intellectual disability and those with autism. An additional sum of €75 million for revenue purposes was provided for disability services in the 2007 budget. That sum incorporates the 2007 element of the Government's multi-annual investment programme for the national disability strategy, under which it is committed to providing some €900 million capital and revenue funding over the period 2005-09. We will honour that commitment.

With specific regard to Dublin north, as part of such funding, €9.36 million was provided for intellectual disability services, resulting in 68 new residential places, 138 new day places and 18 new respite places. Some €2.8 million went on physical disability services, resulting in 19 new residential places and almost 63,000 additional hours of home support service being provided. As part of the multi-annual investment programme, over 40 additional posts, including physiotherapists, senior occupational therapists, senior speech and language therapists, senior psychologists, senior social workers and early intervention team managers, were approved for disability services in the Dublin north area in 2006 and 2007. That will continue over the Government's lifetime.

Outside the multi-annual investment package funding, the HSE provides ongoing funding for disability services in the Dublin north area as follows: €163 million in 2006 to 43 agencies providing services and support to persons with disabilities; and €4.35 million in 2006 for home care supports to allow persons with disabilities to remain in the community. Some €5.66 million was provided in 2006 to fund the residential care of persons with physical or sensory disabilities who could no longer be cared for in the community, and a specific amount of €459,150 is provided annually to provide aids and appliances to persons with physical and sensory disabilities.

The Deputy should also note that building work has just begun on the development of a 60-bed bungalow complex at St. Joseph's Disability Services, Portrane. The estimated cost of that project is €17 million.

The Deputy will be aware that people with physical and sensory disabilities also avail themselves of general primary care services such as general practitioner, dental, ophthalmic, physiotherapy, occupational therapy, speech and language therapy, public health nursing, area medical officers, financial allowances and so on. Expenditure on those services is included in the general community services provision.

The Deputy also raised concerns regarding HSE plans for older persons' services in the north Dublin area. Services will continue to be rolled out, particularly the delivery of home care packages that allow older people to remain at home for a longer period, as well as to facilitate earlier discharges from an acute hospital setting. The intent over the coming years is to continue to

increase the number of packages in the area, which rose from 563 in December 2005 to 1,480 in May 2007.

Funding has also been provided for additional places and extended opening at day-care facilities, additional respite care beds, and for organisations providing meals on wheels.

Light Rail Project.

Deputy Tony Gregory: May I share two minutes of my time with Deputy Costello?

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Tony Gregory: I thank the Minister for staying on after Question Time. It is not usual for Ministers to take Adjournment debates, and I am glad he has stayed for this.

The Minister made several points in his reply, including that one of the problems was that the RPA could not contact a resident or a residents' group. In reality, within the last week the RPA arbitrarily cancelled a consultative meeting with the residents' group. Nothing could be more incorrect than the information given to the Minister on that point.

On the issue of funding independent expertise for the residents, they have been told that it has not been approved, yet the Minister told the House that there is no such issue. There is no doubt in my mind, having attended packed public meetings in the Drumcondra area with at least 700 or 800 people present, that there will be massive unrest if the confidence and trust of residents is not re-established. It is this type of deception and subterfuge by the Railway Procurement Agency that is threatening this major infrastructural project for the northside of Dublin. The Minister gave two examples of that deception in the House which can be easily verified.

There is a view among residents in the Drumcondra area that the hidden agenda is that the development and speculative potential value of open space in the area is being given a higher priority than the residents' homes and that the route has been changed from the publicised one which went under open space to one which goes under the most residential part of the Drumcondra area almost in its entirety.

All public representatives in the area have been involved in this and despite assurances from the RPA that it is reviewing this and considering reverting to an open space route, it persists in concentrating all its preparatory work on its own preferred route through the housing area. Again, the evidence contradicts everything it says and that is causing huge unrest.

Deputy Joe Costello: I thank Deputy Gregory for sharing his time. This is an important issue. Everybody in the Drumcondra area is in favour of and has welcomed metro north. However, they

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were appalled when they saw from another map circulated to them that the original route which had been distributed when the decision was taken had been changed. The RPA now says the original route was only an indicative one and that the new route which goes almost entirely under houses and which is totally different from the original one that went almost exclusively under open space is the preferred one. Naturally enough everybody in the area is more than concerned. People are also concerned about the issues raised in Marino in regard to the Dublin Port Tunnel, particularly as the new route goes under so many houses. Some 660 houses will be affected.

There have already been half a dozen meetings, a couple of meetings with the Taoiseach and two to four meetings with the RPA. There has also been a meeting with the Minister's predecessor, Deputy Martin Cullen. There was a protest last week and a meeting cancelled by the RPA and there will be a protest this evening. It is a huge issue in the area and, as Deputy Gregory said, approximately 600 to 800 people have attended the meetings, one of which was attended by the Taoiseach. Can we not get back to the original route which maximises the use of open space and minimises the use of residential homes? That is what is sought. The only way we can do that is for the Minister to direct the RPA to do what it originally showed on the maps.

Deputy Noel Dempsey: Deputy Joe Costello will know I have no authority to direct the RPA. Whatever route is finally chosen will be subject to the normal statutory procedures of An Bord Pleanála. In case anybody is trying to make a political point about this, it is not within the remit of the Minister to direct the RPA to choose a particular route.

Deputy Joe Costello: Will the Minister not direct it to consult the residents?

Deputy Noel Dempsey: I thank both Deputies for raising this matter. They are right that it is an important one which would benefit from everybody taking a step back to allow a bit of space. I appreciate the manner in which it has been raised by both Deputies and the way they have addressed it in the House. As they said, this is one of the flagship projects of Transport 21. It is extremely important for the northside of the city and much further afield. It will carry an estimated 34 million passengers per year when it is operating. Trains will operate every five minutes and the estimated journey time from the city centre to Dublin Airport will be 17 minutes.

The RPA has been mandated by the Government to procure and implement the project. As the Deputies rightly acknowledge, there was extensive public consultation to determine the

route for metro north which commenced in February 2006. There were a number of open days that provided opportunities for public engagement. The consultation process continued right up to the end of June 2006. Following the consultation process, the RPA board then decided on the preferred route. I understand that a number of indicative routes were shown, the consultation took place and it chose a particular route. That is normal in such situations.

I will not bore the Deputies with the obvious benefits because they have both acknowledged them. I wish to mention a number of stops. The proposed Drumcondra metro stop will be located to the rear of St. Vincent's Centre for the Deaf at Drumcondra Road. Other options examined would have had significant negative impacts. In particular, they would have required road closures for up to three years. I understand that between the Drumcondra and Griffith Avenue stops an emergency access and ventilation shaft easily accessible to emergency services is required. The south west corner of the St. Patrick's College playing fields has been identified as a suitable location. The location of the shaft influences the route onward to the Griffith Avenue stop.

Work is under way on the preparation of an environmental impact statement and the documentation required to support an application to An Bord Pleanála for a railway order, which is the legal permission needed to build and operate the metro north. The authority to make a final decision on the alignment of metro north rests with An Bord Pleanála through the railway order process. The terms of that statutory planning process allow considerable opportunity for the public to comment on and object to the detailed plan for the project.

I have met the RPA and I assure the Deputies that I have asked it to engage extensively with the residents in the area in exploring mechanisms. I do not doubt what the Deputies said about the cancellation of a meeting last week. I was informed that a particular individual whose name was given as a contact for the residents' organisation could not be contacted by the RPA despite several efforts over the past week or ten days. There is clearly a problem of communication.

Deputy Tony Gregory: It is a one-sided problem.

Deputy Noel Dempsey: I try to be fair. I will not take sides in this.

Deputy Tony Gregory: I did not either.

Deputy Noel Dempsey: If the three of us and everybody else involved keep the overall objective in mind, we can try to restore faith in the processes.

Deputy Joe Costello: Will the Minister meet the residents?

Deputy Noel Dempsey: The RPA has received many, and sometimes irreconcilable, requests which will always be a difficulty in these projects.

An Ceann Comhairle: The Minister's time has expired.

Deputy Noel Dempsey: I will send the rest of the reply to the Deputies.

Planning Issues.

Deputy Thomas P. Broughan: This time last year I raised the same issue of unsustainable planning and developer-led high density planning in the north fringe and elsewhere in the constituency of Dublin North-East. Little has changed over the succeeding 12 months. We now have a new Administration and Green Party Ministers who have a special responsibility to communities both old and new which are being disadvantaged daily by crass, high density developer-driven construction that may give rise to future very serious difficulties. It was famously the case only a few years ago that the Minister of State, Deputy Sargent, waved a developer's cheque at Dublin County Council and ended up for his pains in a Fianna Fáil headlock. I hope he and his colleague Deputy Gormley are not back in that headlock and that their former strident views on democratic and sustainable planning will not be conveniently forgotten.

The north fringe of Dublin city and south fringe of Fingal together represent what is perhaps the largest new urban district built in the history of the State. From Baldoyle and Portmarnock through Donaghmede, Belcamp and Clonsaugh, 20,000 to 25,000 housing units, most of which are apartments, often high-rise, are being built, are approved or otherwise are making their way through the planning system. Similarly huge developments stretch westwards from the constituency into Dublin North-West, Dublin West, and Dublin Mid-West. Following an attempt more than six years ago by developer Gerry Gannon to pre-empt the local regional planning process a north fringe action plan was prepared by Dublin City Council. However, the plan was a very basic outline on a map and we are left to this date to complain bitterly about the delay in providing a definite plan for local health centres, schools, child-care facilities, a Garda station and public transport. As I warned last year, this may well be another recipe for a planning disaster like those foisted on the people of Dublin's northside and the north county by an earlier generation of city and county managers, councillors and planners.

At my repeated suggestion four years ago, city manager John Fitzgerald agreed to the establish-

ment of the north fringe forum representing stakeholders such as local residents and development bodies, local representatives, officials from the two local authorities and various Departments, the Garda, HSE and CIE. Despite the best efforts of our chairman, Clive Brownlee, and area manager Celine Reilly, the forum has become, unfortunately, a quarterly talking shop. The most recent report we received showed that apartments which were given planning permission by Dublin city planners failed to meet basic guidelines on size, ventilation of bathrooms, natural lighting, street size and many other fundamental criteria. The delivery of Part V social and affordable housing is vague and has not been determined or agreed by city and county planners before permission has been given. The timetable and planning requirements for a proposed new DART station at Clongriffin have not been met though the opening date is optimistically scheduled for December 2008. There are still no plans for a Garda station or health centres in the vast territory in question.

The Minister, Deputy Gormley, should address the issues forthwith. I have heard him rail in Dublin City Council and in the House against unsustainable and problem developments. At the very least, the density guidelines introduced by Deputy Dempsey, who is sitting in the Chamber, and the Planning and Development Act 2000 should be reviewed. No new urban districts should proceed without a democratically decided masterplan and overall responsibility for such developments should be given immediately to local housing and planning authorities. Deputy Gormley should call in city and county managers, John Tierney and David O'Connor, to ask for a full commitment and detailed timetable on social infrastructure and establish immediately a strategic development zone for the Clonsaugh-Belcamp district where up to 8,000 housing units and ancillary commercial development are being proposed on an *ad hoc* fashion to maximise developers' profits.

I hope the new Government will re-examine the north fringe to ensure that our successors do not have to stand here in 15 or 20 years time to bemoan mounting problems and establish new regeneration agencies like those that have had to be provided in Limerick city and the northside of Dublin. I hope we will get our planning and development right first time around.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): Comhgairdeas leat ar do phost nua, a Cheann Comhairle.

I thank the Deputy for raising this matter. The Government is committed to creating sustainable towns and cities and ensuring quality living spaces for our community. We will introduce new urban design guidelines for building new housing devel-

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opments, require all new apartments and other high density developments to comply with improved minimum design standards and ensure better provision is made for proper education and community facilities where new communities are created. Already, the Department is progressing a wide range of policies and measures to support the creation of sustainable communities within a high quality environment. We are currently revising and expanding the residential density guidelines for planning authorities which were published in 1999. The review takes account of experiences to date, our rapidly changing demographic and settlement patterns and the need for more compact urban development, especially within the greater Dublin area, to enhance quality of life.

The new planning guidelines on residential developments will facilitate the creation of sustainable communities through effective planning and the provision of necessary supporting services and amenities. They will achieve the most efficient use of urban land through housing densities appropriate to the locations involved and the provision of supporting infrastructure, especially transport, and set high standards for

space and facilities. On foot of the review, it is intended that new draft planning guidelines on residential density will be published. We will also publish a new best-practice handbook on urban design and housing layouts with examples drawn from current best practice.

The work outlined follows the recently published housing policy statement, *Delivering Homes, Sustaining Communities*, published in February 2007, which places the provision of housing within the wider context of the development of sustainable communities. The Government is firmly committed to driving up quality standards through better regional and local area planning, improved guidance and leading by example. The private and public sectors must work together to improve not just the quality of housing developments themselves, but to ensure that developments add to the character of areas, reinforce the vitality of local communities and provide the services and amenities residential development requires. I look forward to an active public engagement on the draft policy proposals I have outlined above as they are rolled out during the year.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 3 July 2007.

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 12, inclusive, answered orally.

Driving Tests.

13. **Deputy Noel J. Coonan** asked the Minister for Transport and the Marine the date on which smart card driver licences and learner permits will be introduced. [18096/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): 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 including the preparation of proposals for draft regulatory provisions relating to driver licensing and testing. The Road Safety Authority has made a submission to my Department concerning licensing reforms including the introduction of learner permits. These proposals are under consideration at present.

With regard to the introduction of new smart card driver licences, the EU Directive provides that Member States introduce a system of plastic card licences by 2013 at the latest. Responsibility for the driving licences is a matter for the Road Safety Authority but I understand that the Authority will introduce the new system as soon as the standard specifications for the microchip (which will store the licence data) are agreed at EU level.

Public Transport.

14. **Deputy Terence Flanagan** asked the Minister for Transport and the Marine if his Department will have responsibility for coordinating the undertaking of integrated transport and land use plans in the hub towns; when this work will begin; and is expected to be completed. [18052/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Transport 21 investment

programme aims to provide an integrated transport system, which is fully informed by the key policies set out in the National Spatial Strategy (NSS). Key to the strategy is the concept of balanced regional development. To achieve this, a framework of Gateways, Hubs and other urban and rural areas have been established, which will open up new opportunities in the regions and give people greater choice in where they live and work.

The NSS states that, to support balanced regional development, Ireland's transport networks must build on the radial transport system of main roads and rail lines connecting Dublin to other regions, by developing an improved mesh or network of roads and public transport services; ensure, through building up the capacity and effectiveness of Ireland's public transport networks, that increases in energy demand and emissions of CO₂ arising from the demand for movement are minimised; allow internal transport networks to enhance international access to all parts of the country, by facilitating effective interchange possibilities between the national transport network and international airports and sea ports; and address congestion in major urban areas by increasing the use of public transport. The NSS also sets out a number of policy guidelines, which are particularly relevant to Transport 21 and have been taken into account in its drafting. Transport 21 also takes account of the Regional Planning Guidelines adopted during 2004.

The key responsibility for land use and transport planning in the hub towns rests with planning authorities guided by policies from the Minister for the Environment, Heritage and Local Government. My Department works closely with the Department of Environment, Heritage and Local Government in integrating transport policy with land use planning. I envisage a strengthening of such co-operation, given the importance of this

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issue and the commitment in the Programme for Government to deliver integrated strategies for hubs. I also envisage that this matter will be addressed in more detail in a Sustainable Travel and Transport Action Plan, which I am committed to delivering.

Light Rail Project.

15. **Deputy Olwyn Enright** asked the Minister for Transport and the Marine if a set budget has been allocated under Transport 21 to construct a Luas line to Rathfarnham. [18115/07]

32. **Deputy Olivia Mitchell** asked the Minister for Transport and the Marine when the feasibility study on a Luas to Rathfarnham will commence; the timespan for this study. [18049/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 15 and 32 together.

Transport 21 provides a very large funding commitment for the delivery of an extensive rail based public transport network in the Greater Dublin Area in the period up to 2015. This network is based on the Dublin Transportation Office strategy “A Platform for Change”. Transport 21 includes funding for feasibility studies on those elements of the “A Platform for Change” which are not included in Transport 21 and this includes the proposed Luas line from the city centre to Dundrum via Rathfarnham and Terenure. It was announced, on 30 January last, that the RPA is to commence work on the Rathfarnham feasibility study in April.

Preliminary work has commenced on this feasibility study and I understand from the RPA that the feasibility study will take a number of months to complete. While Transport 21 involves a very large commitment of financial resources, those resources are also finite. It has therefore been necessary to prioritise the investments to be made over the ten year period. There is no financial provision in Transport 21 for the construction of a Luas line to serve the Rathfarnham.

Public Transport.

16. **Deputy Róisín Shortall** asked the Minister for Transport and the Marine the action he will take to complete the integrated ticketing project; the projected total cost; and the time-scale he is working to. [17892/07]

44. **Deputy Terence Flanagan** asked the Minister for Transport and the Marine the position in relation to integrated ticketing on public transport; when this system will be fully operational. [18051/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 16 and 44 together.

A number of magnetic strip integrated tickets which allow transfer between Bus and Dart, Bus and Luas, and Luas and Dart are currently in place. Within the context of Transport 21, a far wider integrated ticketing scheme is to be in place within the Greater Dublin Area, based on smart-card technology. An Integrated Ticketing Project Board was established last year to take forward this project, comprising the Chief Executive Officers of the RPA and CIE companies, a representative of private bus operators and a senior official from my Department under an independent chairperson. The Project Board was given the responsibility of delivering the smartcard technology required to deliver an integrated smart card ticketing system within an agreed specification, timeline and budget.

The Board has submitted a comprehensive proposal for the delivery of the project. The proposal puts the expected capital cost of the integrated ticketing system at €49.6 million. On the 1st June, my Department wrote to the Chairman of the Project Board authorising him to proceed with the implementation of the project along the lines proposed by the Board. The Chairman has since informed me that the procurement process to secure a supplier for the back office systems is underway. The tender notice was recently placed in the Official Journal of the European Union. Currently, smartcard ticketing systems are in place on both Luas and Mortons services. Both Iarnrod Eireann and Dublin Bus also intend to introduce their own interim smartcard systems in the near term. These will enable both users and operators to familiarise themselves with the use and flexibilities of smartcard systems.

The next stage then is to roll-out the proposed integrated ticketing system within the Greater Dublin Area. All of the current smartcard schemes are designed to migrate to this integrated smartcard system at the appropriate time. This roll-out will commence within 27 months on the services of Dublin Bus, Luas and Morton's. It will be extended to Iarnrod Eireann Dart and Commuter rail services within the following year. Bus Eireann has agreed to commence a trial project on one of its commuter routes. Full roll-out will be completed within four years.

Cycle Facilities.

17. **Deputy Kathleen Lynch** asked the Minister for Transport and the Marine when he proposes to improve the standards applying to the design and use of cycle lanes, particularly in terms of planning, parking, dimensions, and maintenance [17898/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): My Department is engaged at present with a number of other agencies, under the aegis of the Dublin Transportation Office, in a review of the current manual on the provision of cycling facilities titled the “Provision of Cycle

Facilities — National Manual for Urban Areas” which was published in the late 1990s. This non-statutory publication sets out comprehensive guidance on the design and provision of cycle facilities. The standards as regards best practice applying to planning, design and maintenance will be covered in this review process. In addition, the provisions in the road traffic regulations with regard to the use of cycle tracks and the traffic signs prescribed to indicate the application of cycle track regulatory provisions are being looked at in conjunction with this design and standards review. It is expected that the review will be completed by the end of 2007.

Question No. 18 answered with Question No. 7.

State Airports.

19. **Deputy Andrew Doyle** asked the Minister for Transport and the Marine when the break up of the State airports and their establishment as independent entities will be completed. [18124/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The State Airports Act, 2004 provides the framework for the establishment of Shannon and Cork as independent airports. Under the Act, both the Minister for Finance and I will have to be satisfied as to the state of operational and financial readiness of the three airports before any vesting of assets can take place. All three Airport Authorities will have to finalise business plans for autonomous operations. Recognising that the three airports will require coordinated strategies for the achievement of operational and financial readiness, the Dublin Airport Authority (DAA) will oversee the consistency of the assumptions and strategies of each business plan.

The actual timing of airport restructuring will be contingent on the creation of the appropriate conditions that will ensure the financial sustainability of all three State Airports. My Department will continue to liaise with all three authorities on the business planning timetable.

Road Network.

20. **Deputy Emmet Stagg** asked the Minister for Transport and the Marine when he proposes to provide in legislation for open tolling. [17917/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Roads Bill 2007, which will provide the legislative basis for open road tolling, is currently before the House. I hope that it will be enacted before the Summer recess.

The principal purpose of the Bill is to provide the necessary statutory basis to facilitate the implementation of free flow open road tolling (also known as ‘barrier-free’ tolling) on toll-based

national road schemes through the provision of appropriate deterrents for non-payment of tolls. In particular, this legislation is necessary to support the introduction of free flow open road tolling at West-Link on the M50 by August 2008.

Economic Development.

21. **Deputy Kieran O'Donnell** asked the Minister for Transport and the Marine when the Government funding will be put in place for the urgent implementation of the €53 million mid-west tourism and economic development plan (details supplied). [17920/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Earlier this year the EU and the US reached agreement on a multilateral air transport agreement ‘Open Skies’ which envisages more liberalised air service arrangements on the transatlantic market. The agreement on Open Skies follows several years of negotiations at EU US level and marks an historic step in advancing the development of international regulation of aviation and is expected to yield significant economic benefits on both sides of the Atlantic.

As part of the transitional arrangements relating to Ireland, the ‘Shannon Stop’ requirement is being phased out and will end in April 2008. In the meantime air carriers are required to serve Dublin and Shannon on a 3:1 basis over the period October 2006 to March 2008. At the same time the restriction on the number of US cities that can be served by Irish carriers have been lifted. As a result, Aer Lingus will commence three new services from Dublin to the US from Autumn 2007 to San Francisco, Orlando and Washington.

With a view to assisting Shannon airport, and the wider region, to adapt to the new regime, my Department has drawn up an Economic and Tourism Development Plan for Shannon. This follows a commitment given by my predecessor Minister Cullen, which is now reflected in the new Programme for Government. I expect to be in a position to bring the Economic and Tourism Plan for Shannon to finalisation shortly.

In preparing the Plan, my Department has consulted with the Department of Arts, Sports and Tourism, the Department of Enterprise Trade and Employment, the Department of Communications & Natural Resources and the Department of Finance. A liaison group, established by the Mid West Regional Authority, has separately prepared a report on the future development of the Shannon region as an input to the Department’s Plan.

Public Transport.

22. **Deputy Billy Timmins** asked the Minister for Transport and the Marine the changes in the preparatory analysis undertaken prior to the construction of public transport projects under Transport 21, that will be introduced in view of

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commitments given in the programme for Government to consider environmental impacts; the Department that will be given responsibility for this analysis. [18118/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Department of Transport has recently issued 'Guidelines on a Common Appraisal Framework for Transport Projects and Programmes' to its agencies. The Guidelines apply to all Exchequer funded and PPP projects in the transport sector. Project appraisals are carried out by the relevant implementing agency. The appraisals are subject to audit by the Department of Transport.

The Guidelines set out the criteria to be used for cost benefit analysis and multi-criteria analysis, including environmental impacts. The criteria to be assessed under the environmental heading are: air quality, noise and vibration, landscape and visual quality, biodiversity, cultural heritage, land use and water resources.

My Department has asked each implementing agency to report on their experience in using the Guidelines by end April 2008, after which it will complete a review and make any necessary modifications to the Common Appraisal Framework. That review will also consider whether any further changes are needed to give full effect to commitment in the Government Programme.

Road Safety.

23. **Deputy Thomas P. Broughan** asked the Minister for Transport and the Marine the way he will deal with the anomaly in road traffic law which currently prevents urban speed limits and double yellow lines to be applied by local authorities before areas are taken in charge by them; and if he will undertake to update the law soon in this regard. [17890/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): There is no anomaly in the Road Traffic Acts in relation to the scope of the application of the Acts. The application of this legislation only applies to public roads. A public road is a road that has been taken in charge by a road authority and as a consequence of executing that statutory procedure the road authority takes on responsibility for the improvement and maintenance of that road. The decision to take a road in charge by a road authority and the timing of any such decision is a matter to be determined by a local authority through co-ordination of its separate statutory roles as a planning, housing and road authority.

There has to be legal certainty in relation to the application of the law and it would not be appropriate to provide that the Road Traffic Acts could pre-empt the making of any such decision at local level. In the interests of legal clarity it is appropriate that the role of a road authority and the enforcement of road traffic law by the Garda

Síochána or local authority traffic wardens apply to public roads only and should not be extended to apply to private roads i.e. roads that have not been taken in charge by a road authority.

Public Transport.

24. **Deputy Richard Bruton** asked the Minister for Transport and the Marine when real time information will be available on all public transport. [18047/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Both Irish Rail and Luas already deploy real time information systems. Bus Éireann and Bus Átha Cliath are both proceeding with the introduction of automatic vehicle location technology on board buses. This technology will create the platform for, the deployment of real time passenger information. Bus Átha Cliath has in recent weeks put forward initial proposals for funding for a roll-out of real time passenger information via electronic displays at bus stops based on a technical platform which will facilitate a multi-operator approach. The Department is seeking further information from the Company.

The new Programme for Government includes a commitment to expediting the establishment of the Dublin Transport Authority which will have overall responsibility for surface transport in the Greater Dublin Area. A key function of the new Authority relates to delivery of an integrated transport system, including the provision of integrated passenger information. I will be seeking Government approval shortly for the publication of a Dublin Transport Authority Bill.

Road Safety.

25. **Deputy Catherine Byrne** asked the Minister for Transport and the Marine his preference on the best method to deal with the problem of driving under the influence of drugs. [18067/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The main contributory factors in road traffic fatalities and injuries are speeding, drink-driving and the non-wearing of seat belts. The influence of drugs on driving behaviour is an issue of increasing concern and has thus been given recognition in the previous Government Strategy on Road Safety.

It is already illegal in this country to drive while under the influence of drugs to such an extent as to be incapable of having proper control of a vehicle. Identification of the presence of drugs is however more complex than for alcohol. Consequently, considerably more work is needed to develop a more detailed regulatory regime in relation to drugs and driving before the best method to deal with this matter can be devised and adopted.

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.

The Medical Bureau of Road Safety (MBRS) analyses blood and urine specimens received under the Road Traffic Acts for the presence of a drug or drugs. At a meeting of the Pompidou Group of the Council of Europe in Strasbourg in July 2006, representatives from all over Europe addressed the issue of random drug testing of drivers at the roadside in the light of the most up to date developments throughout this region.

The MBRS and An Garda Síochána participated in that seminar, which concluded that there is currently no device considered to be reliable enough in order to be recommended for roadside saliva screening of drivers for drugs. The Medical Bureau is keeping me and my Department abreast of developments in this area.

Question No. 26 answered with Question No. 8.

Air Services.

27. **Deputy Eamon Gilmore** asked the Minister for Transport and the Marine if any air navigation undertaking has sought the grant or, if granted, the renewal of a ministerial indemnity in its favour under the Air Navigation and Transport (Indemnities) Acts 2001 or 2005, or both; if so, the identity of the undertaking concerned; his receipts and expenditure for each year since 2001 to date in 2007 in respect of arrangements under those Acts; the aggregate amount of the liabilities in respect of arrangements in respect of each such year under those Acts entered into during that year [17887/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Following the events of September 11th, aviation insurers worldwide withdrew 3rd party war and terrorist risk insurance from airlines, airports and ground handling companies. Without such insurance these undertakings could not operate and Governmental support was required. As a result the Air Navigation and Transport (Indemnities) Act 2001 was enacted which gave the Government power to insure air navigation undertakings by way of a Ministerial indemnity. The scheme ran from September 2001 to October 2002. As no incidents occurred that gave rise to claims, the State incurred no costs under the scheme other than administrative costs.

In June 2005, the European Commission informed Member States that the insurance industry had begun to withdraw insurance cover for acts of terrorism and war. In response the Oireachtas enacted the Air Navigation and

Transport (Indemnities) Act 2005 to enable the Minister for Transport to act quickly in the event of insurance cover being withdrawn by the industry at short notice. The 2005 Act allows the Government in exceptional circumstances, to make an Order declaring that a state of difficulty exists, in relation to aviation insurance, where essential insurance is not generally available. To date there has been no application from any air navigation undertaking for the grant/issue of an indemnity under the 2005 Act.

As the receipts (in respect of insurance premiums) expenditure and the number of undertakings involved with this scheme relate to the 2001-2002 period it will be necessary to undertake a review of my Departments files and accounts in order to provide the Deputy with full details he has requested and I will revert to the Deputy with more detailed information when this is available.

Road Network.

28. **Deputy Enda Kenny** asked the Minister for Transport and the Marine the way and when an outer orbital route for Dublin will be delivered. [18122/07]

55. **Deputy Emmet Stagg** asked the Minister for Transport and the Marine his views on the necessity of the outer Dublin ring road; his plans to fund such a project in the lifetime of this Government. [17918/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 28 and 55 together.

As Minister for Transport I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. The implementation of individual national road projects is a matter for the National Roads Authority (NRA) under the Roads Act, 1993 in conjunction with the relevant local authorities concerned. The Regional Planning Guidelines for the Greater Dublin Area (2004-2016) and the DTO's A Platform for Change (2000-2016) identified a need for a Dublin Outer Orbital Route (now known as the Leinster Orbital Route) linking Drogheda/Navan/Naas/Newbridge.

Both Transport 21 and the new NDP committed the NRA to carrying out a feasibility study on the Orbital Route. In April 2007, the NRA completed an updated feasibility study which builds on an earlier 2001 study, looking in particular at the costs and benefits of such a route. As part of the study various possible route corridors were examined in detail. A corridor linking Drogheda to Navan to Naas was identified as the optimum route having regard to the policy objectives set out in the policy documents.

The primary objective of the Leinster Orbital Route is to provide an alternative bypass of Dublin for national road traffic not wishing to access the Metropolitan Area and to provide a

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transport link between development centres in the Hinterland Area of the Greater Dublin Area, in a way which supports their sustainable, physical and economic development.

The updated NRA study finds that there is merit in constructing an Orbital Route linking Drogheda/Navan/Naas. Neither Transport 21 nor the NDP provide funding for the project to be constructed in the period to 2015. However the Government Programme contains a commitment to prepare for delivery of the Route. The study is currently under detailed consideration by my Department.

Road Safety.

29. **Deputy Kathleen Lynch** asked the Minister for Transport and the Marine the progress in completing a new road safety strategy; the budget he proposes to devote to same over its duration; and when he expects to publish it. [17897/07]

30. **Deputy Shane McEntee** asked the Minister for Transport and the Marine the reason there is no national road safety strategy in place [18039/07]

63. **Deputy Joe Carey** asked the Minister for Transport and the Marine if he is satisfied with the situation where there is currently no national road safety strategy in place [18131/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 29, 30 and 63 together.

The Road Safety Authority (RSA) is responsible for developing a new Road Safety Strategy for the period 2007-2011. They went out to public consultation in October last year and received a substantial number of suggestions and proposals as a result of this process. The RSA also engaged in a process of direct consultation with key stakeholders in December 2006. The volume of submissions received from these processes were examined by the Authority who are now working towards the finalisation of the new Strategy.

When the new Road Safety Strategy is received my officials and I will examine the document. Discussions may then take place with the RSA with regard to any changes or revisions that are considered appropriate. I will bring the final document to Government for approval as soon as possible thereafter.

In the meantime, the commitment to a strategic integrated approach by all the relevant agencies to reduce the level of deaths and injuries on our roads, continues. There is also a consistently high level of Garda enforcement, particularly in relation to drink driving, speeding and other penalty point offences. The number of road deaths in 2006 was the second lowest rate in forty years and this downward trend in deaths and collision rates has been maintained in 2007.

31. **Deputy Eamon Gilmore** asked the Minister for Transport and the Marine when the pilot scheme to examine the possibility of allowing motorcyclists use bus lanes will be initiated; and when it will be completed. [17888/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The primary purpose of bus lanes is to facilitate and promote bus based public transport and the use of bus lanes is provided for in the Road Traffic (Traffic & Parking) Regulations 1997 and 1998. Many representations have been received by my Department over the years seeking to extend access to bus lanes to a wide range of other road users. The Road Safety Authority (RSA) carried out and presented to my Department some research in relation to motorcycle safety and proposed that the issue of allowing motorcyclists access to bus lanes on a pilot scheme basis be examined.

Following consultation with the other relevant agencies, a small working group was established under the chairmanship of the RSA. Work is ongoing with regard to the detailed specification of pilot schemes permitting motorcyclists in bus lanes. All aspects of the original RSA proposal, including any safety implications, will be taken into account in a Report that will be presented to my Department on completion of this work.

Question No. 32 answered with Question No. 15.

Public Transport.

33. **Deputy Pat Breen** asked the Minister for Transport and the Marine when the legislation to establish a Dublin transport authority will be published. [18120/07]

51. **Deputy Damien English** asked the Minister for Transport and the Marine when legislation to establish a Dublin transport authority will be published; when it will be fully operational. [18101/07]

77. **Deputy Róisín Shortall** asked the Minister for Transport and the Marine when he will introduce legislation to provide for the Dublin transport authority. [17893/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 33, 51 and 77 together.

Prior to the dissolution of the 29th Dáil, significant progress was made on the preparation of legislation to establish a statutory Dublin Transport Authority. Mr. Tom Mulcahy was also appointed as chairman designate of the proposed Authority last February to commence the process of putting the necessary organisational arrangements in place.

The Programme for Government includes a commitment to expediting the establishment of the Dublin Transport Authority. I am currently

consulting my Ministerial colleagues and I hope to be in a position to seek Government approval for the publication of a Dublin Transport Authority Bill in the immediate future.

34. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine his plans to prioritise specific elements of Transport 21. [18069/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Government Programme identifies clear transport investment priorities which are largely consistent with the existing Transport 21 plans. The Programme commits the Government to the ongoing review of our transport needs and where agreed to proceed with new projects. The Programme also refers to a number of studies to be undertaken which will inform that review.

35. **Deputy Pat Breen** asked the Minister for Transport and the Marine if it is his intention to increase the number of public transport projects which are due to be developed under Transport 21. [18119/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Government Programme refers to studies of a number of additional public transport projects as follows:

- extending Luas to Rathfarnham subject to a feasibility study,
- examining the feasibility of reopening the railway line from Claremorris to Sligo,
- conducting feasibility studies to be completed within two years into Luas-style light rail transit systems in Cork, Galway, Limerick and Waterford,
- exploring the use of high speed trains on the Cork-Dublin route
- further development of the Dublin-Belfast rail route.

It also commits the Government to continue to review our transport needs and where agreed to proceed with new projects. That ongoing review will take account of the findings of the various studies referred to in the programme.

Question No. 36 answered with Question No. 8.

Parking Regulations.

37. **Deputy Joe Costello** asked the Minister for Transport and the Marine his policy in relation to the growing problem of larger vehicles parking in residential areas; and the measures he will take to combat same. [17895/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Road authorities already have

power under article 38 of the Road Traffic (Traffic and Parking) Regulations 1997 to apply restrictions on the parking of large vehicles. The regulatory provision applies to any type of large vehicle, for example, a goods vehicle, a passenger vehicle such as a bus or machinery plant such as a JCB unit and the like.

This power is applied by a road authority through the provision of a regulatory prohibition on parking traffic sign displaying a vehicle weight threshold at the entrance to an area. The road authority specifies the weight threshold that would be appropriate for each location. Any large vehicle, whose unladen weight exceeds the weight displayed on the traffic signs, is restricted from parking in that area except for a period of time not exceeding 30 minutes from the commencement of parking while goods are being loaded or unloaded. This 30 minute exemption is to permit access to vehicles that have a legitimate purpose to be parked there.

The scope of the present powers are ample to apply whatever parking restrictions are required at local level. The application of the parking restrictions under article 38 on any public road is a matter for each individual road authority to determine in relation to its own area. Enforcement of the parking restrictions is a matter for the Garda Síochána, local authority traffic wardens or authorised persons.

Airport Development Projects.

38. **Deputy John Deasy** asked the Minister for Transport and the Marine if he remains confident that the second terminal at Dublin Airport will be fully operational by 2009; if he has discussed a contingency plan with the Dublin Airport Authority in the event of the terminal being behind schedule. [18140/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Aviation Action Plan, adopted by Government in May 2005 mandated the building of the second terminal at Dublin airport by the Dublin Airport Authority (DAA). This decision was driven by the urgent need to provide for additional capacity at the airport in response to the significant growth in passenger numbers there in recent years.

Under the DAA Capital Investment Programme, provision is made for the delivery of Terminal Two and associated pier facilities (Pier E). Fingal County Council granted planning permission for the project in October 2006 and this was subject to an appeal to An Bord Pleanála. An oral hearing was held by An Bord Pleanála into the planning permission during April this year. The outcome of that oral hearing is awaited. I am assured that the DAA is focused on meeting the Government deadline which is dependent on a timely and favourable planning decision, but in the absence of a decision on planning it is impossible to give a definitive time scale.

Parking Regulations.

39. **Deputy Ciarán Lynch** asked the Minister for Transport and the Marine when he will update the law in relation to parking. [17891/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Road Traffic (Traffic and Parking) Regulations 1997 are kept under ongoing review in my Department and have been revised on five occasions over the intervening years to address new circumstances.

Proposals for amendments that are received in my Department are examined on their merits and feed into an ongoing review of the regulatory measures. Not only are the provisions for parking in secondary legislation kept under review but this applies also to the enabling scope of primary legislation. In this regard, the Roads Bill 2007 that is scheduled for debate in the Dáil, contains new legislative proposals to address the particular problem of parking congestion that is experienced by local residents in the vicinity of large stadia venues on match or event dates.

If the Deputy has any specific aspect of parking law in mind for updating he should forward details of the proposals to my department for consideration.

Public Transport.

40. **Deputy Leo Varadkar** asked the Minister for Transport and the Marine when public buses will achieve a 30% bio fuel blend in their vehicles. [18060/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): As part of the overall objective of developing transportation in a sustainable manner, CIE was requested to plan to achieve a 30% bio-diesel blend in all new buses. Dublin Bus secured a commitment from the relevant engine manufacturer, Volvo, that would allow new buses to be modified to operate on a 30% biofuel mix without affecting the warranty. My Department is continuing to work with CIE to establish how this target can be achieved for all new buses in the shortest time frame possible.

Road Safety.

41. **Deputy Joan Burton** asked the Minister for Transport and the Marine when he proposes to introduce compulsory alcohol and drug testing for drivers involved in accidents causing injury; and the way he proposes this measure will work in cases where drivers need urgent medical attention. [17907/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Road Traffic Acts provide that a member of the Garda Síochána may require a person in charge of a mechanically propelled vehicle to provide a preliminary breath specimen where the vehicle is involved in a road collision. Garda discretion in relation to the use

of preliminary roadside tests in such circumstances is necessary, having regard to possible injuries sustained, and I do not propose to alter that position.

The Road Traffic Acts also place an obligation on a person to provide a blood or urine sample in a hospital. This applies where an event occurs involving a vehicle which results in a person being injured, or a person claiming or appearing to have been injured, where the person is admitted to or attends a hospital, and a member of the Garda is of the opinion that, at the time of the event, the person had consumed an intoxicant. An intoxicant includes alcohol and drugs or any combination of alcohol and drugs.

Traffic Management.

42. **Deputy Ruairí Quinn** asked the Minister for Transport and the Marine if his attention has been drawn to the traffic conditions faced by Dublin Bus in Dublin city centre and the resulting impact on journey times; and the steps he will take to improve the situation. [17912/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I am aware of the difficult operating conditions faced by Dublin Bus and other bus operators in providing services within the Dublin City centre area. To deal with this situation, Dublin Bus and the relevant local authorities are working closely together through the DTO City Centre Working Group to address the situation through a series of actions and measures including additional bus priority measures such as bus lanes and changes to traffic signals to support the bus. The measures are designed to improve bus performance and reduce travel time for passengers.

The authorities are currently working on the delivery of an agreed list of such measures for 2007/2008 and my Department is supporting these measures through funding of the order of €40m per annum. This investment is taking place while the planning and development of other public transport investments under Transport 21 are being rolled out, such as suburban rail, LUAS and Metro projects.

Question No. 43 answered with Question No. 8.

Question No. 44 answered with Question No. 16.

Rail Services.

45. **Deputy Catherine Byrne** asked the Minister for Transport and the Marine when he expects the rail line to Navan will be fully opened. [18090/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The re-opening of the Clonsilla to Navan line is proposed under Transport 21 in

two phases — Clonsilla to Pace by 2009 and Pace to Navan by 2015. Iarnród Éireann expects to complete shortly the preliminary design and EIS on Phase 1, Clonsilla to Pace. The Company will shortly thereafter submit an application for a Railway Order to An Bord Pleanála. Iarnród Éireann expects to start the project later this year (subject to Railway Order) and to complete it late in 2009. The new station in Docklands ensures there will be capacity in the city centre to cater for demand from the newly reopened line.

In relation to Phase 2, the Pace-Navan section, Iarnród Éireann is currently carrying out route alignment and feasibility studies in consultation with Meath County Council. This work is expected to be completed by Autumn 2007. I will then have a clearer indication of the scale of the project to be undertaken.

Driver Training.

46. **Deputy Paul Kehoe** asked the Minister for Transport and the Marine when compulsory basic training for motorcyclists will be introduced. [18123/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority (RSA) has responsibility for the oversight of the operation of the driver licensing system including the preparation of proposals for draft regulatory provisions relating to driver licensing and testing. In this context, the RSA is responsible for bringing forward proposals for the introduction of compulsory initial practical training for motorcyclists. The RSA published a consultation document in March 2007 on this matter and has received a substantial number of suggestions that are currently under examination.

Taxi Regulations.

47. **Deputy Jack Wall** asked the Minister for Transport and the Marine when he proposes to fully commence section 36 of the Taxi Regulation Act 2003. [17911/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Section 36 of the Taxi Regulation Act 2003, as amended, provides for a system whereby persons who have been convicted of certain specified offences are automatically disqualified from applying for or holding a small public service vehicle driver or vehicle licence. These include the offences of murder, manslaughter and various sexual, drug trafficking and other offences.

Before commencing this section in full, the Gardaí and the Commission for Taxi Regulation are modernising current licensing arrangements for drivers by

(i) transferring the driver licensing function from the Garda Síochána to the Commission, and

(ii) the Gardaí introducing new vetting arrangements.

As soon as these arrangements are in place, I expect to be in a position to make the necessary commencement order.

However, to facilitate drivers and vehicle licence holders with a history of previous relevant convictions, and following consultation with the Commission for Taxi Regulation, the Gardaí, the Courts Service and others, my predecessor made a statutory instrument to commence subsections 2(A), 3, 3(A) and 4 of section 36 of the Taxi Regulation Act 2003 with effect from 25 May 2006. The measures in these subsections allow existing licence holders or licence applicants who have been convicted of specified offences to apply to the courts to be allowed to apply for a licence under such terms and conditions as the court may direct. This allows such individuals to clarify their situation in advance of the full commencement of the section.

An appropriate period of advance notice of the proposed full commencement of the section is envisaged to allow persons who may be affected by the provisions, in particular existing licence holders, to clarify their position with the courts if, at that stage, they have not already done so.

Public Transport.

48. **Deputy Frank Feighan** asked the Minister for Transport and the Marine the measures that need to be taken to increase the number of buses available to service dedicated bus lanes. [18128/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Government is committed to the expansion of bus services throughout the country. Transport 21 provides over €530m for bus investment in the Greater Dublin Area (GDA) in the next 10 years. In addition, over €240m is included for investment in bus services outside the GDA. Dublin Bus is the largest operator of buses in the Greater Dublin Area and has been expanding its fleet in recent years and expanding services on bus lanes. More recently Dublin Bus has taken delivery of 100 additional buses in 2006 for which Exchequer funding of €30m was approved. 42 of the buses will be in service by the end of June and the remainder by September. The Allocation of these buses to particular routes is a matter for Dublin Bus.

Road Network.

49. **Deputy Michael D'Arcy** asked the Minister for Transport and the Marine his views on the introduction of an infrastructure bond to finance future road developments; if this initiative will be

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introduced during the life time of the Government. [18137/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I have no plans to introduce a scheme of the nature suggested by the Deputy. Any such proposal would be a matter for my colleague the Minister for Finance.

Public Transport.

50. **Deputy Joe McHugh** asked the Minister for Transport and the Marine if he has received the report regarding public transport subventions; the recommendations contained in this report; the actions he will take on foot of this report. [18147/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Expenditure Review on CIÉ Subvention and the recommendations therein are currently being finalized. It is expected that the final Report will be published shortly.

Question No. 51 answered with Question No. 33.

Road Safety.

52. **Deputy Shane McEntee** asked the Minister for Transport and the Marine his views on the significant number of drivers who are relying on a provisional licence. [18040/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority (RSA) has responsibility for the oversight of the driving licensing system, driver testing and the issuing of certificates of competency. Decisions regarding the deployment of resources to reduce waiting times are a matter for the RSA and they have outlined their proposals to tackle the backlog in the Press last Tuesday, 26 June. A copy of the Press Release is attached for the information of the Deputy.

Traffic Management.

53. **Deputy Brian Hayes** asked the Minister for Transport and the Marine the way he will increase the level of walking and cycling as an alternative to car based transport in urban areas. [18142/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): It is Government policy to encourage walking, cycling and public transport as an alternative to the private car and Transport 21 includes funding for measures to encourage these more sustainable modes of transport. Bearing in mind that most travel in major urban areas is over relatively short distances, walking and cycling rather than driving are being encouraged, not

only in the interests of traffic reduction but also in the interest of promoting healthier lifestyles and air quality.

A Cycle Policy for the GDA, published by the DTO in September 2006, proposes to enhance the cycling environment and promote safe cycling by a variety of means, including a continuous cycle-friendly environment on cycle routes and training and education measures. My Department is assisting in the roll out of this plan through the provision of funding under the Traffic Management Grants Scheme. The DTO expects to finalise a Walking Policy for the GDA later this year. It is expected that this will be mainstreamed by local authorities in other urban areas apart from the GDA.

Outside of Dublin, the framework for the promotion of cycling in the regional cities is set out in the relevant local land use and transportation strategy or in the relevant Development Plan or Local Area Plan. My Department will continue to provide financial assistance to local authorities to implement their plans for cycle facilities through Traffic Management Grants under Transport 21.

Port Development.

54. **Deputy Brian Hayes** asked the Minister for Transport and the Marine the situation in relation to a new study of Dublin Port. [18141/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): In 2006, Dublin City Council commissioned a wide ranging economic, amenity, recreational and environmental study of Dublin Bay, including the port area. I understand that this study is nearing completion.

The National Development Plan 2007-2013 contains the following paragraph:

The Government proposes to undertake a comprehensive study of the role of Dublin Port, taking account of locational considerations, in the context of overall ports policy on the island of Ireland, wider transport policy, urban development policy, the National Spatial Strategy and national economic policy. This review will take account of the findings of the study on the role of Dublin Bay and the Dublin Port Area commissioned by Dublin City Council.

The terms of reference of the proposed study under the NDP will be finalized in the light of the outcome of Dublin City Council's study.

Question No. 55 answered with Question No. 28.

Road Safety.

56. **Deputy Liz McManus** asked the Minister for Transport and the Marine his views on the recommendation by a jury at a recent inquest (details supplied) that all foreign vehicles be sub-

jected to the same testing procedures as Irish vehicles; the steps his Department has taken to inform itself and the relevant enforcement authorities of the State of the various equivalents in other EU States of Ireland's national car test certificate. [17913/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) responsibility for vehicle standards, including matters relating to vehicle testing, passed to the Road Safety Authority.

The framework at European level in relation to the compulsory periodic roadworthiness testing of motor vehicles and trailers is set down in EU Directive 96/96/EC. The Directive specifies the categories of vehicles liable to testing, the minimum frequency of testing of vehicles, the items that have to be tested and the arrangements for testing. In accordance with the Directive, each Member State of the European Union is required to have arrangements in place for the compulsory periodic roadworthiness testing of vehicles registered by it.

In line with the Directive's requirements, the testing of vehicles in this country is confined solely to Irish-registered vehicles. The Directive does not contain provisions to enable a Member State, irrespective of the circumstances involved, to require a vehicle registered in another Member State to be made subject to a roadworthiness test in its territory for the purposes of the Directive. To do so would be contrary to internal market rules for road transport in facilitating the free circulation of vehicles within the EU.

Notwithstanding the preclusion in the Directive on a Member State from compulsory testing of vehicles registered in another Member State, an extensive range of requirements must be satisfied in order to use a vehicle in a public place in Ireland regardless of its country of registration. In that regard, all vehicles must be in a satisfactory roadworthiness condition and comply with the requirements of vehicle standards regulations. The use of a vehicle in contravention of these regulations, regardless of its country of registration, would constitute an offence and leave a person open to prosecution under road traffic law. Enforcement of road traffic regulations is a matter for the Garda Síochána.

Rail Services.

57. **Deputy Jim O'Keeffe** asked the Minister for Transport and the Marine his views on the expansion of the rail freight sector; the measures he will introduce to grow the sector. [18103/07]

72. **Deputy Ciarán Lynch** asked the Minister for Transport and the Marine the Government's policy in relation to the expansion of rail freight; the targets which have been set; the way it is pro-

posed to meet these; the policy in relation to introducing a subsidy to encourage the use of rail freight. [17894/07]

144. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine his plans to divert heavy goods transport onto the rail services; and if he will make a statement on the matter. [18334/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 57, 72 and 144 together.

Iarnród Éireann continues to pursue a policy of growing its rail freight business where real opportunities present and returning the rail freight business to profitability. Iarnród Éireann has made progress in recent years in growing the rail freight business in areas where it holds a competitive advantage over road haulage, e.g. large volumes or trainloads over long distances. For example, Iarnród Éireann has:

- re-introduced the trainload pulpwood business for Coillte between the West of Ireland and the South East;
- altered rail schedules and is currently providing four additional trains per week for Tara Mines with a potential to carry an extra 100,000 plus tonnes of lead and zinc between Navan and Dublin Port per annum;
- modified surplus platform wagons to provide a trainload service for containers between Ballina and Waterford Port.

Iarnród Éireann has undertaken extensive engagement with industry and transporters but 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, with the exception of the Ballina to Waterford service, to group a number of separate activities together to form a viable trainload. Most Irish industry is focused on 'just in time' transport which is particularly suited to our expanding and improving road network. Rail freight generally involves road movements at each end of the logistics chain and given the often short distances in Ireland it is difficult to develop a business case. The experience across Europe is no different. Rail freight activities are most economic over long distances with large volumes 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 to identify opportunities. Rail freight is fully liberalised since 1st January, 2007, and while no serious representations have been made to my Department for entry to the market to date, I would welcome any expressions of interest. In the absence of real opportunities or proposals for

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viable long term rail freight business, the development and use of fiscal incentives has not been considered.

Driving Tests.

58. **Deputy Tom Hayes** asked the Minister for Transport and the Marine the measures he will introduce to reduce waiting times for a driving test to no more than four weeks. [18130/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority (RSA) has now responsibility for the delivery of the driving test and the issuing of certificates of competency. Decisions regarding the deployment of resources to reduce waiting times are a matter for the RSA.

Public Transport.

59. **Deputy Jack Wall** asked the Minister for Transport and the Marine his policy in relation to the increased subsidisation of public transport companies in order to introduce a cheaper and more simple fare structure. [17902/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The annual Exchequer subvention currently paid to CIÉ is provided to support socially and economically necessary but commercially non-viable public transport services in Dublin and through the country. The Structure of fares is a matter for public transport operating companies.

Road Safety.

60. **Deputy Fergus O'Dowd** asked the Minister for Transport and the Marine the reason the programme for Government does not contain a target for the reduction of road fatalities; if the Government has abandoned previous targets in this regard. [18109/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Road Safety Authority is currently in the process of developing a new five year national Road Safety Strategy. Specific targets to reduce the level of deaths and injuries on our roads and, how to achieve those targets, will be outlined in that Strategy and presented to Government for approval.

Question No. 61 answered with Question No. 11.

Driving Tests.

62. **Deputy Noel J. Coonan** asked the Minister for Transport and the Marine his views on the idea of compelling disqualified drivers to re-sit

their driving test; when this measure will be introduced. [18095/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I have no legislative proposals on hands at present to pursue a measure of the nature referred to by the Deputy. Any proposal to permit drivers who have been disqualified to re-sit their driving test would have to undergo a detailed consultation process with the Road Safety Authority who have responsibility for the delivery of the driving test and the issuing of certificates of competency.

Question No. 63 answered with Question No. 29.

64. **Deputy Damien English** asked the Minister for Transport and the Marine when the driving test system will be reformed and driving instruction will be formally regulated. [18102/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): In relation to reform of the driver testing 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 including the preparation of proposals for draft regulatory provisions relating to driver licensing and testing. The Road Safety Authority has made a submission to my Department concerning licensing reforms including the introduction of learner permits. These proposals are under consideration in my Department.

As regards the regulation of driving instruction, the Road Safety Authority also has responsibility for this function and I understand that examination of persons seeking to be approved driving instructors will be commenced by the Road Safety Authority in July 2007 and that all instructors will have to be approved by 1 January 2009 before being allowed to instruct for reward.

Question No. 65 answered with Question No. 7.

State Airports.

66. **Deputy Jimmy Deenihan** asked the Minister for Transport and the Marine the position in relation to the debt burden at Cork Airport; if he will personally intervene to resolve this issue. [18100/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I understand that the Dublin Airport Authority (DAA) has been advised by consultants on an appropriate financing proposal that would facilitate the statutory objective of the separation of Cork Airport from the DAA in a timely manner, consistent with the requirements of the State Airports Act 2004 and the Companies Acts. I am aware that the outcome of this

analysis was that Cork Airport could sustain a certain level of debt while remaining a very viable enterprise. I understand that the board of the Cork Airport Authority also engaged consultants to examine further the issue of the Cork debt.

Clearly, the debt issue is crucial to the business planning process which will have to be addressed by the Cork airport board and the DAA, in the first instance, before any business plan is submitted to me and the Minister for Finance for our approval under the State Airports Act 2004. The Government position is that the funding of the new terminal and other works at Cork Airport will have to take account, not only of what is commercially and financially feasible for Cork Airport, but also what is commercially and financially feasible for Dublin Airport.

If the Cork Airport Authority is to achieve autonomy in the foreseeable future, it will have to accept responsibility for a reasonable portion of the outstanding debt, in return for the substantial assets to be transferred to it on separation. In deciding what level of debt is to be borne by Cork, it will have to be manifest to all concerned that it is a manageable debt burden that would not put at risk the airport's commercial future. Responsibility for the production of the business plans rests with the authorities. My function, under the Act, is to consider the plans, in conjunction with the Minister for Finance, once they have been submitted.

Parking Facilities.

67. **Deputy Ulick Burke** asked the Minister for Transport and the Marine his plans in relation to increasing the number of park and ride facilities available to commuters. [18126/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): There is funding available under Transport 21 for the development of park and ride facilities by Iarnród Éireann, the RPA and local authorities, and my Department has been encouraging applications in that regard. My Department has approved €10.92 million in funding in 2007 for Iarnród Éireann for park and ride facilities. This funding will provide over 1,600 extra spaces at various locations throughout the network and studies by Irish Rail for a further car park expansion programme. In addition, car park provision will form part of major new railway infrastructure works such as the Kildare Route Project and the Navan Rail Link.

Additional Park and Ride sites will be developed in association with the proposed Luas and Metro lines in Transport 21. These will open at the same time as the lines open for passenger services. These sites are determined by the Railway Procurement Agency (RPA) when individual Railway Order applications are submitted for the various lines. As regards local authorities, my Department has been encouraging them to come forward with proposals, and is prepared to con-

sider capital funding, in specific instances, towards the cost of site acquisition, where the business case justifies it.

In the Greater Dublin Area (GDA), my predecessor approved a DTO strategy for rail-based park and ride on the existing and proposed commuter network in the GDA. A further DTO study indicated that bus-based park and ride would offer limited potential in a city on the scale of Dublin, but that it might be useful in some specific local contexts. Cork, Galway, Limerick and Waterford also have transport plans which include provision for park and ride.

There is already a successful park and ride facility at Black Ash in Cork, and the City and County Councils are currently considering a number of other sites for proposals. In the case of the other provincial cities, the development of park and ride facilities is linked to the development of QBCs, and my Department continues to press these authorities to advance their plans. Funding for such measures is available under Transport 21.

Road Safety.

68. **Deputy Pat Rabbitte** asked the Minister for Transport and the Marine his views on the request from the Medical Bureau of Road Safety for increased funding and resources to allow for an expansion of its drug-testing programme. [17915/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The issues referred to by the Deputy relating to the Medical Bureau of Road Safety are currently under examination.

Light Rail Project.

69. **Deputy Brian O'Shea** asked the Minister for Transport and the Marine the steps he proposes to take to conduct feasibility studies into Luas style light rail transit systems in Cork, Galway, Limerick and Waterford. [17906/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Programme for Government provides for feasibility studies to be completed within two years into Luas-style light rail transit systems in Cork, Galway, Limerick and Waterford. My preference is that these feasibility studies be carried out as part of a review of the existing land use and transportation strategies for these cities. A review of the Cork Area Strategic Plan is already underway and I will be asking the Cork authorities to include in that review, consideration of the feasibility of introducing light rail transit and/or bus rapid transit.

Rail Network.

70. **Deputy Mary Upton** asked the Minister for Transport and the Marine the steps he proposes

[Deputy Mary Upton.]

to take to expedite the interconnector project.
[17904/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Transport 21 provides a completion date for the construction of the Interconnector of 2015. This project is an important part of a programme to extend and reconfigure the DART and suburban rail services in the Greater Dublin Area so as to provide higher capacities, additional frequencies and a more integrated network of services.

Irish Rail are currently carrying out a number of feasibility studies in relation to the alignment, timescale and cost of project. There are also a number of projects currently under way that are necessary to prepare for the development of the Interconnector, including the Kildare Route Project and the electrification of the Maynooth line. In addition, Irish Rail and the Railway Procurement Agency are working well together to ensure that planning for both the Interconnector and the Metro is properly integrated. The Programme for Government entails a commitment to immediately investigating ways of expediting this project and I will be pursuing this with Iarnród Éireann.

Question No. 71 answered with Question No. 12.

Question No. 72 answered with Question No. 57.

Driving Tests.

73. **Deputy Thomas P. Broughan** asked the Minister for Transport and the Marine the reason the new driver licensing regime envisaged under the Road Traffic Act 2006 has not been introduced nor many of the relevant sections and sub-sections initiated. [17889/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): 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 including the preparation of proposals for draft regulatory provisions relating to driver licensing and testing.

The Road Safety Authority has been examining the driver licensing system, to identify what further reforms might be introduced in the interests of road safety. A submission has been received from the Authority in this regard and is under consideration in my Department. The relevant provisions of the Road Traffic Act 2006 will be commenced when the appropriate regulatory and administrative systems are in place.

Road Safety.

74. **Deputy Michael D. Higgins** asked the Minister for Transport and the Marine when he pro-

poses to fully transpose Directive 2005/66/EC.
[17900/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) responsibility for vehicle standards, including matters relating to vehicle equipment, construction and use, has been transferred to the Road Safety Authority. Technical standards for frontal protection systems (bull bars) for motor vehicles (passenger cars and small vans) have been provided for in EU motor vehicles type-approval Directive 2005/66/EC.

From 25 May 2007, new vehicles fitted with frontal protection systems, and frontal protection systems supplied as separate technical units, are required to be type-approved in accordance with the Directive, in order to be allowed entry into service or be sold in Member States. The Directive has been transposed into Irish law for type-approval of vehicles and frontal protection systems supplied as separate technical units and in relation to entry into service of passenger cars.

Draft regulations were recently submitted to my Department by the Road Safety Authority to also apply the Directive in relation to the entry into service of small vans. I understand that draft regulations to provide for transposition of the outstanding measures of the Directive in relation to the sale or supply of frontal protection systems supplied as separate technical units are at an advance stage of preparation.

75. **Deputy Jan O'Sullivan** asked the Minister for Transport and the Marine his proposals to introduce a specific Rules of the Road booklet for cyclists. [17901/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority (RSA) has responsibility for the promotion of public awareness of road safety and seeks (in partnership with other organizations such as schools and the Gardaí) to promote proper cyclist behaviour from an early age.

An updated Rules of the Road was published last March and, in addition to the rules that apply to all road users, the publication also outlines the rules that apply specifically to cyclists. Cyclists have a duty of care and must take reasonable measures in their manner of cycling to avoid injury to themselves or to others. The former National Safety Council has, in recent years, published a leaflet titled Cycle safely which is available from the Road Safety Authority. It is now a matter for the RSA to determine if any further separate publication directed at cyclists, is necessary.

Rail Network.

76. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine his proposals for the development of the rail transport system with particular reference to the urgent need to provide an available, acceptable and attractive alternative for commuters; his plans to accelerate the programme to put in place a complimentary parking and bus feeder service with a view to increasing rail use by daily commuters. [18068/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The capacity and frequency of services on the railway network in respect of both intercity and suburban rail has been substantially increased in recent years on foot of improved and extended infrastructure and the acquisition of additional rolling stock.

Transport 21 includes ambitious plans for the expansion of the rail network up to 2015. In the short term, capacity on both intercity and commuter services will be further enhanced with the introduction of 183 new railcars between now and 2009. Their introduction into service will allow Iarnród Éireann to substantially improve capacity, frequency and journey times on all routes. By 2009 Ireland will have one of the newest intercity rail services in Europe.

These improvements are being reflected in the sustained growth in passenger numbers carried by Iarnród Éireann from 32.7m in 1999 to 43m in 2006, making it one of the fastest growing railway networks in Europe. As the Deputy will be aware, capacity on the Kildare line has increased by 160% since 2000. Capacity will be further enhanced with the completion of the Kildare line upgrade in 2010.

In relation to car parking facilities at rail stations, I refer the Deputy to my reply to Dail Question 18126/07 of today. Feeder bus services to/from commuter rail stations are operational matters between Iarnród Éireann and bus operators.

Question No. 77 answered with Question No. 33.

Question No. 78 answered with Question No. 12.

Decentralisation Programme.

79. **Deputy David Stanton** asked the Minister for Transport and the Marine further to Parliamentary Question No. 161 of 21 February 2007, if Bus Éireann staff have indicated their wish to move to Mitchelstown. [17995/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The situation in relation to Bus Éireann remains unchanged. I understand that, to date, no employee has indicated a wish to move

and I have, therefore, asked the Company to consider how decentralization can be achieved.

Rail Network.

80. **Deputy James Bannon** asked the Minister for Transport and the Marine his plans to re-open the Mullingar to Athlone rail link (details supplied). [17989/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I refer the Deputy to my reply to question no. 16501 answered on 26 June. The position remains unchanged.

Road Traffic Offences.

81. **Deputy Joan Burton** asked the Minister for Transport and the Marine the steps he will take to ensure that foreign registered drivers do not escape punishment or penalties for road traffic offences committed here. [17908/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I am conscious that enforcing penalties for road traffic offences on foreign registered 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 under consideration.

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 ensuring that penalty points are endorsed on a licence record. Data in relation to penalty points is held on the National Driver File. All drivers are subject to road traffic law and it is a matter for An Garda Síochána to enforce the law. As foreign licence holders have no Irish driving licence, penalty points incurred in this State are recorded against that person on a separate record in the National Driver File.

Question No. 82 answered with Question No. 12.

Road Safety.

83. **Deputy Seymour Crawford** asked the Minister for Transport and the Marine his views on the possibility of changing the regulations regarding heavy goods vehicles and buses travelling on motorways where there are only two laneways such as the M1 in order that they could pass where the situation was clearly safe rather than dangerous convoys of slow moving vehicles at the speed of the slowest vehicle at the front; his further views on whether there is a need for passing lanes or easing of restrictions. [17991/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The motorway driving rules set out in the Road Traffic (Traffic and Parking) Regulations 1997 specify that the categories of vehicles that are subject to an ordinary speed limit not exceeding 80 km/h are prohibited from using the lane next to the central median. The categories of vehicles in question are heavy goods vehicles, buses and any vehicle towing a trailer etc.

This provision of 1997 was modified on 15 December 2006 in the Road Traffic (Control of Traffic) Regulations 2006 to provide that the prohibition on the use of the outside lane by certain categories of vehicles does not apply at any location on a motorway where a special speed limit or a roadworks speed limit of 80 km/h or less applies. The present ordinary speed limits regulations i.e. vehicle related speed limits, were amended in 2005 simply to reflect metric values. A substantive review of the policy is underway at present and the motorway driving rules will be looked at in the context of that review.

Road Network.

84. **Deputy Pat Rabbitte** asked the Minister for Transport and the Marine the action he proposes to take under section 41 of the Roads Act, 1993 or otherwise, to provide a more effective policy on the provision of lay-bys and set down areas on motorways and major inter-urban routes. [17916/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): It is a matter for the National Roads Authority (NRA) and local authorities to identify and pursue the provision of service and rest areas on the national road network. It is not my intention to invoke the provisions of Section 41 of the Roads Act, 1993 in connection with the provision of rest and service areas.

I understand that, in light of the significant developments and improvements to the national road network over the last few years, my predecessor as Minister for Transport asked the NRA to examine their policies in regard to the provision of service and rest areas. This resulted in the NRA issuing a revised policy statement concerning service and rest areas in July 2006. The NRA now intend to provide service areas at intervals of approximately 50/60 km and rest areas at intervals of approximately 25/30 km on motorways and high quality dual carriageways. Furthermore, I understand that the NRA has identified optimum locations for up to 12 service areas and 11 rest areas on the major interurban routes as well as the N6/N18 and N11 routes.

The Roads Bill 2007, currently being progressed through the Oireachtas, contains legislative amendments to the Roads Act 1993 which will facilitate the NRA in their task of rolling out their service area and rest area strategy.

Road Safety.

85. **Deputy Jan O'Sullivan** asked the Minister for Transport and the Marine his plans to amend legislation to make it a specific requirement of cyclists to wear high visibility clothing. [17899/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I have no legislative proposals under consideration that would make it compulsory for cyclists to wear reflective clothing at night. To make the wearing of reflective clothing mandatory would be to create a criminal offence under the Road Traffic Acts for any person who committed an offence for non-compliance with the regulatory provision to wear such clothing. Persons who would breach the provision would have to be issued with a fixed charge notice by a Garda or summonsed to court depending on whatever administrative procedure would be put in place for the processing of such offences.

The view of my Department is that safety issues such as these, are best promoted by way of educational and publicity campaigns, such as those undertaken by the Road Safety Authority (RSA). The safety of all road users is generally a matter of personal responsibility and in that context the Rules of the Road includes a strong recommendation supporting the wearing by pedestrians, of light coloured outer clothing and a reflective armband outside urban areas at night and by cyclists of a reflective armband and a Sam Browne reflectorised belt.

Public Transport.

86. **Deputy James Reilly** asked the Minister for Transport and the Marine the role his Department has in the provision of two bus services to utilise the new port tunnel; the reason the service lasted for only one day due to the lack of a licence from his Department; the reason such a public transport service needs a licence. [17999/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The initiation or alteration of a bus service by Dublin Bus is subject to compliance with the necessary regulatory requirement of giving advance notice to my Department and with the provisions of Section 25 of the Transport Act, 1958 concerning competition with licensed private operators. On 23rd March, 2007 Dublin Bus notified my Department of its proposal to re-route one of its Route 33X services via the Port Tunnel. On the 12th April, 2007 the Company was informed by my Department that it could proceed with the re-routing via the Port Tunnel. This service is currently in operation.

A further notification was received from the Company on 22nd March 2007 to reroute four of the existing six services on the 41X route via the Port Tunnel. Following an assessment of these proposals, my Department concluded that the changes proposed would give rise to competition

with a prior application for a commercial service for which a licence has been sought under the Road Transport Act, 1932. Consideration of this prior application is at an advanced stage. In accordance with standard procedures to avoid uncontrolled competition between operators, my Department informed Dublin Bus that a decision on the proposed changes was being deferred until such time as the prior application is finalised at which time my Department will revert to the Company. The re-routing of the Route 41X services through the Port Tunnel has not, therefore, been authorised by my Department.

Disabled Drivers.

87. **Deputy Jim O’Keeffe** asked the Tánaiste and Minister for Finance if his attention has been brought to the long delays for appeal assessments by the disabled drivers medical board of appeal; and if he will make available adequate resources to enable the board of appeal to deal with appeals within a reasonable time. [18377/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): In relation to the issue of delays for appeal assessments by the Disabled Drivers Medical Board of Appeal, I wish to inform the Deputy that following a period of difficulty in organising sufficient meetings of the Medical Board of Appeal, I reconstituted the Board in early 2005, and have incrementally expanded the panel of doctors from three to seventeen members. This facilitated more frequent meetings of the Board thus enabling progress to be made in reducing the backlog of appeals that had arisen.

A new Chairperson and Secretary to the Medical Board of Appeal have recently been appointed. New appointments to replace some recently resigned/retired members will also be made. This should facilitate the resumption of progress in reducing the waiting time for assessment of appeals.

Tax Code.

88. **Deputy Joan Burton** asked the Tánaiste and Minister for Finance the estimated cost to the Exchequer in terms of revenue foregone arising from tax reliefs designed to encourage support for the Government’s plans for co-located private hospitals on public lands; and if he will make a statement on the matter. [17149/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I should say, in the first instance, that no tax reliefs have been specifically designed or introduced to encourage support for the Government’s plans for co-located private hospitals on public lands. The scheme of capital allowances for the construction or refurbishment of buildings used as private hospitals was introduced in the Finance Act 2001 and came into effect in May 2002. Provided that capital expenditure on the proposed co-located private hospitals,

which are designed to free up capacity in public hospitals, conforms with the existing legislation governing that scheme then the normal tax relief will apply.

The cost of such tax relief will ultimately depend on the level of qualifying capital expenditure and no such expenditure on the proposed co-located hospitals has yet been incurred. For each €100 million of qualifying capital expenditure on these hospitals the cost of tax relief to investors (assuming a marginal tax rate of 41% for those investors) would amount in gross terms to €41 million spread over 7 years. Of course, with the additional activity generated by the construction of the hospitals, the employment generated and the related services provided on which taxes will be paid, additional revenues would accrue to the Exchequer.

Decentralisation Programme.

89. **Deputy Pat Breen** asked the Tánaiste and Minister for Finance when the 50 workers identified under the decentralisation programme will take up their positions in Kilrush, County Clare (details supplied) as there has been a number of delays in same; and if he will make a statement on the matter. [18233/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Office of Public Works (OPW) that suitable accommodation has been identified for the Revenue Commissioners in Kilrush. The Chief State Solicitor is in consultation with the landlord’s solicitor with a view to concluding the leasing of the premises.

I am also advised by Revenue that its networking, telephony installations and other preparations are all completed and that once the legal issues are resolved they will be in a position to occupy the premises immediately.

Tax Code.

90. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Finance the ranges of duties and conditions that apply for the importation of new and second-hand cars from Great Britain and Northern Ireland; the number of motor vehicles imported in each of the past five years; the duties paid on same; and if he will make a statement on the matter. [18239/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am advised by the Revenue Commissioners that Vehicle Registration Tax (VRT) and VAT may be payable on the importation of a car from Great Britain and Northern Ireland into the State.

As a general rule all cars imported permanently into the State from Great Britain and Northern Ireland or elsewhere must register for VRT purposes within one week of their arrival in the State. VRT is payable on the Open Market

[Deputy Brian Cowen.]

Selling Price (OMSP) of the car, which is the expected retail price of the car in the State, inclusive of all taxes.

Cars such as saloons, estates, hatchbacks, convertibles, coupes, etc, and minibuses with less than 12 permanently fitted passenger seats are classified as Category A vehicles for VRT. Category A vehicles are charged VRT as a percentage of the OMSP, based on the engine size of the car, using the following rates:—

- Less than 1400 CC @ 22.5% of OMSP

	From Great Britain	From NI	Total
2002	6,009	647	6,656
2003	6,220	798	7,018
2004	10,641	1,513	12,154
2005	24,994	8,883	33,877
2006	35,905	11,236	47,141

The table provides details of all new and second hand Category A vehicles imported into Ireland

- From 1401 to 1900 CC @ 25% of OMSP

- 1901 CC and over @ 30% of OMSP

VRT is subject to a minimum payment of €315.00 for all Category A cars.

The above rates are used for both new and second hand cars, so that the VRT payable is based on the OMSP of the car on importation into the State.

The number of Category A cars imported from Great Britain and Northern Ireland over the past five years were as follows:

for the years 2002 to 2006 along with the VRT yield.

Vehicle Registration Tax — Gross Registrations and Net Receipts

Year	Category	New		Used Imports		Total	
		Reg.	€	Reg.	€	Reg.	€
2002	Category A	156,313	756,336,265	13,838	20,789,879	170,151	777,126,144
2003	Category A	145,406	778,528,624	14,628	28,184,180	160,034	806,712,804
2004	Category A	154,497	876,657,414	23,573	53,367,076	178,070	930,024,490
2005	Category A	171,881	1,028,014,178	41,801	100,591,425	213,682	1,128,605,603
2006 (Provisional)	Category A	178,265	1,111,226,068	56,327	146,280,480	234,592	1,257,506,548

Flood Relief.

91. **Deputy Paul Connaughton** asked the Tánaiste and Minister for Finance if his attention has been drawn to the winter flooding that occurs on an almost annual basis in Esker, Glenamaddy, County Galway; if there are plans in his Department to carry out work to alleviate this flooding; if such a scheme will be financed by the Office of Public Works; and if he will make a statement on the matter. [18240/07]

Minister of State at the Department of Finance (Deputy Noel Ahern): The Commissioners of Public Works, in conjunction with Galway County Council, have identified works that would reduce the flood risk in the area involved. The environmental and cost benefit aspects of the works, which would also require the agreement of landowners that would be affected, are currently being evaluated.

Tax Code.

92. **Deputy John Cregan** asked the Tánaiste

and Minister for Finance the situation regarding the ongoing campaign for crèche charges to be tax deductible; the reasoning and decision to reflect this when decided on by Cabinet in 2006; the position regarding actions to assist parents with child care costs at that time; and if he will make a statement on the matter. [18355/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): As the Deputy will be aware, this Government acknowledges the continuing cost pressures on parents, particularly those with young children. Childcare is probably the single biggest issue facing working parents today. That is why in Budget 2006 the Government introduced a suite of support measures in tandem with further increases in Child Benefit payments. These support measures include the Early Childcare Supplement of €1,000 in a full year for each child up to his or her sixth birthday, a five-year National Childcare Investment Programme which aims to fund an additional 50,000 childcare places by 2010, as well as extended paid and unpaid maternity leave.

From April of this year, Child Benefit payment rates increased to €160 per month for the first and second child and to €195 for each additional child. These Child Benefit payment levels represent a 321% increase in the rate for the first and second child over the prevailing rate in 1997 and a 294% increase in the rate for each additional child. By comparison, during this period the increase in the consumer price index is estimated to be 38%.

In addition, as part of the Government's strategy to increase the supply of childcare, I introduced an income tax exemption in Budget 2006 for income of up to €10,000 per year from childminding where individuals mind up to three children, who are not their own, in the minder's own home. I have now increased the exemption limit in 2007 from €10,000 to €15,000 per year.

As the Deputy will appreciate, I receive numerous requests for the introduction of new tax reliefs and the extension of existing ones. I must be mindful of the public finances and the many demands on the Exchequer. Tax reliefs, no matter how worthwhile in themselves, reduce the tax base and make general reform of the tax system that much more difficult. However, I believe that the measures outlined above demonstrate the Government's ongoing commitment in the area of childcare.

Decentralisation Programme.

93. **Deputy John Cregan** asked the Tánaiste and Minister for Finance the situation in relation to promotion panels for Departments that are under going decentralisation planning; the situation regarding promotions coming up in Dublin; if all promotions are for decentralised positions; if there is a standard practice being operated by all Government Departments or if individual policies exist; the position regarding a portion of promotions being made to staff not decentralising; and if he will make a statement on the matter. [18356/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Promotions generally within the Civil Service are regulated by agreements reached at the General Council of the Scheme of Conciliation and Arbitration for the Civil Service.

In relation to the implementation of the Decentralisation Programme, discussions have taken place at the General Council Sub-Committee on Decentralisation and arrangements have been put in place providing for a standard practice for the filling of posts. These arrangements cover both inter-Departmental promotion competitions and internal promotions. In relation to inter-Departmental promotions, all appointees from such competitions must agree to re-locate with their new post. In relation to internal promotions, where a Department is decentralising in its entirety, from 52 weeks before decentralisation, all promotions in the Department are made on the basis of a written commitment by promotees to relocate; where a Department is partially decentralising, from 52 weeks before decentralisation, one half of all promotions are made on that basis.

In the case of a Department remaining in Dublin, where a post is due to be filled from an inter-Departmental panel, that post will be filled by the appointment of an officer who has opted not to relocate with his /her Department. The arrangements described above apply only to general service posts in the Civil Service. Discussions on this matter are ongoing with the unions representing professional and technical staff in the Civil Service.

Tax Yield.

94. **Deputy John Cregan** asked the Tánaiste and Minister for Finance the current charges on laser, credit cards and current accounts; the annual tax from this source; his views on dropping these charges and the cost of same for pensioners with free banking as currently many of these bank accounts held by elderly people have few transactions through them and often are only held to process crossed cheques and so on; and if he will make a statement on the matter. [18357/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): A fixed stamp duty is chargeable on ATM cards, Laser cards, cards with combined ATM & Laser functions, credit card accounts and on cheques. There are no other stamp duty charges on current accounts. The stamp duty rates applicable are as follows:

Stamp Duty	Rate	Application
Cheques	15c	Applied when cheque book is issued
ATM Cards	€10	Applied on all cards active on 31 December each year.
Laser Cards	€10	Applied on all cards active on 31 December each year.
Combined ATM & Debit Cards	€20	Applied on all cards active on 31 December each year. Where only one function was used in the tax year, only €10 is charged.
Credit Card Account	€40	Applied on accounts (not cards) in April in respect of the previous April to March.

[Deputy Brian Cowen.]

The yield in 2006 for each of these stamp duties is as follows:

Stamp Duty	Yield
	€m
Cheques	16.7
ATM Cards	18.0
Laser Cards	0.6
Combined ATM & Debit Cards	17.7
Credit Card Account	67.8
Total	120.8

Information is not available that would allow a costing to be made of exempting the elderly from stamp duties on financial cards and cheques. The stamp duty on cheques, bills of exchange and promissory notes has existed for many years and when electronic means of money transfers were subsequently introduced, stamp duty was gradually extended to these products to ensure that the stamp duty from cheques etc. was not eroded.

There are no plans to introduce such exemptions to stamp duty for any category of individual. Stamp duties on financial cards are significant contributors to the Exchequer and are in accordance with the overall taxation policy of widening the tax base in order to keep direct tax rates generally low.

Tax Code.

95. **Deputy John Cregan** asked the Tánaiste and Minister for Finance the situation in relation to the tax treatment of the cost of private carers; if such costs are fully allowable against tax for the person being cared for or for a relative of same; if the service must be provided by a formal company; if informal services can also be claimed for; and if he will make a statement on the matter. [18358/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): I am informed by the Revenue Commissioners that Section 467 of the Taxes Consolidation Act 1997 allows a deduction from an individual's total income for tax purposes in respect of the costs incurred by that individual of employing another person to take care of himself or herself or a relative who is totally incapacitated by reason of physical or mental infirmity. For the purposes of the deduction, a "relative" includes a relation by marriage and a person in respect of whom the person claiming the deduction is the legal guardian. If the individual claiming the deduction is jointly assessed for income tax, he or she can claim a deduction in respect of a carer employed by his or her spouse. An individual claiming a deduction under this provision cannot

also claim the dependent relative tax credit or the incapacitated child tax credit.

The amount which can be claimed as a deduction is the lesser of (a) the amount ultimately borne by the individual or his/her spouse in the year of assessment in employing the employed person, or (b) €50,000. If two or more individuals are entitled to claim this deduction in respect of the same incapacitated individual, the aggregate of the deductions granted to them shall not exceed €50,000, and the relief granted to each individual shall be in proportion to the amount of the employment cost he or she has borne. Any amount recovered from the Health Service Executive or a local authority in respect of the costs of employing the carer is deducted from the amount claimable.

The individual claiming the deduction can employ the carer directly, or he or she can employ the carer through an agency. If the individual employs the carer directly, he or she will have to register with the Revenue Commissioners as an employer and operate PAYE and PRSI in order to qualify for the deduction.

If certain conditions are satisfied, relief for health expenses under section 469 Taxes Consolidation Act may be available in respect of constant nursing care provided by a fully qualified nurse in the patient's home. For the tax year 2007 and subsequent years, if health expenses relief is granted, relief will not be given under any other provision of income tax legislation in respect of that amount. More information is available on the Revenue website www.revenue.ie (leaflet IT47, Employed Person Taking Care of an Incapacitated Individual; and Guidelines to Health Expenses — Qualifying Expenses and Rates under Hot Topics — Medical Expenses).

96. **Deputy John Cregan** asked the Tánaiste and Minister for Finance the trace changes in exemption limits for pensioners, single or couples over the past ten years; if he will provide inflation CPI figures for corresponding years to show real or true increase in the income tax exemption limits; and if he will make a statement on the matter. [18359/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The age exemption limits apply to income earners aged 65 or over. Where an elderly individual or married couple has income at or below the limits, no income tax is payable. In 1997, the limits had a value of €5,841/€11,682 (single/married) for earners aged 65 to 74 with increased values of €6,603/€13,206 (single/married) applying in the case of couples aged 75 or over. For 2007, the limits are €19,000/€38,000 (single/married). The distinction in the limits which applied between those aged under 75 and those aged over 75 was removed in 1999.

The position is that in the ten years since 1997, the age exemption limits have increased in value by 225% if the lower limits of €5,841/€11,682 for those aged 65 to 74 are taken as a base or by 187% if the higher limits of €6,603/€13,206 for those aged 75 or over are used instead. CPI inflation from the end of 1997 to the end of 2007 is estimated at 41.5% on a cumulative basis. In real terms, therefore, the value of the age exemption limits has more than doubled since 1997.

Full details of the age exemption limits as they applied for in each year since 1997 are available on my Department's website at www.finance.gov.ie under the heading of Policy Areas and Publications (Taxation Issues).

Disabled Drivers.

97. **Deputy John Cregan** asked the Tánaiste and Minister for Finance the situation in relation to VRT free cars for disabled persons; if the facility is available to blind persons; if not, if he will reconsider as blind persons need total assistance and must have a separate driver; and if he will make a statement on the matter. [18360/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme provides relief from VAT and VRT (up to certain limit) on the purchase of a car adapted for the transport of a person with specific severe and permanent physical disabilities, as well as relief from excise on the fuel used in the car up to a certain limit.

The disability criteria for eligibility for the tax concessions under this scheme are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. To get the Primary Medical Certificate, an applicant must be severely and permanently disabled and satisfy one of the following conditions:

- (a) be wholly or almost wholly without the use of both legs;
- (b) be wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs;
- (c) be without both hands or without both arms;
- (d) be without one or both legs;
- (e) be wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg;
- (f) have the medical condition of dwarfism and have serious difficulties of movement of the lower limbs.

A special Interdepartmental Review Group reviewed the operation of the Disabled Drivers

Scheme. The terms of reference of the Group were to examine the operation of the existing scheme, including the difficulties experienced by the various groups and individuals involved with it, and to consider the feasibility of alternative schemes, with a view to assisting the Minister for Finance in determining the future direction of the scheme.

The Group's Report, published on my Department's website in July 2004, sets out in detail the genesis and development of the scheme. It examines the current benefits, the qualifying medical criteria, the Exchequer costs, relationship with other schemes and similar schemes in other countries. The Report also makes a number of recommendations, both immediate and long-term, referring respectively to the operation of the appeals process and options for the future development of the scheme.

In respect of the long-term recommendations, including the qualifying disability criteria, given the scale and scope of the scheme, further changes can only be made after careful consideration. For this reason, the Government decided that the Minister for Finance would consider the recommendations contained in the Report of the Interdepartmental Review Group in the context of the annual budgetary process having regard to the existing and prospective cost of the scheme. This consideration is undertaken on a regular basis.

98. **Deputy Jim O'Keeffe** asked the Tánaiste and Minister for Finance the number of persons in relation to the disabled drivers and disabled passengers tax concessions scheme at present holding a primary medical certificate entitling them to eligibility under the scheme; the number of applicants awaiting decision on a primary medical certificate; and the number of such cases under appeal. [18376/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Based on the most recent data available from the Revenue Commissioners, it is estimated that the number of claimants in the Disabled Drivers and the Disabled Passengers [Tax Concessions] Regulations 1994 Scheme in 2006, was approximately 11,000. An application for a Primary Medical Certificate (PMC) under the Scheme is made to the Senior Medical Officer for the relevant local Health Services Executive (HSE) administrative area and therefore falls under the remit of the HSE. Consequently, my Department is not in a position to outline either the number of persons currently holding a PMC, or the number of persons awaiting a decision as to their eligibility for a PMC.

Appeals relating to the medical aspect of the Scheme are made to the Disabled Drivers Medical Board of Appeal. As at end May 2007, 417 appeals were with the Medical Board of Appeal.

[Deputy Brian Cowen.]

A new Chairperson and Secretary to the Medical Board of Appeal have recently been appointed. New appointments to replace some recently resigned/retired members will also be made. This should facilitate the resumption of progress in reducing the waiting time for assessment of appeals.

Tax Code.

99. **Deputy Richard Bruton** asked the Tánaiste and Minister for Finance the threshold for purchases on the Internet from non-EU countries before customs and VAT become payable; and his views on updating them to a more realistic level to avoid excessive bureaucratic delay. [18387/07]

Type of Goods	Allowances
Tobacco Products	50 cigarettes; or 25 cigarillos (cigars with a maximum individual weight of 3 gms); or 10 cigars; or 50 gms of tobacco; or a proportional assortment of the different products.
Alcohol	1 litre of distilled beverages and spirits over 22% volume; or 1 litre of fortified or sparkling wine, and some liqueurs of 22% volume or less; and 2 litres of still wines.
Perfume and toilet waters	50 gms of perfume; or 0.25 litres of toilet water.

The thresholds for relief from duty are set by the EU and are under review at present. Ireland is supportive of measures to modernise customs import procedures and would also support reasonable proposals to simplify the existing general reliefs regime. This is evidenced by our welcome for recent EU proposals to increase the duty free allowances for persons entering the EU from third countries from the current single limit of €175 to €300 for people travelling by land, and to €430 for those travelling by air and sea.

Foreign Adoptions.

100. **Deputy Seán Ó Feargháil** asked the Minister for Health and Children the position regarding the issues raised in correspondence (details supplied) in relation to the issue of inter-country adoption; and if she will make a statement on the matter. [18399/07]
130. **Deputy Seán Ó Feargháil** asked the Minister for Health and Children her views on the contents of correspondence (details supplied); the position regarding the matter of inter-country adoptions and the delays that arise for couples seeking to pursue such adoptions in Kildare and surrounding counties; and if she will make a statement on the matter. [18398/07]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Customs duties, VAT and excise duty where applicable are payable on goods purchased over the Internet and imported into Ireland from outside of the EU. Consignments of a negligible value, i.e. not exceeding a value of €22, do not attract import charges. However, this relief does not apply to tobacco products, alcoholic products, perfumes or toilet waters.

Further relief is available for gift consignments, to and from private individuals, where the value of the gift does not exceed €45. Again, there is no relief from VAT or Excise duty on consignments of alcohol, tobacco products, perfume and toilet waters but relief from Customs duty is allowed as per the table.

Minister of State at the Department of Health and Children (Deputy Brendan Smith): I propose to take Questions Nos. 100 and 130 together.

As the details supplied by the Deputy raise particular policy questions in relation to an individual, my Office will communicate separately with the Deputy on the matter. The Deputy also raises the broader issue of waiting times for inter-country adoption. This relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive (HSE) under the Health Act 2004. Accordingly, my Office has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

The Government has allocated additional funding to the HSE in recent years to assist in tackling intercountry adoption waiting times. The HSE has been assessing the provision of services in the context of moving from the health board system to a single executive. It has acknowledged that there is a divergence in the provision of services and is committed to addressing those differences.

The Deputy will be aware that demands for assessment for intercountry adoption are continuously increasing. It should be noted that consequent on the increased number of children coming from abroad, there is also a new and

increasing demand for post-adoption reports for sending countries. These are also being undertaken by HSE social work staff.

In a number of areas, the HSE have increased capacity through contract arrangements with non-statutory agencies with appropriate expertise. Officials from my office are currently engaged in discussions with the HSE to explore these and other strategies to increase capacity across the country.

Hospital Accommodation.

101. **Deputy Paul Connaughton** asked the Minister for Health and Children the reason tender documents have not been issued to the National Children's Hospital in Tallaght; and if she will make a statement on the matter. [17686/07]

Minister for Health and Children (Deputy Mary Harney): The Board of Tallaght Hospital agreed, on 22 June, to continue its participation in the co-location initiative. I understand that invitation to tender documents in relation to Tallaght will issue in the near future.

102. **Deputy Denis Naughten** asked the Minister for Health and Children if the State will own private hospitals to be built on the land of public hospitals; and if she will make a statement on the matter. [17696/07]

Minister for Health and Children (Deputy Mary Harney): The private hospitals to be developed under the co-location initiative will not be owned by the State. The new co-located hospitals will be separate legal entities and will assume all legal and commercial risks relating to their operations.

103. **Deputy Liz McManus** asked the Minister for Health and Children the cost of the co-location project; and if she will make a statement on the matter. [17868/07]

104. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the cost of the co-location project; and if she will make a statement on the matter. [17588/07]

131. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the benefit to the taxpayer expected to arise in the context of co-location proposals; and if she will make a statement on the matter. [18082/07]

135. **Deputy Frank Feighan** asked the Minister for Health and Children when a cost benefit analysis will be conducted on the co-location project with published results; and if she will make a statement on the matter. [17691/07]

136. **Deputy Dinny McGinley** asked the Minister for Health and Children the reason she did not conduct a cost benefit analysis on the hospital co-location project; and if she will make a statement on the matter. [17694/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 103, 104, 131, 135 and 136 together.

The aim of the co-location initiative is to make available an additional 1,000 beds for public patients. This will be achieved by transferring to new private hospitals the private work which is currently being undertaken in the public hospitals. There will be no direct capital cost to the State arising from this initiative. Furthermore, the revenue cost to the State will be minimum. This is because the beds are already staffed and the back-up services and facilities required to support them are in place. The only staffing cost envisaged is the appointment of additional Consultants, something that the Government is committed to in any event, at an estimated cost of €25 million.

There will be a loss of private health insurance income to the hospitals from private health insurers, estimated at €80 million in respect of the six sites where the co-location initiative is most advanced. However, it is considered that this is a small price to pay in order to free up 1,000 beds for public patients where the running cost of over €300 million is already being met by the State. The loss of income will be mitigated, in part, through income from the lease of the land and a potential share of profits from the co-located facility.

It is anticipated that the private developers will avail of the scheme of capital allowances under the Finance Acts. The level of tax relief depends on the financing arrangements for each hospital. It should also be noted that not all costs are eligible for tax relief under the scheme. The Government's consideration of the initiative assumed a capital cost of €1 million per bed. As I said in the debate on Tuesday, for each €1 million in allowed capital expenditure, the tax cost is up to €455,000 at prevailing tax and PRSI rates, spread over 7 years, and not taking account of tax buoyancy effects. This is still less than the capital cost to the State of building and commissioning an additional 1,000 new beds for public patients.

The policy directive which was issued to the Health Service Executive (HSE) in July 2005 requires it to undertake a rigorous value for money assessment of co-location proposals which takes account of the value of the public site and the cost of the tax foregone. The HSE must satisfy itself that proposals represent better value for money than building, commissioning and operating beds in the traditional way. For this purpose, a public sector benchmark equivalent was developed for each site, which includes the

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cost of tax allowances and the loss of private health insurance income.

The National Development Finance Agency has confirmed that the tenders received by the Health Service Executive provide value for money relative to the public sector benchmark equivalent at the current stage of the procurement process and that the project is in a position to move to the financial close stage.

105. **Deputy Liz McManus** asked the Minister for Health and Children her views on the statutory basis for dealing with the co-location of private hospitals on public hospital grounds by way of ministerial direction; if she will provide an update and timeframe on successful tenders; and if she will make a statement on the matter. [17583/07]

Minister for Health and Children (Deputy Mary Harney): The co-location initiative was the subject of a policy direction issued on 14 July 2005 to the Health Service Executive under Section 10 of the Health Act 2004. I have been advised and I am satisfied that the direction complies with the relevant provision of the Act. The current position in relation to the co-location initiative is that the Health Service Executive (HSE) issued Invitations to Tender for St James, Beaumont, Cork, Limerick, Waterford and Sligo issued on 19 April 2007.

The bids for the six sites were returned on 17 May 2007. It is expected that the HSE will appoint the successful bidders following HSE Board approval at the beginning of July. The Invitation to Tender for Connolly Hospital, Blanchardstown issued on 11 June 2007. The Board of Tallaght Hospital agreed, on 22 June, to continue its participation in the initiative.

Health Services.

106. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if she will investigate the delay in having treatment provided for a person (details supplied) in County Cork. [18192/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

107. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if she will arrange for the provision of respite care in respect of a person (details supplied) in County Cork. [18193/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Repayment Scheme.

108. **Deputy Edward O’Keeffe** asked the Minister for Health and Children the reason for the delay in having a refund of nursing home charges under the national repayment scheme awarded to a person (details supplied) in County Cork who was informed that they would receive this payment in May 2007. [18194/07]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Hospital Services.

109. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if she will make arrangements for a person (details supplied) in County Cork to be admitted to hospital for treatment. [18195/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospitals Building Programme.

110. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if she will confirm

that the capital funding allocated in respect of a project (details supplied) in County Cork is still in place. [18196/07]

Minister for Health and Children (Deputy Mary Harney): This Government is committed to a sustained high level of investment in healthcare which will enable the completion and commissioning of numerous new facilities in both the acute and the Primary, Community and Continuing Care sectors. Responsibility for the planning and management of capital projects in the health sector which include the matters referred to in the Deputy's question are a matter for the Health Services Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

National Treatment Purchase Fund.

111. **Deputy Edward O'Keeffe** asked the Minister for Health and Children if she will assist in having an admission date arranged for a person (details supplied) in County Cork who is waiting to be called for hip replacement surgery; and if she will consider referring them under the National Treatment Purchase Fund. [18197/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Patients waiting more than three months on a surgical waiting list may qualify for treatment under the National Treatment Purchase Fund. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

Hospital Accommodation.

112. **Deputy Thomas P. Broughan** asked the Minister for Health and Children if there are proposals to provide additional beds to Beaumont Hospital in the second half of 2007 or 2008; if a programme of improvement, investment or development for Beaumont Hospital has been recently agreed for the second half of 2007 or for 2008; her plans to enhance the facilities at St. Joseph's Hospital, Raheny, Dublin 5; and if she will make a statement on the matter. [18230/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issues raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Tobacco Control.

113. **Deputy Thomas P. Broughan** asked the Minister for Health and Children the number of compliance tests carried out on retail premises by the Office of Tobacco Control; the number of prosecutions initiated against retail premises for the sale of tobacco to persons aged under 18 in respect of each county for the past two years for which figures are available; and if she will make a statement on the matter. [18238/07]

Minister for Health and Children (Deputy Mary Harney): The Deputy's question relates to the enforcement of tobacco control legislation. The enforcement of the prohibition on the sale of tobacco products to persons under 18 years of age is the responsibility of the environmental health service of the Health Service Executive. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Child Care Services.

114. **Deputy Dan Neville** asked the Minister for Health and Children the position regarding payment of a grant for a creche (details supplied) in County Limerick. [18259/07]

Minister of State at the Department of Health and Children (Deputy Brendan Smith): As the Deputy will be aware, I have responsibility for the Equal Opportunities Childcare Programme 2000-2006 (EOCP) and the National Childcare Investment Programme 2006-2010 (NCIP), which are being implemented by the Office of the Minister for Children.

With regard to the application for capital grant assistance under the National Childcare Investment Programme 2006-2010 referred to in the question, I understand that it is in the final phase of the assessment process. The applicant will be informed of the outcome in due course.

Hospital Services.

115. **Deputy Róisín Shortall** asked the Minister for Health and Children the reason a procedure (details supplied) associated with the treatment

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of Parkinson's disease is not available in the public hospital system here when it is in many other developed countries; and her plans to offer same as a service. [18274/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Repayment Scheme.

116. **Deputy Seymour Crawford** asked the Minister for Health and Children the reason for the delay in her Department in allowing for the repayments under the nursing home repayment scheme; her views on the fact that these repayments have been promised for a long period and are being held up through some technicality; and if she will make a statement on the matter. [18278/07]

Minister for Health and Children (Deputy Mary Harney): The health repayment scheme was launched in August 2006 and is administered by the Health Service Executive (HSE) in conjunction with the appointed Scheme Administrator KPMG/McCann Fitzgerald.

The position at 15th June, 2007 was that 3,200 offers of repayment, with a value of approximately €60m have been issued by the scheme administrator. Arising from these offers approximately 1,800 repayments with a value of approximately €38m have been made to date. This rate of repayment is lower than had been projected. I understand from the HSE that this is due to a number of factors including the legal and technical requirements, a high level of deficiencies in the application forms submitted to the scheme administrator and complexities in the operation of the probate process.

In accordance with the Health (Repayment Scheme) Act 2006, priority has been given to repaying living applicants as they were most immediately affected, however repayments to estates have now commenced. A dedicated website www.repay.ie, an information phone line 1890 886 886 and an e-mail facility queries@repay.ie have been established by the scheme administrator to assist the public in accessing claim forms and general information on the scheme. The information line operates between the hours of 9.00 am and 6.00 pm Monday to Friday. The helpline has dealt with 50,161 queries to date.

The HSE is monitoring the operation of the repayment scheme and has agreed a range of initiatives with the scheme administrator to speed up the repayment process. The closing date for receipt of applications is 31st December 2007 and I have been informed by the HSE that final repayments should be made by mid 2008.

Medical Cards.

117. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [18314/07]

Minister for Health and Children (Deputy Mary Harney): Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, childcare and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

118. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will be renewed in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [18315/07]

Minister for Health and Children (Deputy Mary Harney): Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would

not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, childcare and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

119. Deputy Bernard J. Durkan asked the Minister for Health and Children the reason a medical card has not issued in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [18316/07]

Minister for Health and Children (Deputy Mary Harney): Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, childcare and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Hospital Services.

120. Deputy Bernard J. Durkan asked the Minister for Health and Children if hospital service charges will be waived in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [18317/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

121. Deputy John Cregan asked the Minister for Health and Children the situation in relation to new rules regarding €100 a week approximately being taken from clients on disability allowance who are long-stay patients or clients in residential homes for persons with intellectual disability; if this deduction was not always done in such homes as with elderly in nursing homes; and if she will make a statement on the matter. [18361/07]

Minister for Health and Children (Deputy Mary Harney): The Health (Charges for In-Patient Services) Regulations 2005 have provided for two different classes of persons on whom charges may be levied. These regulations were signed by the Minister for Finance and the Minister for Health and Children on 14 January 2005. Class 1 refers to people in receipt of in-patient services on premises where nursing care is provided on a 24 hour basis on those premises. In this case, a weekly charge can be levied of €120 or the weekly income of that person less €35, whichever is the lesser. Class 2 refers to people in receipt of in-patient services on premises where nursing care is not provided on a 24 hour basis on those premises. In this situation, a weekly charge can be levied of €90, or the weekly income of that person less €55 or 60% of the weekly income of that person, whichever is the lesser. These regulations provide for the maximum charge to be levied on either class of person. The HSE issued revised guidelines for the implementation of the charges in July 2006.

The HSE has the power to reduce or waive a charge on the grounds of "undue hardship". Under Section 1 (b) of the Health (Amendment) Act, 2005, the HSE can examine a person's overall financial situation in view of the person's reasonable expenditure in relation to themselves or their dependants, if any.

[Deputy Mary Harney.]

As you are aware, I welcome the decision by my colleague, the Minister for Social and Family Affairs, to grant the full disability allowance to all persons in institutional residential care who prior to that were not eligible for this allowance. The net impact of granting the full disability allowance, in the context of long stay charges, is that the individuals will continue to receive the same level of service as before but will have increased income which they will be able to retain for their personal use.

Care of the Elderly.

122. **Deputy John Cregan** asked the Minister for Health and Children the situation in relation to charges being levied on pensioners' medical cards when they spend a few months in respite care; if the matter of charging respite beds of a few months duration can be clarified; if the Health Service Executive will be informed not to charge such short term stays if the establishment is deemed to be an acute hospital or a long-term facility; and if she will make a statement on the matter. [18362/07]

Minister for Health and Children (Deputy Mary Harney): Section 53 of the Health Act, 1970, (as amended by the Health (Amendment) Act, 2005) provides, inter alia, for the levying of a charge where in-patient 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. The Health (Charges for In-Patient Services) Regulations 2005 in keeping with Section 53 of the Health Act, 1970, as amended, have provided for two different classes of persons on whom charges may be levied.

With effect from 14th July 2005, charges may be levied on persons who are in receipt of in-patient services in premises where nursing care is provided on a 24 hours basis, and in premises where nursing care is not provided on a 24 hour basis. The regulations provide for a different level of charge in respect of each class as follows. Class 1 refers to people in receipt of in-patient services on premises where nursing care is provided on a 24 hour basis on those premises. In this case, a weekly charge can be levied of €120 or the weekly income of that person less €35, whichever is the lesser. Class 2 refers to people in receipt of in-patient services on premises where nursing care is not provided on a 24 hour basis on those premises. In this situation, a weekly charge can be levied of €90, or the weekly income of that person less €55 or 60% of the weekly income of that person, whichever is the lesser. These regulations provide for the maximum charge to be levied on either class of person. The HSE has the power to reduce or waive a charge on the grounds of "undue hardship". Under Section 1 (b) of the Health (Amendment) Act, 2005, the HSE can examine a person's overall financial situation in

view of the person's reasonable expenditure in relation to themselves or their dependants, if any.

It is a matter for the HSE, based on its own legal advice and taking into account the individual circumstances as well as the service being provided, to make a decision on any charges levied.

Voluntary Sector Funding.

123. **Deputy John Cregan** asked the Minister for Health and Children the situation regarding funding provided by her Department or the Health Service Executive to the Alzheimer Society with a breakdown of what the funding is in respect of; if core funding or related services are provided; her views on reports that the society must raise 30% of all funding itself; and if she will make a statement on the matter. [18363/07]

Minister for Health and Children (Deputy Mary Harney): My Department no longer provides funding to Organisations which are not agencies of this Department. Funding in the circumstances outlined by the Deputy is now a matter for the Health Service Executive. I am also unaware of the reports referred to by the Deputy that the society must raise 30% of all funding themselves.

Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

124. **Deputy John Cregan** asked the Minister for Health and Children the position regarding the dispute with dentists on provision of services to medical card holders; if data on the number of dentists who have withdrawn services are available; the basis of the dispute; if there is a considerable difference in fees paid by the Department of Social and Family Affairs and her Department; if emergency services will be made available to medical card holders who require same; and if she will make a statement on the matter. [18364/07]

Minister for Health and Children (Deputy Mary Harney): The Dental Treatment Service Scheme (DTSS) provides for a range of dental services for adult medical card holders from participating dentists holding contracts with the Health Service Executive (HSE). The DTSS Review Group was established in May 2006 to

undertake a comprehensive review of Primary Care Oral Health Services provided under the DTSS. Represented on the Review Group are the HSE, the Health Service Employers Agency, the Department of Health and Children, the Department of Social and Family Affairs, the Department of Finance and the Irish Dental Association (IDA). The Group is chaired by Mr Finbar Flood.

Since the Group was established, a legal issue has arisen with regard to the Competition Act 2002 as it relates to the negotiation of professional fees. It would be incorrect to state that there is a dispute with dentists generally in the scheme. The issues involved are complex and my officials are working with the Attorney General's office to clarify the way forward. The existing contractual arrangements with private dental practitioners under the DTSS for provision of dental services to eligible patients remain in place although I am aware that some dentists have indicated that they wish to resign from this scheme.

It should be noted that dentists withdrawing from the scheme are obliged to work a three months notice period. To date, 75 of those dentists who have indicated they will withdraw from the DTSS have actually done so; the total number of dentists in the DTSS is 1,198. It should also be noted that the Primary Care Reimbursement Service of the HSE (formerly the GMS) has not noticed any significant decrease in either the number of claims or the amounts paid to dentists under the DTSS. I am informed by the HSE that they are continuing to monitor service levels and have not arrived at a stage where they have to institute emergency services.

It is difficult to make a comparison between fee payments made under the schemes as there is a difference in the overall fees paid under the DTSS and the DTBS. This is due to the top up fee paid by patients under the DTBS. Also, the fees paid by patients under the DTBS can also vary depending on geographic location.

Infectious Diseases.

125. **Deputy John Cregan** asked the Minister for Health and Children the situation regarding MRSA; if it is a notifiable disease; if data are available regarding the numbers who contracted MRSA or who died from same; the process or procedure available to relatives of people affected in relation to information, the right to be informed and so on; and if she will make a statement on the matter. [18365/07]

Minister for Health and Children (Deputy Mary Harney): MRSA is not a notifiable disease but the Health Protection Surveillance Centre of the HSE collects data on MRSA. The data is collected on the first episode of blood stream infection per patient per quarter. This system shows that there were 445 cases in 2002, 480 cases in 2003, 553 cases in 2004, 592 cases in 2005 and 588 cases in 2006. There are no figures available to

date in relation to 2007. It is not possible to identify the number of fatalities attributable directly or solely to MRSA as most cases involve significant co-morbidity factors.

I am committed to ensuring that all patients are informed if they have MRSA and earlier this year my Department raised the importance of this issue again with the CEO of the HSE. I might add that a new Coroners Bill was published by the Department of Justice Equality and Law Reform on 20th April last. MRSA is listed as a reportable death for the purposes of this Bill.

Tackling Healthcare Associated Infections (HCAIs) including MRSA is a priority for the Government and for the Health Service Executive (HSE). I share the public concern in relation to MRSA. The HSE has recently launched its "Say No to Infection" action plan and a new HCAI Governance Group was established. This Group will manage the HSE's approach to tackling HCAIs including MRSA and is responsible for reducing infection levels in Ireland's healthcare facilities. The Group is supported by eight Local Implementation Teams to ensure that all local facilities are focussed on achieving the targets set down.

While accepting that not all HCAIs are preventable, I am satisfied that significant steps are being taken to reduce the rates of infection and to treat them promptly when they occur. The Department of Health and Children will be monitoring and evaluating the progress being made by the HSE in the management of this issue so that patients can be assured that in the future the risk of contracting an infection will be reduced to the minimum level possible.

Health Services.

126. **Deputy John Cregan** asked the Minister for Health and Children the situation with regard to withdrawal of chiropodist service from medical card elderly for the past three years; the situation regarding negotiations for return of service; and if she will make a statement on the matter. [18366/07]

Minister for Health and Children (Deputy Mary Harney): There is no statutory obligation on the Health Service Executive (HSE) to provide chiropody services to GMS patients; however in practice arrangements are made to provide these services. Before the establishment of the HSE the nature of the arrangements for chiropody and the level of service provided was a matter for individual health boards and so a degree of variation in practice developed over time. Priority is usually given to certain groups of people, including people who are medical card holders aged 65 years and over. In several regions the service is provided by private chiropodists by arrangement with the HSE.

I consider that it is inappropriate for private chiropodists who are providing services on behalf

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of the HSE to charge patients a top-up fee, and I have conveyed this view formally to the HSE. My Department requested the HSE to review the fee arrangements in place for the provision of chiropody services, with a view to ensuring that such additional fees will no longer be levied on persons in receipt of this service. While considerable work has taken place to develop arrangements which would ensure that no top-up charges are applied, it is necessary to ensure that any such arrangements and the process by which they are arrived at comply with the terms of the Competition Act 2002. In this context consideration is being given at present to the most appropriate way in which to put in place contractual arrangements for the provision of services by self-employed health professionals.

My Department is currently preparing legislation to clarify and update existing legislation on eligibility for health and personal social services. The Bill will define specific health and personal services more clearly; define who should be eligible for what services; set out clear criteria for eligibility; establish when and in what circumstances charges may be made and provide for an appeals framework.

Medical Cards.

127. **Deputy John Cregan** asked the Minister for Health and Children the situation in relation to the benefits received under a doctor only card and if dental treatment services are available under this as per a full medical card. [18367/07]

Minister for Health and Children (Deputy Mary Harney): The GP visit card was introduced in 2005 as a graduated benefit, with the specific purpose that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their general practitioner. The necessary amendments to the Health Act 1970 were enacted by way of the Health (Amendment) Act 2005. The income guidelines used by the HSE to assess applications for GP visit cards are 50% higher than those used in assessing applications for medical cards. As of 1st June 2007, 68,208 persons held a GP visit card.

The range of general practitioner services available to holders of a GP visit card is the same as is available to persons who hold a medical card. In all other respects holders of a GP visit card have limited eligibility for health services and as such do not qualify for services under the Dental Treatment Services Scheme.

128. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the reason a medical card has not issued in the case of persons (details supplied) in County Kildare; and if she will make a statement on the matter. [18378/07]

Minister for Health and Children (Deputy Mary Harney): Medical cards are made available to persons and their dependants who would otherwise experience undue hardship in meeting the cost of General Practitioner (GP) services. In 2005 the GP visit card was introduced as a graduated benefit so that people on moderate and lower incomes, particularly parents of young children, who do not qualify for a medical card would not be deterred on cost grounds from visiting their GP.

Since the beginning of 2005 substantial changes have been made to the way in which people's eligibility for a medical card is assessed and these apply equally to the assessment process for a GP visit card. The income guidelines have been increased by a cumulative 29% and in addition allowance is now made for reasonable expenses incurred in respect of mortgage/rent, childcare and travel to work costs. In June 2006 I agreed a further adjustment to the income guidelines for GP visit cards. These are now 50% higher than those in respect of medical cards.

As the Health Service Executive has the operational and funding responsibility for these benefits, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

Hospital Services.

129. **Deputy Willie Penrose** asked the Minister for Health and Children if she will take steps to ensure that a person (details supplied) in County Westmeath is admitted to Holles Street Hospital; if an alternative appointment will be given to the person; and if she will make a statement on the matter. [18385/07]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Question No. 130 answered with Question No. 100.

Question No. 131 answered with Question No. 103.

Hospital Accommodation.

132. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the position in

regard to co-location; if discussions have been finalised and contracts signed in all cases; the full list of hospitals or other institutions expected to be affected by the proposal; and if she will make a statement on the matter. [17620/07]

133. Deputy Caoimhghín Ó Caoláin asked the Minister for Health and Children the number of tenders accepted by the Health Service Executive since the dissolution of the 29th Dáil, for private for-profit hospitals to be located on public hospital lands; the number of beds planned in each of the private hospitals; and if she will make a statement on the matter. [17451/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 133 and 132 together.

The Health Service Executive (HSE) issued Invitations to Tender for St James, Beaumont, Cork, Limerick, Waterford and Sligo issued on 19th April 2007 in respect of the co-location initiative. The bids for the six sites were returned on 17 May 2007. It is expected that the HSE will appoint the successful bidders following HSE Board approval at the beginning of July. The Invitation to Tender for Connolly Hospital, Blanchardstown issued on 11th June 2007. The Board of Tallaght Hospital agreed, on 22nd June, to continue its participation in the initiative.

134. Deputy Enda Kenny asked the Minister for Health and Children if she will conduct an urgent debate in respect of the public and private ownership of hospitals; and if she will make a statement on the matter. [17705/07]

139. Deputy Dinny McGinley asked the Minister for Health and Children her views on whether proposals to change public policy on such a scale, such as that suggested under the plan for hospital co-location, should be subject to rigorous analysis and debate; when this analysis and debate will take place; and if she will make a statement on the matter. [17695/07]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 134 and 139 together.

The co-location initiative has been the subject of lengthy debates in the House this week, both during Private Members Time and yesterday's Question Time. I believe that it has been demonstrated, beyond all doubt, that co-location will deliver huge benefits for public patients. Co-location is essentially about improving access for public patients to beds in public hospitals which are currently used by private patients. It will make available 1,000 beds for public patients faster and more cost effectively than traditional means. The result will be better access to acute hospital services for public patients.

In relation to the question of hospital ownership, I would point out that many of our major

hospitals, particularly in Dublin, are privately owned rather than State-owned institutions. In my experience, patients who are sick and in need of hospital treatment are not unduly concerned about whether the hospital that can best provide that care is publicly or privately owned. What is of far more concern is the quality of treatment available and how quickly he or she can access it. My objectives are to ensure timely access for patients and high quality services and I believe that co-location will assist in achieving those objectives.

Questions Nos. 135 and 136 answered with Question No. 103.

Hospitals Building Programme.

137. Deputy John O'Mahony asked the Minister for Health and Children if a formal audit will be conducted on the co-location project with published results; and if she will make a statement on the matter. [17669/07]

Minister for Health and Children (Deputy Mary Harney): The Programme for Government contains a commitment to carry out an independent review of the co-location initiative following completion of the current programme. My Department will make the necessary arrangements to commission such a review in due course.

138. Deputy Paul Connaughton asked the Minister for Health and Children the reason tender documents for co-location have not been issued to Connolly Hospital in Blanchardstown; and if she will make a statement on the matter. [17685/07]

Minister for Health and Children (Deputy Mary Harney): My Department has been informed by the Health Service Executive that Invitation to Tender documents for the co-location of a private hospital on the site of Connolly Hospital, Blanchardstown issued on 11th June 2007.

Question No. 139 answered with Question No. 134.

Road Safety.

140. Deputy Shane McEntee asked the Minister for Transport and the Marine when the National Road Safety Strategy 2007 to 2011 will be published. [18279/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Road Safety Authority (RSA) is responsible for developing a new Road Safety Strategy for the period 2007-2011. They went out to public consultation in October last year and received a substantial number of suggestions and proposals as a result of this process.

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The RSA also engaged in a process of direct consultation with key stakeholders in December 2006. The volume of submissions received from these processes were examined by the Authority who are now working towards the finalisation of the new Strategy.

When the new Road Safety Strategy is received by my officials and I shall examine the document. Discussions may then take place with the RSA with regard to any changes or revisions that are considered appropriate. I will bring the final document to Government for approval as soon as possible thereafter.

Railway Stations.

141. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine the extent to which it is intended to increase car parking facilities at each of the rail stations throughout County Kildare; and if he will make a statement on the matter. [18331/07]

142. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine the extent to which the optimum requirement in terms of car parking space has been identified in respect of each rail station throughout County Kildare; the extent to which this is expected to meet the needs of commuters in the future; his intentions to substantially increase the parking facilities; and if he will make a statement on the matter. [18332/07]

143. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine if he has been in touch with Kildare County Council and Iarnród Éireann with a view to providing adequate car parking at all towns throughout the county, with particular reference to meeting the parking requirements adjacent to commuter rail stations; and if he will make a statement on the matter. [18333/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): I propose to take Questions Nos. 141 to 143, inclusive, together.

While the selection of particular stations for the development and the extension of car park facilities is a matter for Iarnród Éireann and the local authority in the first instance, my Department has approved investment in park and ride facilities at Iarnród Éireann rail stations totalling €10.915 million, including the stations at Newbridge and Leixlip-Louisabridge. These improvement works will increase the total car parking available at rail stations by over 1,600 spaces.

The cost of feasibility studies by Irish Rail on a car park expansion programme are also being funded by my Department. When these studies are completed, I expect that my Department will discuss their findings and the further develop-

ment of park and ride at railway stations with Irish Rail.

In addition, car park provision will form part of major new railway infrastructure works such as the Kildare Route Project and the Navan Rail Link.

Question No. 144 answered with Question No. 57.

Regional Airports.

145. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine his intended future role for the regional airports; the degree to which these are expected to be utilised having regard to the future plans for Dublin, Cork and Shannon; and if he will make a statement on the matter. [18337/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The six regional airports discharge an important function within the national transport network by providing air transport access for their respective catchment areas, thereby boosting the potential for attracting inward investment and tourism business. Their activities complement the facilities provided by the State airports and help to ensure that the economic and social benefits of air transport are shared as widely as possible throughout the country.

The regional airports are currently pursuing a developmental strategy aimed at winning increased traffic levels. In order to facilitate their efforts in line with the Government's policy of encouraging balanced regional development within the framework of the National Spatial Strategy 2002-2020, my predecessor announced on 21st February last a programme of capital grants for these airports under Transport 21 and the new National Development Plan. The programme provides for grants amounting to €86 million in support of a total investment of €106 million in additional safety and security features and expanded capacity at the regional airports and I look forward to the rollout of the new facilities over the next three years.

Search and Rescue Services.

146. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine if strengthening or upgrading of the air and sea rescue services is required; and if he will make a statement on the matter. [18338/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): The Irish Coast Guard of my Department manages Ireland's air/sea rescue services and I am satisfied that the arrangements in place compare favourably with best international practice. The Coast Guard co-ordinates air and sea search and rescue operations, including those services provided by charitable and vol-

untary organisations. It also ensures that appropriate personnel, training, equipment and facilities are in place among its many declared resources. Coast Guard Rescue Co-ordination Centres at Dublin, Malin Head and Valentia, and a nation-wide communications network are positioned and equipped to receive distress calls and co-ordinate response to incidents around the coastline and sea areas. The air and sea rescue services are kept under constant review with the object of improving and enhancing the efficiency of the systems in place.

Public Transport.

147. **Deputy Bernard J. Durkan** asked the Minister for Transport and the Marine if he is satisfied that the proposals contained in Transport 21 are achievable within cost and time frame targets; and if he will make a statement on the matter. [18340/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Excellent and tangible progress is being made on the implementation of Transport 21 within the available capital envelope. In 2006, 14 national road projects were completed and 11 started. In 2007, the NRA is on target to complete 9 projects and to commence 7 projects.

The momentum is also building on the implementation of the public transport programme. 183 diesel railcards will be put in service between now and 2009. Work has started on a number of important projects, including the Kildare rail upgrade, the Western Rail Corridor and the Cherrywood and Docklands Luas extensions. A railway order is in force for the Midleton rail project and work will start later this year. Funding has been provided to Dublin Bus for 100 additional and 100 replacement buses and to Bus Éireann for 69 additional and 166 replacement buses. Preferred alignments have been selected for Metro North, the Luas line from Cherrywood to the Bray area and the Citywest Luas extension. Planning is proceeding on a range of other projects.

Approval has been given for capital grants totalling €86 million for the country's six regional airports. Implementation of the programme is being monitored by the inter-Departmental Transport 21 Monitoring Group which reports to Government and publishes an annual progress report. Copies of the first annual report and of my Department's monthly progress reports can be found on the dedicated website www.transport21.ie.

Road Traffic Offences.

148. **Deputy John Cregan** asked the Minister for Transport and the Marine the situation in relation to traffic breaking the rules at traffic signals; if any traffic signals are set up with cameras to catch such law breakers; if any existing camera

system by other agencies could be used; his views on same; and if he will set up some pilot projects to check their performance. [18374/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Road traffic offences committed by road users such as non-compliance with traffic lights, which is often referred to as 'red light running', are enforced by the Garda Síochána. The Gardaí have power to gather evidence of the commission of such offences through the use of cameras or other such technology.

Dublin City Council set up a traffic camera at a specific junction on a pilot basis some years ago to gauge the instances of red light running and, the impact on traffic movements at that location. This test camera operation was used for data gathering purposes as opposed to enforcement purposes.

To date, the use of cameras by the Garda Síochána to gather evidence of the commission of road traffic offences has been confined mainly to the detection of speeding offences. However, the use of traffic cameras or similar equipment to gather evidence to enforce a range of other road traffic offences is permitted under section 21 of the Road Traffic Act 2002, as amended under section 15 of the Road Traffic Act 2004. The scope of this section was expanded recently under section 17 of the Road Traffic Act 2006 to include that camera evidence could be used in the prosecution of "bridge strike" offences. The decision to use camera equipment to obtain evidence of the commission of offences is an operational matter for the Garda Síochána.

Rail Network.

149. **Deputy Kieran O'Donnell** asked the Minister for Transport and the Marine the position with regard to the proposed Shannon to Limerick rail link; and if he will make a statement on the matter. [18388/07]

Minister for Transport and the Marine (Deputy Noel Dempsey): Iarnród Éireann commenced last year a feasibility study into a rail link to Shannon Airport. The company engaged consultants to undertake this work and a steering group, which included a wide range of local interests, was established to oversee the study.

A report is now with the Steering Group for consideration. Subject to the final views of the Steering Group, it will be a matter for Iarnród Éireann to consider the report in the first instance. It should be noted that this project is not included as part of Transport 21.

International Agreements.

150. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the meetings that have been held recently to discuss the EU sanctions against Cuba; if Ireland has participated in

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those meetings; Ireland's position in relation to EU sanctions against Cuba; if that position represents a change in policy; if Ireland's position regarding EU sanctions has changed; the basis on which the decision to change that policy was made; and if he will make a statement on the matter. [18231/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): There has been no change in our policy towards Cuba. The European Union's 1996 Common Position on Cuba remains the basis of both the European Union's and Ireland's approach to relations with that country. The overriding objective of Ireland and our European Union partners in our relations with Cuba is to encourage, but not to enforce by external coercion, a process of transition to pluralist democracy and respect for human rights and fundamental freedoms.

The diplomatic measures to which the Deputy refers were adopted by the European Union on 5 June 2003 in response to a deterioration in the human rights situation in Cuba, and include inter alia the limiting of bilateral high-level Governmental visits. In January 2005, these measures were temporarily suspended, and remain so to the present day.

In the lead-up to the annual re-evaluation of the Common Position at the General Affairs and External Relations Council on 18 June 2007, the European Union's position was subject to review at Working Group meetings, at which Ireland was represented. I participated in the General Affairs and External Relations Council on 18 June which considered this review.

The Council's Conclusions deplored the fact that the human rights situation in Cuba has not fundamentally changed, and noted that the Cuban Government continues to deny its citizens internationally recognised civil, political and economic rights and freedoms. The Council's Conclusions recognised the right of Cuban citizens to decide independently about their future.

While the European Union will continue to pursue its dialogue with Cuba's civil society and to offer to all sectors of society practical support towards peaceful change in Cuba, the Council also emphasised the Union's willingness to resume a comprehensive and open political dialogue with the Cuban authorities on all areas of mutual interest. In order to sound out the potential for such a dialogue, which should take place on a reciprocal and non-discriminatory basis, the Council decided to invite a Cuban delegation to Brussels.

I support the balanced approach adopted in the Council's Conclusions, which is in accordance with the principles of the Common Position. And I welcome, in particular, the decision taken to invite a Cuban delegation to Brussels in the interest of establishing an open political dialogue with the Cuban authorities.

Human Rights Issues.

151. **Deputy Seán Ó Fearghaíl** asked the Minister for Foreign Affairs the latest initiatives taken by himself and his EU colleagues to secure the release of Nobel Laureate Aung San Suu Kyi; and if he will make a statement on the matter. [18397/07]

Minister for Foreign Affairs (Deputy Dermot Ahern): I deeply regret the decision of the Burmese regime to renew the detention order on Aung San Suu Kyi for a further year on 26 May. I would again urgently call on the Burmese government to immediately rescind this order and to release all political detainees. This would be an important and significant step towards the regime's professed goal of a return to civilian democratic government in Burma.

Ireland and our EU partners apply a range of sanctions and restrictive measures to Burma, referred to as the EU Common Position. In renewing the Common Position in April, the Council adopted Conclusions clearly stating the EU's deep concern on the lack of progress in the promised transition towards a legitimate civilian government, and calling for the early release of all political prisoners and an end to the military campaign against civilians in conflict areas. We also expressed our concerns about serious violations of human rights, restrictions on domestic human rights organisations and international human rights institutions by the government of Burma. Ireland played a leading role in preparing the draft Conclusions and in gaining agreement for their adoption.

Ireland and the EU continue to raise the issue of the situation in Burma in all relevant fora, and to work closely with partners to effectively engage international organisations in addressing the situation in that country.

Then Minister of State Noel Treacy raised the continued detention of Aung San Suu Kyi at the EU-ASEAN Foreign Ministers' Meeting in Nuremberg on 14-15 March, as well as directly with the Foreign Minister of Burma in a bilateral discussion. Ireland joined EU partners at the ASEM Foreign Ministers' Meeting in Hamburg on 28-29 May, in the presence of the Burmese Foreign Minister, in forcefully condemning the decision to renew the detention order on Aung San Suu Kyi. EU Ministers at both meetings called for a lifting of restrictions on political parties and the early release of all those under detention.

With EU partners, I strongly support the use of the UN Secretary General's good offices to bring about peaceful political change in Burma. I welcome UNSG Ban Ki-moon's appointment on 22 May of Ibrahim Gambari as his Special Adviser on Burma. I hope the Burmese government will cooperate with the Secretary General's good offices mission to make tangible progress on the protection of human rights in that country.

Departmental Offices.

152. **Deputy John Cregan** asked the Minister for Enterprise, Trade and Employment the position regarding the location of Enterprise Ireland offices and the proposed move to East Point; the reason for the thinking behind this suggestion; if staff agreement has been achieved; and if he will make a statement on the matter. [18352/07]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): It has been a key strategic objective for Enterprise Ireland (EI) to bring all Dublin based staff together in one location since the Agency was established in 1998. The Board of Enterprise Ireland decided that the single site office in the East Point Business Park was the most appropriate from a number of perspectives, including value for money, flexibility, and customer service delivery. In September 2006, following the Board decision, EI signed a normal commercial 25 year lease on the units in East Point. The lease has in-built break clauses and a clause to enable the Agency to sub-let space, if required.

The functions hitherto carried out by Shannon Development in relation to the development of indigenous industry in the Mid-West Region were transferred to EI with effect from 1 January 2007. This transfer of functions also involves the transfer of posts from Shannon Development to EI. Enterprise Ireland is currently establishing its National Regional Development Headquarters in Shannon, which will include establishing the County Enterprise Board Support Unit in Shannon.

EI recently appointed a senior manager as Head of Regions and Entrepreneurship who will guide the transition and establishment of EI presence in the Mid-West Region.

EI has sourced a building in Shannon to accommodate the new functions being located in the Region and the staff transferring from Shannon Development.

Staff in Enterprise Ireland are represented by SIPTU, Amicus Professional and Amicus Technical union group. A key feature of the East Point project was the establishment of the East Point Steering Group, to drive Enterprise Ireland's relocation of Dublin staff to their new office facility. Representatives from SIPTU and the Amicus Professional Group have joined the East Point Steering Group, which also comprises of senior managers and is chaired by the CEO. This partnership forum is responsible for the development of all issues pertaining to the relocation of staff to East Point and following discussions, advice and resolution of these issues, the Group makes recommendations on relevant matters to the Enterprise Ireland Business Committee. The Group has met nine times to date and further meetings are scheduled for the coming weeks.

All EI Staff are updated regularly on the progress of the relocation to East Point and this pro-

cess of active engagement and communication with staff will continue until the completion of the move. While this is broadly an operational matter for Enterprise Ireland (EI), I understand that EI will vacate the Glasnevin Site in the early part of 2008.

Equal Opportunities Employment.

153. **Deputy John Cregan** asked the Minister for Enterprise, Trade and Employment the position in relation to the labour law situation on retirement age; the source of the age 65 limit; if it is still legal; the way it is justified; if it has been legally challenged; and if he will make a statement on the matter. [18353/07]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): There is no compulsory retirement age in Irish employment legislation. Generally such legislation defines an employee as “ a person of any age who has entered into or works under (or, where the employment has ceased, entered into or worked under) a contract of employment.”

I would point out that the upper age limit of 66 years for bringing claims under the Unfair Dismissals Acts 1977 to 2007 was removed by the Equality Act 2004. The effect of this is that a person who is over the age of 66 when dismissed may take a case under the Unfair Dismissals Acts unless he/she has already reached the normal retirement age for that employment, if one exists. Also, the age cap of 66 for statutory redundancy was removed by the Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007 that was enacted last month.

The Public Service Superannuation (Miscellaneous Provisions) Act 2004 removed the compulsory retirement age for new entrants to the public service, with the exception of certain posts in the Permanent Defence Force, the Garda Síochána, the Prison Service and the Fire Service.

The Employment Equality Acts 1998 to 2007, administered by the Department of Justice, Equality and Law Reform, protect against discrimination on the ground of age and on other grounds, in relation to access to employment. However, the Acts also permit an employer to decide on a retirement age, which may be above or below 65 years of age in a particular employment. The purpose of such provisions is to give

Flexibility to employers and employees, having due regard to the nature of the work being performed. Any proposed change to the normal retirement age should first be negotiated between employee and employer.

I understand that various cases have been taken by employees to the employment rights and equality adjudicating bodies regarding retirement age over the years.

Job Losses.

154. **Deputy John Cregan** asked the Minister for Enterprise, Trade and Employment the situation in relation to the number of experienced tradesmen currently or recently made redundant as a result of more competitive foreign labour; if the particular trades can be itemised and the number of each category shown; if strategy or plans to use the experience of these people can be outlined; and if he will make a statement on the matter. [18354/07]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): The number of redundancies in the building and civil engineering sector in 2006 was 2,126. It is not possible to break this figure down further into particular trades. However, these redundancies were outweighed by the number of new jobs created in the construction sector so that the net number of additional jobs created in the construction sector in the year to the first quarter of 2007 was 28,300.

I would point out that the full range of services provided by FÁS is available to all unemployed people and, in particular, FÁS provides an integrated support service for people being made redundant. This involves information sessions, skills analysis, training/retraining courses and job placement. In the delivery of these services, FÁS liaises with other relevant agencies such as Enterprise Ireland, IDA Ireland, the City/County Enterprise Boards and the Department of Social and Family Affairs.

I would also point out that the problem concerning the alleged exceptional collective redundancy situations was addressed in Section 18.1 of the Social Partnership Agreement “Towards 2016” which states that “the opening of the Irish labour market arising from the decision to permit direct access by citizens of the new EU Member States has given rise to concerns about the possibility of the collective compulsory replacement of workers by lower paid workers from these States or elsewhere, either directly or through the use of other replacement workers within the jurisdiction”.

To address this problem, Section 18.3 provides a mechanism for the setting up of a Redundancy Panel whereby employee representatives can request the Minister for Enterprise, Trade and Employment to ask the Labour Court for an Opinion as to whether or not the proposed collective redundancy dismissals are in fact genuine.

This provision was given legislative effect on 8th May, 2007 when the Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007 was passed. In addition to providing for the setting up of the Panel, this Act also provides for situations where dismissals take place contrary to an Opinion of the Labour Court, with particular reference to redundancy rebate entitlements, tax treatment of

redundancy payments as well as consideration of Unfair Dismissal entitlements in such situations, and for penalties and appeals.

Company Closures.

155. **Deputy Willie Penrose** asked the Minister for Enterprise, Trade and Employment the position in relation to redundancy payments, and in particular, where a person has served approximately 25 years with a company, despite the fact that they would have been over 66 years of age upon termination of their employment; if, in that instance, they would be due an entitlement to redundancy; and if he will make a statement on the matter. [18384/07]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): In accordance with Section 4 of the Redundancy Payments Act 1967 as amended by Section 15 of the Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007 employees who are being made redundant with a date of termination on or after the 8th May 2007 are now entitled to receive a statutory redundancy lump sum payment based on their service in the employment and regardless of whether or not they have attained the age of 66 years.

Arts Funding.

156. **Deputy Bobby Aylward** asked the Minister for Arts, Sport and Tourism the progress to date on the application for funding under Access II for a project (details supplied) in County Kilkenny. [18200/07]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Under the Arts and Culture Capital Enhancement Support Scheme (ACCESS II) some 155 applications were received seeking funding of over €200m. This demand greatly exceeded the funding of €32m available for disbursement under this round of the scheme. An independent Selection Committee was appointed to evaluate all the applications received under the ACCESS II scheme.

On this occasion this project was not included in the list of successful applicants. The application will be retained on file and will be considered further should additional funding become available.

Child Support.

157. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if the back to school clothing and footwear allowance is payable in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [18330/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The back-to-school clothing and footwear allowance (BSCFA) is administered on my behalf by the Community Welfare division of the Health Service Executive (HSE).

The Dublin/Mid-Leinster Area of the HSE has advised that it has no record of an application for BSCFA from the person concerned. If she wishes to apply, she should contact the Community Welfare Officer at her local health centre as soon as possible to enable her entitlement to an allowance to be determined.

Social Welfare Benefits.

158. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when mortgage assistance will be awarded to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [18381/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The supplementary welfare allowance scheme which includes rent and mortgage interest supplements is administered on my behalf by the Community Welfare division of the Health Service Executive.

A mortgage interest supplement provides short-term income support to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence.

The Executive have advised that the person concerned applied for a mortgage interest supplement but that the information supplied was insufficient to process the application. The Executive has further advised that it has contacted the person concerned and advised her of the additional information needed to process her application. On receipt of this her application will be processed and the Executive will notify her of the position.

159. **Deputy Tony Gregory** asked the Minister for Social and Family Affairs the reason a person (details supplied) in Dublin 7 was refused a back to work allowance; if this decision will be reviewed; and if he will make a statement on the matter. [18383/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): The back to work allowance scheme is part of my Department's programme of initiatives designed to assist long term unemployed people, lone parents and other social welfare recipients to return to the active labour force. The allowance provides a monetary incentive designed to make return to work financially attractive and viable. It is not intended that back to work allowance be paid in all cases where a person takes up employment. It is designed to support people who would not otherwise be able to return to the workforce for financial reasons.

Applications should be made in advance of taking up employment. This allows my Department to determine the eligibility of the applicant before they re-enter the workforce. This condition is clearly stated on the information leaflet which accompanies the application form.

The person concerned commenced employment on 19 July 2005. Her application for the back to work allowance was received in my Department on 22 February 2006, over seven months later. The allowance was refused on the grounds that the application was late. In effect, the person in question had demonstrated that they were outside the intended target group for the scheme. Following a request from the applicant the decision was reviewed. It was decided that the original decision not to grant the allowance should be upheld. The applicant was informed of this on 15 March 2006.

160. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs the position in relation to a person who is in receipt of a pre-retirement allowance and whose spouse takes up employment; if their spouses employment status would impact upon their payments; and if he will make a statement on the matter. [18386/07]

Minister for Social and Family Affairs (Deputy Martin Cullen): Pre-retirement allowance is a means tested payment. A person whose spouse/partner takes up insurable employment with an employer will be assessed with the spouse/partner's earnings less deductions for Income Tax, PRSI, Superannuation, Trade Union subscriptions and Health Insurance premiums.

If the spouse/partner works 3 days or less a week, a disregard of €50 plus travel allowance, where appropriate, is allowed. If s/he works 4 days or more, a total disregard of €100 is allowed. This includes the travel allowance. The customer will be assessed with half of the means of the spouse/partner.

If the spouse/partner becomes self-employed, gross earnings are assessed, less expenses necessarily incurred in running the business. The disregards that apply to a person working for an employer do not apply to a person in self employment.

If the spouse/partner were to take up seasonal employment the seasonal earnings would be assessed during the working season only. When the seasonal work ends, the means derived from seasonal earnings are no longer assessed.

Forestry Sector.

161. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food the action being taken in relation to the felling of trees (details supplied) in County Mayo; and if she will make a statement on the matter. [18172/07]

172. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a matter (details supplied) first came to the attention of her Department; and the action that has been taken since that date. [18400/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I propose to take Questions Nos. 161 and 172 together.

Following an inspection of this case by the Forestry Inspectorate of my Department in February of this year, it was recommended by the Inspectorate that prosecution be pursued under the Forestry Act, 1946 as the felling took place without a Licence.

The decision to prosecute in this case was taken on the 24th May and the papers were transmitted to the Legal Division of my Department to prepare the necessary briefing and summonses for the Chief States Solicitors Office, with a view to initiating proceedings.

It is a matter for that Office as to if and when summonses are to be issued under the 1946 Forestry Act the State has 12 months from the date of the offence to institute legal proceedings in such cases.

Grant Payments.

162. **Deputy Phil Hogan** asked the Minister for Agriculture, Fisheries and Food when a single farm payment will be awarded to a person (details supplied); and if she will make a statement on the matter. [18213/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The position is that an application for the Transfer of Entitlements under the 2006 Single Payment Scheme to the person named was submitted on the 3rd November 2006. The application was accepted even though the closing date for receipt of completed applications to transfer entitlements was the 16th May 2006.

During processing of the Transfer application, it was necessary for an official of my Department to seek clarification on certain matters relating to the application. The requested information was received and the transfer of 88.52 Standard Entitlements and 6.51 Setaside Entitlements to the above named was fully processed.

The person named also made an application under the Consolidation measure of the Single Payment Scheme. This application was fully processed and payment issued on 12th June 2007.

Foreshore Licences.

163. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food if she has received applications for a licence to harvest cockles at the Back Strand, Tramore, County Waterford; and if she will make a statement on the matter. [18218/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The present position is that there is no additional licensing requirement in place for the harvesting of cockles in addition to the requirement for a Sea Fishing Boat Licence under the Fisheries (Amendment) Act, 2003. Applications for a Sea Fishing Boat licence are a matter for the independent Sea Fishing Boat Licensing Authority.

In relation to the cockle fishery, at present the Waterford cockle fishery is closed to harvesting until 15th July 2007 under the Cockle (Fisheries Management and Conservation) Regulations 2007 for stock assessment purposes and to allow for the development and introduction of a sustainable management plan.

Fishery representatives are, in consultation with Bord Iascaigh Mhara, bringing forward proposals for the sustainable management of the Waterford cockle fishery. While the plan has not yet been finalised, it is not expected that, at this time, it will require the introduction of a secondary licensing requirement for fishing vessels. I hope to be in a position to introduce the new management regime shortly in order to ensure the conservation and sustainable management of the cockle fishery in Waterford.

Drainage Schemes.

164. **Deputy John Perry** asked the Minister for Agriculture, Fisheries and Food if she will provide an application and details in relation to the criteria for the land drainage scheme; and if she will make a statement on the matter. [18219/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): There is no scheme in place in my Department which provides grant-aid for land drainage.

Grant Payments.

165. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Roscommon who applied two years ago has not received payment from her Department; and if she will make a statement on the matter. [18267/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The person named applied to transfer entitlements under the Inheritance Measure of the Single Payment Scheme. However, the application was incomplete and did not contain the documentation required in order for a decision to be made. My Department has been in contact with the person named and the case will be processed without delay as soon as the necessary documents are received in the Inheritance Section of my Department.

166. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 776 of 24 April, 2007, when the applicant will receive an allocation under the national reserve; and if she will make a statement on the matter. [18268/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): As indicated in the previous reply to the Deputy the person named submitted an application for an allocation of entitlements from the 2006 Single Payment Scheme National Reserve under Category A.

Category A caters for farmers who inherit, lease or receive land free of charge or for a nominal sum from a farmer who had retired or died by 16 May, 2005 and where the land was leased out by the original owner during the reference period 2000 to 2002. The person named received the land by lease but has been deemed unsuccessful under this category as the term of the lease was less than the required 5 year period.

A letter outlining my Department's decision issued to the person named on 7th June, 2007. If the person named is dissatisfied with my Department's decision in relation to the National Reserve he now has the opportunity to appeal this decision to the Independent Single Payment Appeals Committee. An appeal application form is available from any of my Department's offices or on the Department website at www.agriculture.gov.ie.

167. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the outstanding payment due to a person (details supplied) in County Roscommon under the 2006 single farm payment application; and if she will make a statement on the matter. [18269/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The position is that an application for the Transfer of Entitlements under the 2006 Single Payment Scheme to the person named was submitted on the 15th April 2007. The application was accepted even though the closing date for receipt of completed applications to transfer entitlements was the 16th May 2006.

The application was fully processed and payment in respect of 12.64 entitlements transferred by way of lease issued to the person named on the 29th May 2007. The person named was also an applicant under the 2006 Disadvantaged Areas Scheme and was paid in full on 27 October 2006, in the amount of €2,129.93.

168. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food when a forestry payment will be awarded to a person (details supplied) in County Laois; and if she will make a statement on the matter. [18276/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The delay in payment of this file was due to two parties claiming payment on the one plot of land. This has now been rectified. The Forest Service of my Department anticipates that it will be in a position to proceed with the payment shortly.

169. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Roscommon will receive approval to transfer single farm payment entitlements; and if she will make a statement on the matter. [18283/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The position is that an application for the Transfer of Entitlements under the 2007 Single Payment Scheme from the person named was submitted on the 6th June 2007.

The application is fully processed and letters of approval issued on the 26th June informing the person named that 4.45 entitlements were transferred by way of sale to another farmer.

Live Exports.

170. **Deputy Seán Ó Fearghaíl** asked the Minister for Agriculture, Fisheries and Food the status of the live export trade; the number and type of animals exported to date in 2007; the anticipated outcome for 2007; and if she will make a statement on the matter. [18389/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): Live exports continue to be an important outlet for our cattle and providing an essential element in the overall sector. Following a significant increase over the last few years, these exports have declined somewhat to date in 2007. At the end of May, a total of 42,807 Cattle and 72,821 Calves had been exported from Ireland. On current trends, it is anticipated that this trade, over the full year, will decline by approximately 12% in comparison to 2006.

Grant Payments.

171. **Deputy Seán Ó Fearghaíl** asked the Minister for Agriculture, Fisheries and Food the reason for the delay in making a single farm payment to a person (details supplied) in County Kildare; if payments in this case can be expedited; and if she will make a statement on the matter. [18390/07]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): I am aware of your ongoing representations in this case.

An official of my Department has been in direct contact with the person named in connection with this case, with a view to having payment issued at an early date.

Question No. 172 answered with Question No. 161.

Higher Education Grants.

173. **Deputy Michael Ring** asked the Minister for Education and Science if she will amend the qualifying guidelines in respect of the special rate top-up maintenance grant in view of the fact that children of people earning less than €20,000 could not get this grant in 2006; if she will raise the guidelines particularly for families that have more than one child in third level education as their refusal for the top up caused immense financial hardship to these families in 2006; if she will raise the guidelines to a more realistic level; and if she will make a statement on the matter. [17837/07]

Minister for Education and Science (Deputy Mary Hanafin): The process of reviewing the income limits, rates of grant and other aspects of the general criteria of the 2007 Maintenance Grant Schemes is a priority in my Department at present. The criteria to qualify for the Special Rates of Maintenance Grant will be examined as part of this process. Decisions on the 2007 schemes will be announced as soon as the process is completed.

Special Educational Needs.

174. **Deputy Bobby Aylward** asked the Minister for Education and Science when permanent recognition will be granted to ABA schools; when funding will be approved for such schools. [18201/07]

Minister for Education and Science (Deputy Mary Hanafin): The Deputy will be aware that the Programme for Government commits to long term funding for the existing centres that are currently in the ABA pilot scheme subject to agreement with my Department on standards that will enable my Department to support them as primary schools for children with autism.

I am pleased to advise the Deputy that, since the launch of the Programme for Government, officials of my Department have met with the advocacy group for the centres concerned to progress the implementation of this commitment.

Youth Services.

175. **Deputy Bobby Aylward** asked the Minister for Education and Science the progress to date on the application for funding by an organisation (details supplied) under the 2007 allocations. [18202/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The organisation in question receives annual grant-in-aid funding under my Department's Youth Service Grant Scheme. The organisation's 2007 application for funding under this Scheme is

under active consideration at present. My Department's Youth Affairs Section will be in touch with the organisation in this regard as soon as possible.

Special Educational Needs.

176. **Deputy Bobby Aylward** asked the Minister for Education and Science if she will confirm that funding towards the cost of ABA tuition currently being made by her Department will continue in the new school term of September 2007 for a person (details supplied) in County Kilkenny. [18203/07]

Minister for Education and Science (Deputy Mary Hanafin): The Deputy will be aware that the home tuition scheme which provides funding to facilitate the provision of education at home for children who, for a number of reasons such as chronic illness, are unable to attend school was extended in recent years to facilitate tuition for children awaiting an educational placement and children with autism requiring early educational intervention.

The child in question is in receipt of funding under the scheme for the current school year. I have requested that the family is sent an application form in respect of home tuition to cover the next school year. In the meantime, if they have not done so already, the parents/guardians of the child should contact the local Special Educational Needs Officer of the National Council for Special Education to ensure that planning may commence for their child's future educational needs. The contact details for all SENOs are available on www.ncse.ie.

School Transport.

177. **Deputy Jack Wall** asked the Minister for Education and Science her views on correspondence (details supplied); the means the persons can use or seek to overcome the problems in relation to transport that they have; the reason, in view of the obvious advantages of having a child in an environment suitable to the child, that changes should be proposed to alter the satisfactory position; and if she will make a statement on the matter. [18212/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): School transport for children with special educational needs is generally provided to the school nearest to the pupil's residence in which resources can or may already have been allocated to support the child's educational needs.

My Department understands from the Special Education Needs Organiser that the pupil referred to by the Deputy, in the details supplied, is not attending his nearest school which could accommodate him. In these circumstances, it

would not be appropriate to provide free transport to another school.

Pupil-Teacher Ratio.

178. **Deputy Joe McHugh** asked the Minister for Education and Science if she will consider an increase in the allocation of resources to a school (details supplied) in County Donegal due to a projected increase in pupil numbers and an already high pupil/teacher ratio of 35 to 1 in senior infants in the 2007/2008 year. [18220/07]

Minister for Education and Science (Deputy Mary Hanafin): The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30th September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued to all primary schools each year.

Data submitted to my Department by the Board of Management of the school referred to by the Deputy, indicates that the enrolment in the school on 30th September 2005 was 182 pupils. In accordance with the staffing schedule (Circular 0023/2006), which is available on the Department's website at www.education.ie, the mainstream staffing in the school for the 2006/07 school year is a Principal and 7 mainstream class teachers.

The enrolment in the school on 30th September 2006 was 186 pupils. In accordance with the staffing schedule (Circular 0020/2007), which is available on the Department's website at www.education.ie and a hard copy of which has issued to all primary schools, the mainstream staffing in the school for the 2007/08 school year will be a Principal and 7 mainstream class teachers.

Within the terms of the staffing arrangements for primary schools there is provision for additional posts, referred to as developing school posts, to be assigned to schools on the basis of projected enrolments for the next school year. Under these arrangements, a developing school post may be sanctioned provisionally where the projected enrolment at 30th September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30th September, sanction for the post is withdrawn.

It is open to the Board of Management to submit an appeal under certain criteria to an independent Appeal Board which was established to adjudicate on appeals on mainstream staffing allocations in primary schools. Details of the criteria and application dates for appeal are contained in the staffing schedule. They are also available in Circular 0024/2007 (Appeal Board for Mainstream Staffing in Primary Schools) which is available on the Department's website. Hard copies of this circular have issued to all primary schools.

Appeals must be submitted to Primary Payments Section, Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made. The standard application form is available from Primary Payments Section or on the Department's website.

The first meeting of the Appeal Board was held in May, 2007. Further meetings will be held in July and October, 2007. The closing date for receipt of an appeal for the July meeting was 22 June while the closing date for the October meeting is 12 October. The Appeal Board operates independently of the Minister and the Department and its decision is final.

Youth Services.

179. **Deputy Thomas P. Broughan** asked the Minister for Education and Science if she has recently agreed to proposals for enhanced youth facilities in Dublin north central or Dublin north east; and if she will make a statement on the matter. [18221/07]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): I understand that the proposal for enhanced youth facilities refers to the North Coolock area of Dublin. My Department's Youth Affairs Section has not received any new applications for funding in this regard.

My Department provides grant-in-aid funding for a number of youth-work programmes and initiatives designed principally to ensure the provision of non-formal educational opportunities for young people. Such initiatives include the Special Projects for Youth Scheme and the Young People's Facilities and Services Fund. A number of the projects funded under these schemes are located in Dublin North East and Dublin North Central and I am arranging to forward a full list of these projects to the Deputy as soon as possible.

Special Educational Needs.

180. **Deputy Michael Ring** asked the Minister for Education and Science the reason her Department will not agree to the request of persons (details supplied) in County Mayo for home tuition for their child. [18222/07]

181. **Deputy Michael Ring** asked the Minister for Education and Science her plans to educate a child (details supplied) in County Mayo with special needs. [18223/07]

182. **Deputy Michael Ring** asked the Minister for Education and Science if her Department will reimburse persons (details supplied) in County Mayo for expenses incurred in providing private tuition. [18224/07]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 180 to 182, inclusive, together.

I wish to advise the Deputy that the home tuition scheme provides funding to facilitate the provision of education at home for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children awaiting an educational placement. As there is an educational placement available to the pupil she does not qualify for tuition under the terms of the scheme.

As the Deputy is aware a specific function of the National Council Special Education, through its network of local Special Educational Needs Organisers (SENOS), is to identify appropriate educational placements for all children with special educational needs. The SENO is a focal point of contact for parents and school and is available to parents to provide support and advice. I understand from my officials that the SENO is currently liaising with the parents to progress the post primary options available to the pupil in question.

Higher Education Grants.

183. **Deputy Denis Naughten** asked the Minister for Education and Science the reason the higher education grant top up grant threshold does not take into account the fact that a number of siblings may be attending third level even though the HEG itself does factor this into the threshold calculation; if she will review this inequality; and if she will make a statement on the matter. [18225/07]

Minister for Education and Science (Deputy Mary Hanafin): The Special Rate of Maintenance Grant is available to students in receipt of the ordinary maintenance grant under each of my Department's four maintenance grant schemes, which includes the Higher Education Grant Scheme.

In order to qualify for the special rate of maintenance grant a candidate must meet a number of conditions, including the following:

1. An applicant must qualify for the ordinary maintenance grant.
2. Total reckonable income in the relevant tax year must not exceed the lower income limits as set out in the relevant Maintenance Grant Schemes and, where applicable, net of Child Dependent Increase payments
3. As at the prescribed date — i.e. 31st December each year — the source of income must include one of the eligible long-term Social Welfare payments.

The prescribed income limit for the special rate of maintenance grant for the academic year

2006/2007 was €16,748. The annual review of the student support schemes is currently underway. It is anticipated that the 2007/08 schemes will be available shortly. The review addresses matters such as the increase in reckonable income limits, increase in rates of maintenance grant, revised income threshold for the Special Rates of Maintenance Grant and increases in the 2007/08 special rate of grant.

While the number of dependants is not taken into account for the Special Rates of Maintenance Grant, payments made in respect of dependants, i.e. the Child Dependent Increase, are excluded in the calculation of reckonable income. In addition, the following Social Welfare and Health Service Executive Payments are excluded in the calculation of reckonable income:—

- Child Benefit
- Family Income Supplement
- Disability Allowance (where paid to the candidate)
- Blind Pension (where paid to the candidate)
- Means Tested One Parent Family Payments
- Orphan's Pensions
- Back to Education Allowance
- Foster Care Allowance
- Domiciliary Care Allowance and
- Carer's Allowance

It is not proposed to depart from the existing arrangements for the determination of the eligibility threshold.

Special Educational Needs.

184. **Deputy Denis Naughten** asked the Minister for Education and Science the reason a child (details supplied) along with five other small infant pupils have to share three special needs assistants between them; if she will ensure that adequate special needs assistance is provided to the child in question and to the other pupils; if she will review this inequality; and if she will make a statement on the matter. [18226/07]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware, the National Council for Special Education is responsible, through its network of local Special Educational Needs Organisers, for allocating resource teachers and special needs assistants to schools to support children with special needs. I have arranged for the details supplied by the Deputy to be forwarded to the NCSE for their attention and direct reply. I would point out however that it would not be unusual for a special needs assistant to be assigned to more than one pupil

depending on the assessed needs of the pupils in question.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on www.ncse.ie.

School Accommodation.

185. **Deputy Joan Burton** asked the Minister for Education and Science the position of the proposal to move a school (details supplied) in Dublin 9 to the Oscar Traynor Road in Coolock; when same will take place; and if her Department will provide school transport for families adversely affected by this move. [18227/07]

Minister for Education and Science (Deputy Mary Hanafin): The Department has always been committed to putting a suitable accommodation solution in place for the school referred to by the Deputy for next September. This is being achieved by the placement of temporary accommodation on a site on the Oscar Traynor Road.

To allow for any unforeseen difficulties with this measure, the Department has advised the school authority to extend its current lease on a short term basis.

Once the school's September needs have been addressed and the conveyancing procedures for the site have been completed, the Department will be moving to provide permanent accommodation on the site for the school.

The school currently has no arrangements in place with School Transport Section for any pupils. Since the site in question will be the school's permanent home, should it need to avail of the service for any of its pupils, the standard school transport criteria, as outlined in the School Transport (primary) Scheme information, would apply. This information is available on the Department's website www.education.ie, school transport link.

186. **Deputy Edward O'Keeffe** asked the Minister for Education and Science the position regarding the provision of additional classrooms at a national school (details supplied) in County Cork in view of the substantial increase in pupil numbers over the next few years. [18228/07]

Minister for Education and Science (Deputy Hanafin): Officials in the Department have completed a technical visit of the School in County Cork referred to by the Deputy and are in the process of drawing up a detailed accommodation brief for this project. The project will be considered for progression in the context of the School Building and Modernisation Programme.

Schools Recognition.

187. **Deputy Paul Gogarty** asked the Minister

for Education and Science if she will be providing official recognition to a school (details supplied) in County Clare for September 2007; if she will make such an affirmative decision shortly in view of the fact that their applications have been passed by the new schools advisory committee and that there are deadlines facing both schools in terms of staff appointments for the coming school year; and if she will make a statement on the matter. [18243/07]

Minister for Education and Science (Deputy Hanafin): On foot of the NSAC recommendations, I announced earlier this year the establishment of 13 new primary schools, from September 2007 in accordance with the provisions of Section 10 of the Education Act 1998 and the published criteria for recognition of new schools. I also indicated that I would, in order to consider further the application from the schools referred to by the Deputy, be prepared to allow these schools further time to find an alternative patron for the proposed national schools. Subsequently an alternative Patron was sought and these applications are currently under consideration.

Special Educational Needs.

188. **Deputy Denis Naughten** asked the Minister for Education and Science if her attention has been drawn to the fact that a person (details supplied) with Downs syndrome is being denied access to a school due to the lack of adequate provision of special needs assistance; her views on whether this situation is acceptable; the steps which she is taking to address this deficit; and if she will make a statement on the matter. [18256/07]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware, the National Council for Special Education is responsible, through its network of local Special Educational Needs Organisers (SENOS), for allocating resource teachers and special needs assistants (SNA) to schools to support children with special needs. I understand that the local SENO has sanctioned a full-time SNA to the school to cater for the care needs of the pupil referred to by the Deputy.

Decentralisation Programme.

189. **Deputy Denis Naughten** asked the Minister for Education and Science when decentralisation of her Department to Athlone will commence; the completion date for this project; and if she will make a statement on the matter. [18266/07]

Minister for Education and Science (Deputy Mary Hanafin): The relocation of 100 posts in my Department to Athlone will commence when the new office accommodation in Athlone is ready

[Deputy Mary Hanafin.]

for occupation. This accommodation is under construction at present. The Office of Public Works, which has responsibility for the procurement of office accommodation under the programme of decentralisation, has indicated that the new accommodation in Athlone will be ready for occupation next year.

Schools Building Projects.

190. **Deputy Jim O’Keeffe** asked the Minister for Education and Science if her attention has been drawn to the fact that her Department accepted an extension need in 2003 at a school (details supplied) in County Cork due to increased enrolment, involving an extension of 610 square meters, and that in spite of further increased numbers the design team has not been approved; and if she will arrange to approve the design team to avoid further delay. [18281/07]

Minister for Education and Science (Deputy Mary Hanafin): The schedules of accommodation to inform the required building project have been agreed with the school authorities. The next step in the process is the consideration of the project for the appointment of a design team to commence architectural planning process. The building project required to address the long-term accommodation needs of the school will be considered in the context of the School Building and Modernisation Programme.

School Staffing.

191. **Deputy Tom Hayes** asked the Minister for Education and Science if a decision has been made on an appeal by a school (details supplied) in County Tipperary against a decision to reduce staffing levels at the school for the coming school year. [18293/07]

Minister for Education and Science (Deputy Mary Hanafin): The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued to all primary schools each year.

Data submitted to the Department by the Board of Management of the school referred to by the Deputy indicates that the enrolment in the school on 30 September 2005 was 85 pupils. In accordance with the staffing schedule (Circular 0023/2006), which is available on the Department’s website at www.education.ie, the mainstream staffing in the school for the 2006/07 school year is a Principal and three mainstream class teachers.

The enrolment in the school on 30 September 2006 was 73 pupils. In accordance with the staffing schedule (Circular 0020/2007), which is avail-

able on the Department’s website at www.education.ie and a hard copy of which has issued to all primary schools, the mainstream staffing in the school for the 2007/08 school year will be a Principal and two mainstream class teachers.

Within the terms of the staffing arrangements for primary schools there is provision for additional posts, referred to as developing school posts, to be assigned to schools on the basis of projected enrolments for the next school year. Under these arrangements, a developing school post may be sanctioned provisionally where the projected enrolment at 30 September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30 September, sanction for the post is withdrawn.

It is open to the Board of Management to submit an appeal under certain criteria to an independent Appeal Board which was established to adjudicate on appeals on mainstream staffing allocations in primary schools. Details of the criteria and application dates for appeal are contained in the staffing schedule. They are also available in Circular 0024/2007 (Appeal Board for Mainstream Staffing in Primary Schools) which is available on my Department’s website. Hard copies of this circular have issued to primary schools.

The school referred to by the Deputy lodged an appeal with the Primary Staffing Appeal Board. This appeal was heard at the Appeal Board meeting on 22 May 2007 and was refused. The Appeal Board operates independently of the Minister and the Department and its decision is final. The Board of Management of the school was notified in writing of the decision of the Appeal Board on 24 May 2007. I am sure the Deputy will appreciate that it would not be appropriate for me to intervene in the operations of the Independent Appeal Board.

192. **Deputy Róisín Shortall** asked the Minister for Education and Science if her attention has been drawn to an application from a school (details supplied) in Dublin 11 for a concessionary teaching post in view of the particular class groupings which exist in the school and in view of the fact that this school is included in the DEIS initiative. [18295/07]

Minister for Education and Science (Deputy Mary Hanafin): The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued to all primary schools each year.

Data submitted to my Department by the Board of Management of the school referred to by the Deputy, indicates that the enrolment in the school on 30 September 2005 was 401 pupils. In

accordance with the staffing schedule (Circular 0023/2006), which is available on the Department's website at www.education.ie, the mainstream staffing in the school for the 2006/07 school year is a Principal and 14 mainstream class teachers.

The enrolment in the school on 30 September 2006 was 377 pupils. In accordance with the staffing schedule (Circular 0020/2007), which is available on the Department's website at www.education.ie and a hard copy of which has issued to all primary schools, the mainstream staffing in the school for the 2007/08 school year will be a Principal and 14 mainstream class teachers.

Within the terms of the staffing arrangements for primary schools there is provision for additional posts, referred to as developing school posts, to be assigned to schools on the basis of projected enrolments for the next school year. Under these arrangements, a developing school post may be sanctioned provisionally where the projected enrolment at 30 September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30 September, sanction for the post is withdrawn.

It is open to the Board of Management to submit an appeal under certain criteria to an independent Appeal Board which was established to adjudicate on appeals on mainstream staffing allocations in primary schools. Details of the criteria and application dates for appeal are contained in the staffing schedule. They are also available in Circular 0024/2007 (Appeal Board for Mainstream Staffing in Primary Schools) which is available on the Department's website. Hard copies of this circular have issued to all primary schools.

Appeals must be submitted to Primary Payments Section, Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made. The standard application form is available from Primary Payments Section or on my Department's website.

The first meeting of the Appeal Board was held in May 2007. Further meetings will be held in July and October 2007. The closing date for receipt of an appeal for the July meeting was 22 June while the closing date for the October meeting is 12 October. The Appeal Board operates independently of the Minister and the Department and its decision is final. I am sure the Deputy will appreciate that it would not be appropriate for me to intervene in the operation of the independent Appeal Board.

Special Educational Needs.

193. **Deputy Pat Breen** asked the Minister for Education and Science if a person (details supplied) in County Clare will be facilitated with a computer; and if she will make a statement on the matter. [18297/07]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware, the National Council for Special Education is responsible, through its network of local Special Educational Needs Organisers, for allocating resource teachers and special needs assistants to schools to support children with special needs. The Council also considers applications for assistive technology. I have arranged for the details supplied by the Deputy to be forwarded to the NCSE for their attention and direct reply.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on www.ncse.ie.

Schools Building Projects.

194. **Deputy John Cregan** asked the Minister for Education and Science the position regarding an application from a school (details supplied) in Dublin 11 for a new school hall; and if she will make a statement on the matter. [18342/07]

Minister for Education and Science (Deputy Mary Hanafin): I can confirm to the Deputy that the school to which is refers has applied to the Department for large-scale capital funding. The application has been assessed in accordance with the published prioritisation criteria for large-scale works and was assigned a band 2 rating. Progress on the project is being considered in the context of the multi-annual School Building and Modernisation Programme.

195. **Deputy John Cregan** asked the Minister for Education and Science the position regarding an application for a two room extension to a school (details supplied) in Dublin 9 to include date of request, current phase and time scale for approval; and if she will make a statement on the matter. [18343/07]

Minister for Education and Science (Deputy Mary Hanafin): I can confirm that the Department is in receipt of an application received in September 2004 for major capital funding from the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large-scale works and was assigned a band 2 rating. Progress on the project is being considered in the context of the multi-annual School Building and Modernisation Programme.

Psychological Service.

196. **Deputy John Cregan** asked the Minister for Education and Science the situation in relation to services for children to be assessed for dyslexia; if the process, procedure and waiting lists can be outlined; if assistance or supports are available or can be introduced for parents who

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arrange for and pay for private assessments; and if she will make a statement on the matter. [18344/07]

Minister for Education and Science (Deputy Mary Hanafin): All primary and post primary schools have access to psychological assessments either directly through my Department's National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA) that is administered by NEPS and full details of which are available on my Department's website.

NEPS does not keep waiting lists for assessments of children but in common with other psychological services encourages a staged assessment process, whereby each school takes responsibility for initial assessment, educational planning and remedial intervention, in consultation with their assigned NEPS psychologist. Only if there is a failure to make reasonable progress in spite of the school's best efforts, will a child be referred for individual psychological assessment. This system allows the psychologists to give early attention to urgent cases and also to help many more children indirectly than could be seen individually.

The introduction of the General Allocation model to primary schools in 2005, schools have an allocation of additional teaching time in order to assess and intervene where necessary with pupils with reading difficulties and/or dyslexia without the need for a psychological educational assessment. In cases where a pupil continues to present with significant difficulties after a number of interventions and reviews, the principal of the pupil's school can prioritise him/her for psychological assessment with the school's allocated NEPS psychologist. Parents of pupils with particular issues in this regard should make contact, in the first instance, with the Principal of the relevant school.

Schools that do not currently have NEPS psychologists assigned to them may avail of the Scheme for Commissioning Psychological Assessments (SCPA), full details of which are available on the Department's website. Through the SCPA the school can have an assessment carried out by a member of the panel of private psychologists approved by NEPS and NEPS will pay the psychologist the fees for this assessment directly. The prioritisation of urgent cases for assessment is a matter for the school principal of the school in the first instance.

Schools Refurbishment.

197. **Deputy John Cregan** asked the Minister for Education and Science the situation regarding plans to refurbish a school hall at a school (details supplied) in Dublin 11; the position in relation to asbestos removal; the time scale for full refurbishment; and if she will make a statement on the matter. [18345/07]

Minister for Education and Science (Deputy Mary Hanafin): The Department is not in receipt of an application for capital funding from the school to which the Deputy refers. It would appear that the scope of works referred to is suitable for consideration under the Summer Works Scheme. Details of the Summer Works Scheme for 2008 were published recently on the Department's website *www.education.ie*. It is open to the school to decide whether or not is appropriate to apply for capital funding under this Scheme or to submit an application for large-scale capital funding. The application form for large-scale capital funding is also available on the Department's website. The closing date for the receipt of applications under the Summer Works Scheme is 28 September.

With regard to the issue of asbestos removal, this is being dealt with by the Office of Public Works. The OPW has confirmed to the Department that an asbestos survey has been carried out at the school and that it will be in contact with the school at an early date with a view to removing or otherwise managing any high priority materials.

Capitation Grants.

198. **Deputy John Cregan** asked the Minister for Education and Science the capitation fees paid to various types of national schools; his views on the claim by *gaelscoileanna* that they are treated unfairly vis-a-vis other schools; and if she will make a statement on the matter. [18346/07]

Minister for Education and Science (Deputy Mary Hanafin): Primary schools' running costs are met by my Department's scheme of capitation grants. These grants are intended to contribute towards the general operating costs of schools which would include heating, lighting, cleaning, insurance, painting, teaching aids and other miscellaneous charges.

The primary school capitation grant has been increased substantially in recent years. Since 1997 the standard rate of capitation grant has been increased from €57.14 per pupil to €163.58 with effect from 1 January 2007. This represents an increase of over 186% in the standard rate of capitation grant since 1997. Furthermore, enhanced rates of capitation funding are paid in respect of children with special educational needs who attend special schools or special classes attached to mainstream schools. The current rates range from €418 to €805 per pupil.

The standard rate of capitation grant is paid to all primary schools except *Gaelscoileanna* located outside of *Gaeltacht* areas which receive an additional €25.39 per pupil over and above the standard rate grant. As these *Gaelscoileanna* receive this additional funding per pupil, I do not

see them as being treated unfairly compared to other schools.

Under the new Programme for Government, we are committed to doubling the standard capital grant for primary schools over the next five years. Grants to schools for the employment of secretaries and caretakers will also be increased significantly.

Schools Refurbishment.

199. **Deputy John Cregan** asked the Minister for Education and Science the position regarding revised plans for refurbishment of a school and assembly hall at schools (details supplied) in Dublin 9 and the time scale for the planning and refurbishment of same. [18347/07]

Minister for Education and Science (Deputy Mary Hanafin): Proposals for the works to which the Deputy refers were received from the schools in question in the context of an amalgamation negotiation. The amalgamation is not being pursued.

It is open to the school authority to apply for funding for the works concerned under the Summer Works Scheme. Details of the 2008 Scheme were recently published on the Department's website www.education.ie. The closing date for the receipt of completed applications is 28 September.

School Accommodation.

200. **Deputy John Cregan** asked the Minister for Education and Science the position regarding a school building for a school (details supplied) in Dublin 11; if it has been purchased or acquired by the State or her Department; if the timescale for such can be outlined; the position regarding the future uses and security of tenure for other users; and if she will make a statement on the matter. [18348/07]

Minister for Education and Science (Deputy Mary Hanafin): The Department is currently in negotiation around the possibility of acquiring the building to which the Deputy refers. This process is complex involving as it does suitability assessment, valuations, price negotiations and attendant legal formalities. The Department is keenly aware that the issues concerned are commercially sensitive and that it is not a foregone conclusion that the building can or will be acquired.

It would be remiss of it to make any firm plans for the building or to create unrealistic expectations until it is absolutely clear that the acquisition can be made. In the circumstances, the Department will be in contact with the proposed users of the building at the appropriate time.

School Staffing.

201. **Deputy John Cregan** asked the Minister

for Education and Science the staffing complement in a secondary school (details supplied) in Dublin 9; the pupil teacher ratio in secondary schools; if classes can have up to 28 or 30 for some subjects; and if she will make a statement on the matter. [18349/07]

Minister for Education and Science (Deputy Mary Hanafin): Teacher allocations for second level schools are approved by my Department on an annual basis in accordance with generally applied rules relating to recognised pupil enrolment. In general a ratio of 18:1 is applied in respect of recognised pupils on established Junior Certificate, Leaving Certificate, repeat Leaving Certificate and Transition Year Programmes and a ratio of 16:1 is applied in respect of recognised pupils on the Leaving Certificate Vocational Programme, Post leaving Cert courses and Leaving Cert Applied. Each school management authority is required to organise its curriculum, teaching time-table and subject options having regard to pupils' needs within the limits of its approved teacher allocation. Significant improvements have been made in the pupil teacher ratio at post primary level in recent years. The ratio has fallen from 16:1 in the 1996/97 school year to 13.2:1 in the 2005/06 school year.

The rules for allocating teaching posts provide that where a school management authority is unable to meet essential curricular commitments, my Department will consider applications for additional short term support. An independent Appeals Committee is available to school authorities who wish to appeal the adequacy of their teacher allocation.

Teaching Qualifications.

202. **Deputy John Cregan** asked the Minister for Education and Science the situation in relation to the requirements to be either a national or secondary teacher here; if in relation to Irish citizens working abroad as teachers such experience is taken into account in determining qualifications to teach here; and if she will make a statement on the matter. [18350/07]

Minister for Education and Science (Deputy Mary Hanafin): The Deputy may be aware that, with effect from 28th March, 2006, the Teaching Council is the designated authority for recognition of qualifications for the regulated profession of primary and secondary teachers.

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.

School Staffing.

203. **Deputy John Cregan** asked the Minister

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for Education and Science the number of special needs assistants currently employed; and the criteria and ratio of pupils to SNAs with particular reference to a school (details supplied) in Dublin 11. [18351/07]

Minister for Education and Science (Deputy Mary Hanafin): The school in question is a special school for children with mild general disability (MGLD).

The criteria for the allocation of special needs assistant (SNA) support is set out in Department circulars and has regard to the recommendations of the Report of the Special Education Review Committee 1993. This report recommended that the appointment ratio for special schools catering for children with MGLD would be 1 SNA per 4 classes of 11 pupils which, in this school's case, would result in an allocation of approximately 4 SNA posts.

However, the reality is that in many special schools there are children enrolled who have additional special needs requiring support over and above the ratio recommended by SERC. The National Council for Special Education (NCSE) takes such additional needs into account when allocating resources to schools. In the school in question, there are 14 SNAs currently employed in the school.

Higher Education Grants

204. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if an educational grant will be awarded to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [18379/07]

Minister for Education and Science (Deputy Mary 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.

My Department contacted Kildare County Council, the awarding body for the student's address, and was advised that an application was not received from the student referred to by the Deputy. In the absence of an application it is not possible to advise on the student's eligibility for grant assistance.

Schools Building Projects.

205. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Science the progress that has been made towards the provision of a new primary school on an identified site at Crookstown, County Kildare; and if she will make a statement on the matter. [18391/07]

Minister for Education and Science (Deputy Mary Hanafin): I am pleased to inform the Deputy that the school to which he refers is included in my announcement of 5th April, 2007

of 56 schools which have been given the go-ahead to commence architectural planning.

The school authority recently attended an information session, held by the Department's Building Unit, which outlined how projects will proceed from here.

Site Acquisitions.

206. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Science the progress that has been achieved in acquiring a site for a school (details supplied) in County Kildare; and if she will make a statement on the matter. [18392/07]

Minister for Education and Science (Deputy Mary Hanafin): The Department has identified a potentially suitable site for the school to which the Deputy refers and officials have entered into negotiations with the owner's agent in the matter.

When a suitable site has been secured, a building project for the school will be considered for progression in the context of the multi-annual School Building and Modernisation Programme.

Schools Building Projects.

207. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Science the position in relation to the proposed new community school for Kildare Town; and if she will make a statement on the matter. [18393/07]

Minister for Education and Science (Deputy Mary Hanafin): Kildare Town Community School is one of six schools that make up the Second Bundle of the Department's current Public Private Partnership Programme. Work on the pre-procurement of this bundle commenced in late 2006 and is on-going. An outline planning application is currently being prepared for the school in question and the educational needs of the school are being finalised. The consultation process, part of the PPP procedure, has commenced for the bundle.

The next steps include completion of the consultation process, preparation of output specifications and the Public Sector Benchmark (PSB) in conjunction with the National Development Finance Agency (NDFA).

Once the pre-procurement is completed the project will be handed over to the NDFA which will be responsible for its procurement.

208. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Science the progress that has been achieved towards the delivery of a new post primary school at the Curragh Camp; if agreement has been reached between her Department, County Kildare VEC and the Department of Defence in relation to the site; and if she will make a statement on the matter. [18394/07]

Minister for Education and Science (Deputy Mary Hanafin): County Kildare VEC, the school authority in this instance, is currently negotiating with the Department of Defence with a view to acquiring a suitable site for the new school. As soon as a site has been acquired progress on the project will be considered in the context of the multi annual School Building and Modernisation Programme.

Special Educational Needs.

209. **Deputy Seán Ó Fearghail** asked the Minister for Education and Science if it will be appropriate for her Department to ensure that specific provision is made in each new primary and second level school for the accommodation of students on the autistic spectrum; and if she will make a statement on the matter. [18395/07]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware the National Council for Special Education (NCSE) was established under the Education for Persons with Special Needs (EPSEN) Act to improve the delivery of education services to persons with special educational needs arising from disabilities with particular emphasis on children.

The NCSE has a key role in the delivery of services and operates through a network of special educational needs organisers (SENOs) who act as a focal point of contact for schools and parents.

The role of the SENOs includes the processing of applications from schools to establish special classes for autism. The NCSE will continue to establish classes for children with autism as and where required.

Workplace Accidents.

210. **Deputy Jack Wall** asked the Minister for Defence the mechanism available to a person (details supplied) in County Kildare in relation to an injury received; and if he will make a statement on the matter. [18208/07]

Minister for Defence (Deputy Willie O'Dea): The person in question, a former civilian employee of my Department, reported an alleged accident at work on 6 March 1980. The details available to my Department regarding this matter, which consist of a brief note made in the Accident Book maintained at his former work place, were supplied to the Deputy in a letter dated 9 February 2006. The entry in question in the Accident Book is as follows:

“While going down steps with bucket and brush I slipped and hit the back of my head and right shoulder on concrete causing very severe pain”.

I should also explain that when a civilian employee is absent from work due to sick leave, as a result of an accident at work or otherwise,

he/she may be entitled to the benefits of the Department's sick pay scheme for civilian employees in addition to any payments that he/she may be entitled to under the Social Welfare Acts. There is no other mechanism available in these cases.

Citizenship Applications.

211. **Deputy Edward O'Keeffe** asked the Minister for Justice, Equality and Law Reform the procedure persons (details supplied) in County Cork must enter into to become Irish citizens. [18198/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. These 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 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.

Should the persons concerned have any further query, the Citizenship Section of my Department operates a telephone helpline on Tuesday and Thursday mornings from 10.00 a.m. to 12.30 p.m. and can be contacted on (01) 6167700 or Lo — Call 1890 551 500. The information can also be accessed on the Department's website www.justice.ie.

Departmental Agencies.

212. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform his views in relation to correspondence (details supplied); the funding allocated in Budget 2007 for the groups concerned; his proposals to increase the funding; and if he will make a statement on the matter. [18209/07]

213. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform his plans to review the limitations of the COSC office within his Department in view of the concerns expressed by the non-Governmental organisations; if he will meet with a delegation to discuss their concerns as expressed in correspondence (details supplied); and if he will make a statement on the matter. [18210/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 212 and 213 together.

The Government is very committed to addressing the closely related problems of domestic violence and violence against women. I am aware that there has been some concern about the remit of the newly established COSC office. I would like to reiterate that as announced on 18 April, 2007, the remit of the office very emphatically includes violence against women. The State/Non-governmental structures already in place to deal with violence against women will continue and will be strongly supported by the new office. Prior to the establishment of the COSC, responsibility for this area within my Department was assigned to Divisions with a wide number of other responsibilities. The appointment of the Executive Director to COSC, raises the profile and the focus on this work within my Department. Responsibility for this area was further dispersed across a number of Government Departments and agencies. For the first time there is now in prospect a dedicated, resourced office at Government level, with the key responsibility to ensure the delivery of a well co-ordinated “whole of Government” response to violence against women and domestic violence.

COSC is to collaborate closely with the service providers who support victims and treat perpetrators. Among its tasks will be to: Work with Government Departments, Agencies and Non Governmental Organisations (NGOs) in the sector to ensure the delivery of a well co-ordinated service to support victims of domestic violence and violence against women; Develop and deliver awareness raising strategies to ensure that victims are aware of the availability of services in their locality and that society is made aware of the extent and impact of behaviours and crimes of domestic violence and violence against women; Develop strategies to address the issue of violence against women and domestic violence in line with best international practice; Further develop standards for service delivery and for training programmes which address domestic violence and violence against women; Put in place strategically based positive actions which work with perpetrators of domestic violence; Provide leadership and support to the National Steering Committee on Violence Against Women (NSC) and its sub-committees; Continue to implement the recommendations of the 1997 Task Force on Violence against Women; Consider and where relevant facilitate the implementation of internationally established best practice throughout the sector; Work with the National Crime Council and external bodies as appropriate to establish a body of research to inform future policy directions for violence against women and domestic violence; and represent Ireland at international fora which have a remit in relation to violence against women and domestic violence.

I am happy to inform the Deputy that the Secretary General and some officials of my Department met with representatives of the non-governmental organisations working in the Violence Against Women sector last week. The recently appointed head of COSC participated in that meeting and yesterday chaired a meeting of National Steering Committee on Violence Against Women (NSC) where she provided further clarity in relation to the remit of COSC. I am informed that the meeting was held in a positive and collaborative atmosphere and that a good foundation has been laid for work into the future.

On the issue of funding, in addition to the relevant criminal justice services, my Department also funds perpetrator programmes and awareness raising campaigns. The budget for these activities has been increased ten-fold over the past five years and €2.185 million has been made available to my Department for 2007. My Department has been allocated €21m under the National Development Plan 2007-2013 specifically for the expansion of our supports to perpetrator programmes and awareness raising initiatives for violence against women. These initiatives complement the Government's existing funding for the care of victims through the health and social services and the NGOs. Funding to front-line services is provided primarily by the Department of Health and Children through the Health Service Executive. I understand that €16.5 million is allocated to the sector in 2007, an increase of over 30% on 2006 levels.

My Department has responsibility for legislative initiatives; for preventative measures, such as intervention programmes for perpetrators of domestic violence; for awareness raising measures aimed at changing society's attitude to domestic violence and violence against women; and for identifying and developing any necessary responses from the civil and criminal justice systems. In this regard my Department has provided funding to Women's Aid of €100,876 since 2002 of which €59,855.94 was provided last year for awareness-raising and research. This work will now be enhanced by the cross-governmental remit of COSC and the development of relationships with key stakeholders in the field of domestic violence and violence against women.

Visa Applications.

214. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform when a decision will be made in respect of an application for residency for a person (details supplied); and if he will make a statement on the matter.
[18214/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The visa application referred to by the Deputy was received in our Dublin Visa Office on 18th June 2007.

Visa applications are processed as speedily as possible having regard to the numbers on hand and the resources available to process them. The application referred to by the Deputy is currently pending examination by a Visa Officer and a decision should be expected in the very near future.

Sexual Offences.

215. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform the position in relation to paedophiles when released from prison who move into an area; if they have to inform Gardaí in the area of their address; if the Gardaí have to inform local people, schools and so on in that area; the law at present; his plans to change the present law; and if he will make a statement on the matter. [18215/07]

216. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform the position in relation to a sex offenders register; the person who keeps same; the person who is responsible for the upkeep; the persons who are entitled to see the register; his plans to change the present law; and if he will make a statement on the matter. [18216/07]

217. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform the position in relation to paedophiles when released from prison who move into an area; if they are monitored by the Gardaí; the restrictions they are under; and if he will make a statement on the matter. [18217/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I propose to take Questions Nos. 215 to 217, inclusive, together.

The Sex Offenders Act, 2001 sets out the obligations on persons convicted of a range of sexual offences. A convicted sex offender must notify his/her name(s), date of birth and current home address to the Garda Síochána within seven days of the conviction for the sexual offence concerned or, where the offender is sentenced to imprisonment, from the date of full release from prison.

Thereafter, the offender must notify the Gardaí of any change of name or address within seven days of that change. Notification of any address where the offender spends either as much as seven days or two or more periods amounting to seven days in any twelve month period must also be given to the Gardaí. If the offender intends to leave the State for a period of seven days or more s/he must inform the Gardaí of this fact and the address at which s/he intends to stay and also notify the Gardaí of his/her return. If s/he did not intend to stay away for more than seven days but did, s/he must inform the Gardaí within a further seven days.

The provisions of the Act extend to any sex offenders entering this jurisdiction from abroad

who have an obligation to register in their own countries. Section 13 of the Act provides that a person convicted outside the State of an offence that would constitute an offence in this jurisdiction for which the person would be subject to the notification requirements of the Act and who enters the State, must comply with these requirements within seven days.

The Act makes it mandatory for a convicted sex offender to inform their employer or future employer of their conviction if their job entails having unsupervised access to children. The Act also allows for a Chief Superintendent of An Garda Síochána to request the court to make a sex offender order, whereby a sex offender can be prohibited from behaving in a particular way, where such behaviour is perceived by the court as having a potential danger to the welfare of children. It should be noted that Garda clearance is now required for potential employees in a number of occupations which entail access to, or authority over, children.

The Domestic Violence and Sexual Assault Investigation Unit of An Garda Síochána monitor and manage the notification provisions. There are nominated Garda Inspectors in each Garda Division who have responsibility for the monitoring of persons subject to the requirements of the Act in their Division. As soon as the Domestic Violence and Assault Investigation Unit is advised by a relevant authority, such as the Irish Prison Service, the Courts Service or a foreign law enforcement agency, of the impending release or movement of sex offenders into their area this information is immediately passed to the nominated Inspectors, who are advised of information relevant to their Division. Each Inspector employs local resources as they deem necessary to monitor individuals.

Any child protection issues arising are advised to the relevant health services authorities, as provided for under the Children First guidelines. Information is shared by An Garda Síochána with whomever it is deemed appropriate in each case.

There is a very good co-operation in the sharing of information between An Garda Síochána and other law enforcement agencies. Last November a Memorandum of Understanding (MoU) was signed between Ireland and the UK to assist in the sharing of information on sex offenders. The MoU is part of the work undertaken following the Intergovernmental Agreement on North/South Co-operation on Criminal Justice Matters signed on behalf of the Irish and British Governments in July 2005. In addition, under the Agreement, a Registered Sex Offender Advisory Group has been established consisting of representatives of An Garda Síochána, the Police Service of Northern Ireland, my Department and the Northern Ireland Office. As part of its work, this Group evaluates the potential for sharing information, examining the registration

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criteria in both jurisdictions for sex offenders and identifying areas for further co-operation.

The provisions of the Sex Offenders Act 2001 are kept under constant review in my Department with a view to ensuring the Act is operating in an efficient and effective manner. I am currently reviewing provisions to strengthen the monitoring of registered sex offenders.

The Government recently agreed in principle to the allocation of additional resources to upgrade the monitoring by An Garda Síochána of the movements of sex offenders, especially paedophiles. It also asked the Commissioner to review the resources deployed to this work and report the findings to me. This review is currently underway.

Liquor Licensing Laws.

218. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the number of prosecutions which have taken place for the sale of alcohol to persons aged under 18 under the Intoxicating Liquor Acts in each of the years since the coming into force of the Intoxicating Liquor Act, 2000 with a breakdown by county, number of prosecutions, number of convictions, number of cases pending, number of cases dismissed or struck out, number of closure orders and number of closure orders under appeal; and if he will make a statement on the matter. [18234/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Following the submission in 2004 of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act, 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics for the third and fourth quarters of 2006 and for the first quarter of 2007. In addition, it has compiled and published a series of quarterly and annual statistics for the period starting with the first quarter of 2003. I understand that the CSO are examining how the crime statistics published might be expanded and made more comprehensive.

I have requested the CSO to provide the statistics sought by the Deputy directly to him.

Garda Operations.

219. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform

the number of on-the-spot fines issued by An Garda Síochána in each of the past 10 years with a breakdown by offence; and if he will make a statement on the matter. [18235/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The figures for the number of on-the-spot-fines and Fixed Charge Notices issued by An Garda Síochána are available in the relevant Garda Annual Reports, copies of which are available in the Oireachtas library.

I am informed by the Garda authorities that the Garda Fixed Charge Processing System (FCPS) commenced rollout in 2005. I am also informed that An Garda Síochána issues Fine on the Spot (FOTS) notices on behalf of local authorities in respect of breaches of bye-laws enacted by those local authorities, in particular for litter, drinking in a public place etc. Statistics for such Fines on the Spot are compiled by the appropriate local authority.

Anti-Social Behaviour.

220. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the measures which can be taken and are being taken by An Garda Síochána in the Coolock area to deal with the menace of quad bikes and motor bikes being raced in the enclosed parks in the area; and if he will make a statement on the matter. [18236/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that they are aware of public concern at the misuse of the types of vehicles mentioned by the Deputy in certain areas, including public parks, in the Coolock area and that they take a proactive approach in dealing with the matter. When persons are found using such vehicles in breach of legislation appropriate action, as circumstances dictate, is taken.

I am also informed by the Garda authorities that local Garda patrols target areas and public parks where the activities described by the Deputy are likely to be committed, to detect and deter offenders from such activity. Community Gardaí and Garda Mountain Bike Units are utilised to great effect in targeting this type of activity. Gardaí liaise with park wardens and other local authority personnel to address these issues and where appropriate recommend preventative measures. In certain areas specific initiatives have been put in place to target this activity.

I am further informed by the Garda authorities that section 41 of the Road Traffic Act, 1994 provides a power for a member of An Garda Síochána to detain vehicles used in a public place where the driver is too young to hold a driving licence, the vehicle is not insured or the vehicle has not been taxed for three months or more.

These powers are fully utilised by the Garda authorities. Current policing policy in the Coolock Garda District is predicated on the prevention of public order offences, the prevention of crime including crimes of violence against persons and property and the maintenance of an environment conducive to the improvement of quality of life of the residents. This strategy will continue to be central to the delivery of a policing service to the area.

Garda Strength.

221. **Deputy Thomas P. Broughan** asked the

Unit	Established	Strength
National Bureau of Criminal Investigation*	1997	164
Garda Bureau of Fraud Investigation	1995	53
Garda National Drug Unit	1995	64
Criminal Assets Bureau**	1996	55
Garda National Immigration Bureau	2000	181
Garda Air Support Unit	1997	23
Garda Water Unit	1966	17
Garda Dog Unit	1960	16
Garda Mounted Unit	1998	15

* These figures include personnel seconded into the Organised Crime Unit, which forms part of the National Bureau of Criminal Investigation.

** The Criminal Assets Bureau is a statutory body which reports through the Commissioner to the Minister for Justice, Equality and Law Reform and the number of staff includes officers from all the agencies in the Bureau.

Garda personnel assigned throughout the Country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and the best possible Garda service is provided to the general public.

Budget Allocation by Unit

The budgetary allocation for each of these units over the last three years is shown below. Budgetary figures for years prior to this are not available without allocating a disproportionate amount of time to the work involved.

Unit	2004	2005	2006
	€	€	€
National Bureau of Criminal Investigations	7,971,964	8,746,628	10,748,853
Garda Bureau of Fraud Investigation	5,170,229	4,983,977	5,032,217
Garda National Drug Unit	4,132,080	4,297,190	5,265,805
Criminal Assets Bureau	5,675,000	5,246,000	5,205,000
Garda National Immigration Bureau	15,977,304	15,685,395	15,969,739
Garda Air Support Unit	2,757,658	2,711,429	6,527,830
Garda Water Unit	766,370	815,355	1,779,323
Garda Dog Unit	1,132,180	1,711,429	1,426,547
Garda Mounted Unit	1,240,140	1,159,613	1,192,661

School Transport.

222. **Deputy Paul Gogarty** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the difficulties facing buses parking at a school (details supplied) in Dublin 20 as raised by this Deputy in 2006 and that a service to the school from Palmerstown is due to be pulled shortly as a result of a lack of pull-in space and the fact that the driver has no

alternative but to park on double yellow lines; his views on requesting that An Garda Síochána do not enforce the law in relation to school buses at this location for a specified period pending the provision of an alternative solution with child safety in mind; and if he will make a statement on the matter. [18244/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the

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Garda authorities that the premises referred to is located at a junction of two main roads, with a Dublin Bus stop located on the same stretch of roadway.

Local Garda management is aware of the difficulties experienced by all the stakeholders concerned, including local traffic and pedestrians as well as parents of local schoolchildren. A member of An Garda Síochána is regularly tasked with traffic enforcement at this location to assist in the smooth flow of traffic and ensure pedestrian safety. Arrangements are in place to facilitate school-buses parking at the school.

I am also informed that local Garda management through the School Liaison Programme and in conjunction with the Community Policing Unit will liaise with the parents and Board of Management of the school to ensure that appropriate arrangements are put in place in advance of the new school term.

Residency Permits.

223. **Deputy Brendan Howlin** asked the Minister for Justice, Equality and Law Reform when the application for long term residency of a person (details supplied) in County Wexford will be dealt with; and if he will make a statement on the matter. [18282/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements. The dependants of the aforementioned, who have been legally resident in the State for over five years may also apply for long term residency. This particular long term permission does not grant an exemption from employment permit requirements to any such dependants.

Time spent in the State on student conditions cannot be counted towards long term residency.

While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

An application for long term residence from the person referred to by the Deputy was received on 31st July 2006. I understand that applications received in June 2006 are currently being dealt with.

Departmental Correspondence.

224. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform if he will furnish a reply to representations by a person

(details supplied) in County Roscommon; and if he will make a statement on the matter. [18284/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am pleased to inform the Deputy that a reply to his representations was issued yesterday — 27 June, 2007.

Visa Applications.

225. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the status of a visa application for a person (details supplied) in Dublin 20; and when a decision can be expected. [18289/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Immigration Division of my Department has recently written to the person concerned requesting documentation in relation to her immigration status.

The application will be further processed upon receipt of these documents.

Residency Permits.

226. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the status of an application for long term residency for a person (details supplied) in County Wicklow. [18290/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Questions 212 answered on the 12th December 2006 and 177 answered on 6th March 2007.

I am informed by the Immigration Division of my Department that applications received in June 2006 are currently being dealt with.

227. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the position in the case of a person (details supplied) in County Tipperary who has applied for long term residency. [18291/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Question 272 answered on the 27th February 2007. I am informed by the Immigration Division of my Department that applications received in June 2006 are currently being dealt with.

228. **Deputy Michael Ring** asked the Minister for Justice, Equality and Law Reform when an application by a person (details supplied) in County Mayo will be approved. [18296/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 16 July, 2002 and was given permission to remain until 26 July, 2002. He

married an Irish national on 24 July, 2003 and on 28 January, 2004, he made an application for permission to remain in the State based on his marriage to an Irish national. This application was considered and refused. Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, he was informed by letter dated 18 October, 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned.

This person's case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of Refoulement). I expect the file to be passed to me for decision in due course.

Garda Operations.

229. Deputy Bernard J. Durkan asked the Minister for Justice, Equality and Law Reform his proposals to combat anti-social behaviour throughout County Kildare; and if he will make a statement on the matter. [18318/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I attach a high priority to the combating of anti-social behaviour. One of the priorities set for An Garda Síochána under section 20 of the Garda Síochána Act 2005 is addressing anti-social behaviour and behaviour adversely affecting the quality of life of communities, with particular emphasis on alcohol related behaviour. To this end An Garda Síochána are driving forward the establishment of interagency activities against anti-social behaviour, including the deployment of CCTV in urban areas. In addition, they are identifying local public order and anti-social behaviour hot spots and developing responsive actions and plans. The measures outlined in the Programme for Government to tackle anti-social behaviour will be introduced.

I can inform the Deputy that strong provisions are in place to combat anti-social behaviour. The primary basis for the law regarding public order offences is the Criminal Justice (Public Order) Act, 1994, which modernised the law in this regard. Furthermore, because of concerns about the abuse of alcohol and its contribution to public order offending and broader social problems, provisions were brought forward to deal with alcohol abuse and its effect on public order in the Intoxicating Liquor Act 2003. The Criminal Justice (Public Order) Act 2003 has also been enacted, the main purpose of which is to provide the Garda Síochána with additional powers to

deal with late night street violence and anti-social conduct attributable to excessive drinking. Part 11 of the Criminal Justice Act, 2006, which provides for civil proceedings in relation to anti-social behaviour by adults, was commenced on 1 January, 2007. Part 13 of the Act relating to anti-social behaviour by children was commenced on 1 March, 2007. These provisions set out an incremental procedure for addressing anti-social behaviour by adults and children. With regard to children, these range from a warning from a member of An Garda Síochána, to a good behaviour contract involving the child and his or her parents or guardian, to referral to the Garda Juvenile Diversion Programme and to the making of a behaviour order by the Children Court. The Garda Juvenile Diversion Programme provides an opportunity to divert juvenile offenders from criminal activity and includes a restorative justice aspect. It operates on a nationwide basis under the supervision and direction of the Garda National Juvenile Office. The Programme provides that, in certain circumstances, a juvenile under 18 years of age, who freely accepts responsibility for a criminal incident, may be cautioned as an alternative to prosecution. In the more serious cases, juveniles are placed under the supervision of Garda Juvenile Liaison Officers, who are responsible for administering the Programme at the local level. It has proven to be highly successful in diverting young people away from crime by offering guidance and support to juveniles and their families.

The Children Act, 2001, which became law in May 2002, gives a statutory basis to the Programme. In addition to the Juvenile Diversion Programme, there are 84 Garda Youth Diversion Projects throughout the country. Garda Youth Diversion Projects are a crime prevention initiative which adopt a multi-agency partnership approach to tackling crime and anti-social behaviour at community level. Proposals for new Garda Youth Diversion Projects are currently under consideration by my Department in conjunction with An Garda Síochána. It is intended to establish a further 16 projects before the end of 2007, bringing the total number of projects to 100 nationwide. I expect to make an announcement shortly regarding the locations of the new projects.

In January of this year, a new Garda Youth Diversion Project was announced for Celbridge, Co. Kildare. This project is currently in the early stages of establishment and should be actively running by the end of 2007. A proposal has been received for the establishment of a new Garda Youth Diversion Project in the Curragh, Co. Kildare. This proposal is currently being considered by my Department in conjunction with An Garda Síochána. The Garda Síochána Act 2005 provides for the establishment of a joint policing committee (JPC) in each local authority administrative area. The purpose of these com-

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mittees is to provide a forum where members of a local authority and the senior Garda officers responsible for the policing of that area, with the participation of Oireachtas members and community interests, can consult, discuss and make recommendations on matters affecting the policing of the area including the levels and patterns of anti-social behaviour such as the misuse of alcohol and drugs. There are currently 22 committees established as part of a pilot project, including one in Athy, Co. Kildare, with a further seven being established. It is intended to establish JPCs in all local authority areas by early 2008. I am convinced that the work of these committees will make a significant contribution to reducing anti-social behaviour.

The Programme for Government provides for an increase in Garda numbers to 15,000 by 2010 and 16,000 by 2012. I am determined that the additional Gardaí being recruited under the current historically high expansion of the Force will be deployed to frontline, visible and effective policing duties. Operation Encounter, which commenced in February, 2002, targets public disorder and anti-social behaviour by specifically targeting offences contrary to the Criminal Justice (Public Order) Act, 1994 and the Intoxicating Liquor Act, 1988, which includes provisions on the sale to and consumption of alcohol by underage persons. Local Garda management within the Carlow/Kildare Division have identified areas subject to such behaviour and have directed additional foot and mobile patrols during such times when such offences are more likely to occur. Current policing policy in the Carlow/Kildare Garda Division is predicated on the prevention of public order offences, the prevention of crime including crimes of violence against persons and property and the maintenance of an environment conducive to the improvement of quality of life of the residents. This strategy will continue to be central to the delivery of a policing service to the area.

Citizenship Applications.

230. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when it is expected that an application for naturalisation will be valid in the case of persons (details supplied) in County Kildare; and if he will make a statement on the matter. [18319/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am advised that there is no record of any application for naturalisation from the second-named individual referred to in the Deputy's question. In making any such application she should note that the Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are

fulfilled. These 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 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; periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996. An application for a certificate of naturalisation from the first person mentioned in the Deputy's Question was received in the Citizenship Section of my Department on 2 December 2002 and I decided to refuse the application. A letter informing the applicant of the reasons for refusal was issued on 17 February 2005. It is open to the individual concerned to lodge a new application at any time. However, in doing so, he should bear in mind the reasons for refusal of his previous application.

Residency Permits.

231. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in County Dublin; when their stamp four card will be restored; if and when they will qualify for naturalisation; and if he will make a statement on the matter. [18320/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person in question was the subject of a Family Reunification application which was approved in March 2002. Correspondence has recently issued to the legal representative of the person referred to by the Deputy extending his permission to remain in the State. On receipt of this correspondence, the person in question should present himself to the Garda National Immigration Bureau to have the appropriate endorsement placed on his documents and have a Certificate of Registration issued in respect of him. The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. These 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 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; periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996.

232. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if extended residency will be offered and a green card restored in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [18321/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Questions No. 142 of Thursday, 28 September, 2006 and No. 63 of Thursday, 15 June, 2006 and the written replies to those Questions. The position is unchanged.

Refugee Status.

233. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to the application for asylum or residency in the case of a person (details supplied) in Dublin 15; if the circumstances surrounding such references have been fully investigated in the context of their appeal; and if he will make a statement on the matter. [18322/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I refer the Deputy to Parliamentary Questions Nos. 51 of Thursday, 15th February, 2007, 377 of Wednesday, 31st January, 2007, No. 54 of Thursday, 30th November 2006, No. 187 of Thursday, 1st June 2006 and No. 101 of Thursday, 1st March 2007 and the written replies to those questions. The position remains the same.

Application 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. Should the person or her representative wish to contact the Ministerial Decisions Unit of my Department, they will

be in a position to clarify matters further, if required.

Residency Permits.

234. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or future residency status in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [18323/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Minor children under the age of sixteen who are in the care of non EU national parents who have been granted permission to remain in the State under the IBC/05 scheme, avail of the same permission to remain in the State as that granted to their parents. When such minor children reach sixteen years of age they are obliged to register with the Garda National Immigration Bureau or their local Immigration Officer, in their own right. In order to register, they must first submit an application, in writing, to remain in the State based on being a family dependant of the parent of an Irish born child who has been granted residency under the IBC/05 scheme. The application should be submitted to Irish Born Child Unit, P.O. Box 10003, Dublin 2 and should be accompanied by the applicant's original passport, original long form birth certificate (translated if not in English), two signed passport size photographs and an up to date letter confirming attendance at school/college.

Visa Applications.

235. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when an application for a visa will be progressed in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [18324/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): As outlined in my response to Parliamentary Question 650 of 26th June 2007 the person in question made a Family Reunification application in March 2006. This application is under consideration by my Department and a decision will issue in due course. At the present time Family Reunification applications are taking approximately 15-18 months to process.

Residency Permits.

236. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will review the decision to refuse family reunification in the case of a person (details supplied) in Dublin 15; if he will facilitate the completion of family reunification; and if he will make a statement on the matter. [18325/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that the application for Family Reunification for the spouse of the person in question was refused on the 24th May 2007. I understand that this application was refused on the basis that the marriage does not appear to be valid under Irish Law. The applicant was informed that a review would be made on foot of a declaration form the Courts pursuant to Section 29 of the Family Law Act, 1995, to the effect that the marriage in question is entitled to recognition in this jurisdiction.

237. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the procedure to be followed in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [18326/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person in question submitted an application for renewal of their permission to remain in the State on the basis of their parentage of an Irish born child under the terms of the IBC/05 scheme, on 8th May, 2007. On 19th June, 2007 the individual concerned furnished a letter of explanation to my Department regarding their lost expired passport and a copy of a Garda report relating to same. These documents are now on file. A request for further documentation was issued by Officials from my Department on 19th June, 2007. The application will be considered further on receipt of the requested documentation.

Citizenship Applications.

238. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation in the case of persons (details supplied) in County Kildare; and if he will make a statement on the matter. [18327/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): Applications for certificates of naturalisation from the individuals referred to in the Deputy's Question were received in the Citizenship Section of my Department in April 2006. Officials in that Section are currently processing applications received in the latter half of 2004 and have approximately 6,900 applications on hand to be dealt with before those of the persons concerned. These are generally dealt with in chronological order as this is deemed to be the fairest to all applicants. However, I understand that the individuals concerned are refugees and in accordance with the Government's obligations under the United Nations Convention relating to the Status of Refugees every effort is made to ensure that applications from persons with refugee status are dealt with as quickly as possible. It is likely, there-

fore, that the applications will be submitted to me for a decision by late 2007.

Public Order Offences.

239. **Deputy John Cregan** asked the Minister for Justice, Equality and Law Reform the situation following a recent court ruling on begging rules; if he will report on the situation of aggressive begging on city streets by a group (details supplied); if significant complaints have been received; if Garda action is being taken; and if he will make a statement on the matter. [18372/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The offences referred to by the Deputy arise under section 3 of the Vagrancy (Ireland) Act 1847 and are subject to a penalty of up to one month's imprisonment. The High Court delivered its judgement recently in the case of Niall Dillon -v- The DPP. That case concerned the constitutionality of the section 3, and the court held that the provision is unconstitutional. The court's written judgement is awaited and will be examined when it becomes available, with a view to deciding on the appropriate response.

The Law Reform Commission in its Report on Vagrancy and Related Offences (LRC11-1985) examined provisions relating to the offence of begging. The Commission's recommendations included proposals for the repeal of the entire Vagrancy Act 1847, section 2 of the Prevention of Cruelty to Children Act 1904 and certain parts of section 4 of the Vagrancy Act 1824. It recommended that new legislative provisions should be introduced, making it an offence to beg (i) in a public place or (ii) from house to house in a manner likely to cause fear or annoyance.

The Commission also recommended that the maximum penalty for this offence be a fine of £100 and/or one month's imprisonment. Its other recommendations pertained to provisions relating to causing or procuring a child to beg (this aspect was addressed in the Children Act 2001) and an offence relating to those collecting for charities under the Street and House to House Collections Act 1962 who obstruct a passerby in a manner likely to cause fear or annoyance. The Commission's recommendations will be among the matters to be considered once the judgement in the Dillon case becomes available. I have requested a Garda report in relation to begging by the group referred to by the Deputy, and I will contact him when the report is to hand.

Traffic Regulations.

240. **Deputy John Cregan** asked the Minister for Justice, Equality and Law Reform the situation in relation to traffic breaking the rules at traffic signals; if any traffic signals are set up with cameras to catch such law breakers; if any

existing camera system by other agencies could be used; his views on same; and if he will set up some pilot projects to check their performance. [18373/07]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that penalties for breaches of traffic signals are enforced by An Garda Síochána effectively and consistently. Provisional statistics indicate that for the first three months of this year 5,660 Fixed Charge Notices were issued to offenders for driving through red traffic lights and crossing white lines at red traffic lights. Any change in the legislation to allow for cameras to detect offenders who are in breach of traffic signals is a matter for my colleague the Minister for Transport and the Marine. Section 33(2)(c) of the Planning and Development Act 2000 makes provision for persons, including elected representatives, to make submissions or observations on a planning application on payment of the prescribed fee and within the prescribed period. Article 29 of the Planning and Development Regulations 2001 fixed this prescribed fee at €20 and the prescribed period at five weeks beginning on the date of receipt of the planning application by the planning authority. Sub-article (3) states that where a submission or observation is received outside of this period the planning authority shall return both the submission and the fee and notify the person that their submission or observation cannot be considered.

In making a determination on an application, planning authorities are obliged, under section 34 of the Planning and Development Act 2000, to have regard to any written submissions or observations received in respect of the proposed development, in accordance with the relevant regulations.

In relation to the information included in the planning file, section 38 of the Planning and Development Act 2000 provides that certain information must be made available for inspection by the public. Section 38(3) specifically requires that a copy of any submissions or observations in relation to a planning application must be made available for inspection and purchase by members of the public as soon as may be after receipt of the document until a decision is made on the application.

However, in the guidance notes on the 2001 regulations, and in the recently published Development Management Guidelines, my Department has clarified that certain types of enquiry or correspondence by elected members of a local authority in relation to planning cases should not be regarded as the making of a submission or observation within the framework described above. These could, for example, consist of enquiries as to the position regarding a planning application or requests to speed up the processing of an application, or correspondence

supporting the application (or a resubmission by an observer) in general terms without elaborating on the grounds

Greenhouse Gas Emissions.

241. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government his intentions in regard to the purchase of carbon credits in the future; and if he will make a statement on the matter. [18301/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Programme for Government sets a target of an annual average reduction of 3% in our greenhouse gas emissions. The achievement of this reduction through domestic measures would minimise the need for Government purchases of carbon credits in the future.

The National Climate Change Strategy 2007-2012 includes limited provision for the purchase of Kyoto Units by the State so as to assist compliance with the Kyoto Protocol in the period 2008-2012. The Strategy also sets out an explicit National Policy Framework for this purpose; this will inter alia guide the National Treasury Management Agency (NTMA), which will act as a National Purchasing Agent for the State in the conduct of its role.

The Framework requires that Kyoto Unit purchases on behalf of the State shall be made with the objective of ensuring that they contribute to the ultimate objective of the United Nations Framework Convention on Climate Change, which is stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;

- that risk is minimised, particularly in relation to the timely delivery of credits; and
- that they represent good value for money.

In purchasing Kyoto Units, the Agency will also be required to ensure that Ireland does not use credits generated from nuclear facilities, and that any surplus Units at the end of the 2008-2012 commitment period can be banked and used in a subsequent period of the Kyoto Protocol or any successor treaty.

To date, my Department has committed to investing €20m in the Multilateral Carbon Credit Fund offered by the European Bank for Reconstruction and Development, and a further €20m in Funds offered by the World Bank. In the case of the World Bank, €10m is committed to the second tranche of the BioCarbon Fund and €10m to the new Carbon Fund for Europe.

The Carbon Fund Act 2007 makes provision for the designation of the National Treasury Management Agency as Purchasing Agent for the State. Further purchases will be a matter for the Agency, having regard to the purchasing frame-

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work set out in the National Climate Change Strategy.

Public Service Charges.

242. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government if it was the intention of his Department to levy charges for water on bed and breakfast operations here; if so, the arrangements he suggests putting in place during the non-holiday period; the way he will charge for water in view of the fact that domestic water is also used by bed and breakfast owners; and if he will make a statement on the matter. [18229/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Guesthouses are commercial enterprises and, as non-domestic users of water supplies, are required, in accordance with the requirement of the Water Framework Directive and the polluter pays principle, to be charged for water services supplied to them.

Where there is a mixture of domestic and non-domestic use in a premises, an allowance, based on the local authority's reasonable estimation of the domestic element of water consumption in the premises, is used to reduce the overall charge to the consumer.

Local Improvement Schemes.

243. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government the criteria applicable to local improvement schemes. [18257/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Section 81 of the Local Government Act 2001 provides the statutory basis for the Local Improvements Scheme (LIS) and my Department's Local Improvements Scheme Memorandum, which issued in February 2002, sets out the terms and conditions for the payment of LIS grants. Under the Scheme, grants are provided to County Councils for the construction and improvement of non-public roads which provide access to parcels of land of which at least two are owned or occupied by different persons engaged in separate agricultural activities, or provide access for harvesting purposes for two or more persons, or which will in the opinion of the county council be used by the public.

Housing Grants.

244. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government when a thatching grant will be awarded to a person (details supplied) in County Limerick. [18258/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): A grant of €6,350 was paid in this case on 19 April 2006.

Register of Electors.

245. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the amount paid to a local authority (details supplied) in County Mayo in relation to the updating of the register of electors carried out by local authorities in 2006; and if he will make a statement on the matter. [18270/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In law, the preparation of the Register of Electors is a matter for each local registration authority. It is their duty to ensure, as far as possible and with the cooperation of the public, the accuracy and comprehensiveness of the Register.

In April 2006, a package of measures was introduced to assist local authorities in their work on preparing the 2007/8 Register. These measures included the provision of additional ring-fenced financial resources to support local authorities' own spending in respect of the Register campaign.

Authorities were advised that a contribution of some €6 million was available in this regard; €3 million (€92,000 to Mayo County Council) was paid to authorities in July 2006 and a further €2.1 million (€106,109 to Mayo County Council) was paid to authorities in December 2006. Final claims for funding from authorities (including Mayo County Council) have been received by my Department and remaining payments within the overall allocation of €6 million will be made shortly. A detailed breakdown of expenditure along the lines referred to in the Question is a matter for the authority concerned.

Water and Sewerage Schemes.

246. **Deputy Seymour Crawford** asked the Minister for the Environment, Heritage and Local Government the number of the 20 year contracts for operational and maintenance that have been signed up between the contractors who built the new filtration systems for group water schemes through the bundle system; the name of the contractors and the schemes that have signed; the steps being taken to sign up the remainder; and if he will make a statement on the matter. [18277/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The provision of water treatment facilities through grouped or bundled DBO contracts was originally pilot tested in Monaghan. The DBO approach to the provision of water treatment for water quality deficient group water schemes has

now been adopted by 216 group water schemes serving over 39,000 households.

At that time of the introduction of the pilot Project, Operational & Maintenance contracts were generally signed on completion of the Design Build phase of the project. However given the success of the DBO projects and the increased confidence in the process, all group water schemes now involved in bundled projects, sign the Operational & Maintenance Contracts at the outset.

I understand that negotiations are ongoing between the National Federation of Group Water Schemes, on behalf of the small number of group water schemes involved in the bundled DBO Projects and the Service Providers where Operational & Maintenance contracts have yet to be signed.

Details in relation to the group water schemes involved in the bundled DBO projects and the current status of their respective O&M contracts are set out on the following table.

County	Project /Scheme	Service Provider	O&M Contract Signed
Cavan	<i>Cavan East DBO Project Schemes</i>		
	Billis/Lavey	Veolia Water Ireland	Yes
	Bunnoe	Veolia Water Ireland	Yes
	Clifferna	Veolia Water Ireland	Yes
	Crosserlough	Veolia Water Ireland	Yes
	Dernakesh	Veolia Water Ireland	Yes
	Dhuish	Veolia Water Ireland	Yes
	Drumkeery	Veolia Water Ireland	Yes
	Kill	Veolia Water Ireland	Yes
	Mountainlodge	Veolia Water Ireland	Yes
Monaghan	Glasslough /Tyholland	Veolia Water Ireland	Yes
	<i>Cavan Sth. West DBO Project Schemes</i>		
	Ernevalley	EPS Ltd.	Yes
	Lavagh/Ballyheelin	EPS Ltd.	Yes
	Crossdoney	EPS Ltd.	Yes
	<i>Cavan West DBO Project Schemes</i>		
	Ballymagovern	EPS Ltd.	Yes
	Corlough	EPS Ltd.	Yes
	Curran	EPS Ltd.	Yes
	Doobally	EPS Ltd.	Yes
	Glangevlin	EPS Ltd.	Yes
	Gowlan	EPS Ltd.	Yes
	Kildallan	EPS Ltd.	Yes
	Milltown	EPS Ltd.	Yes
Clare	<i>Clare GWS DBO Project Schemes</i>		
	Dysart/Toonagh	EPS Ltd	Yes
	Killone	EPS Ltd	Yes
	Kilmaley	EPS Ltd	Yes
	Lissycasey	EPS Ltd	Yes
Galway	<i>Galway DBO Bundle No 1. Schemes</i>		
	Ardrahan	Treatment Systems Services Ltd.	Yes
	Rinn Killeen	Treatment Systems Services Ltd.	Yes
	Ballyglass Fiddane	Treatment Systems Services Ltd.	Yes
	Lowville	Treatment Systems Services Ltd.	Yes

County	Project /Scheme	Service Provider	O&M Contract Signed
Limerick	New Inn	Treatment Systems Services Ltd.	Yes
	Cloontaleva	Treatment Systems Services Ltd.	Yes
	Tobberowen	Treatment Systems Services Ltd.	Yes
	Kiltevena	Treatment Systems Services Ltd.	Yes
	Brierfield	Treatment Systems Services Ltd.	Yes
	Milltown	Treatment Systems Services Ltd.	Yes
	Caherlistrane	Treatment Systems Services Ltd.	Yes
	Inismeain	Treatment Systems Services Ltd.	Yes
	Cloonluane	Treatment Systems Services Ltd.	Yes
	Lettergesh	Treatment Systems Services Ltd.	Yes
	<i>Limerick DBO Project Schemes</i>		
	Baggotstown	EPS Ltd	Yes
	Ballinvreena	EPS Ltd	Yes
	Ballybricken	EPS Ltd	Yes
	Ballyduff	EPS Ltd	Yes
	Ballyorgan	EPS Ltd	Yes
	Bulgaden	EPS Ltd	Yes
	Caherline Newtown	EPS Ltd	Yes
	Cappagh	EPS Ltd	Yes
	Carnane	EPS Ltd	Yes
	Coshma	EPS Ltd	Yes
	Croagh Farrandonnelly	EPS Ltd	Yes
	Glenroe	EPS Ltd	Yes
	Glenstal	EPS Ltd	Yes
	Grannagh	EPS Ltd	Yes
	Griston	EPS Ltd	Yes
	Killeedy	EPS Ltd	Yes
	Lough Gur	EPS Ltd	Yes
	Kilfinny	EPS Ltd	Yes
Mayo	<i>Mayo DBO Bundle No. 1 Schemes</i>		
	Ballycroy	Earthtech Ireland Ltd	Yes
	Ballyglass/Carnacon	Earthtech Ireland Ltd	Yes
	Belderrig	Earthtech Ireland Ltd	Yes
	Bohola	Earthtech Ireland Ltd	Yes
	Brackloon/Spaddagh	Earthtech Ireland Ltd	Yes
	Drummin	Earthtech Ireland Ltd	Yes
	Glencorrib	Earthtech Ireland Ltd	Yes
	Glenhest	Earthtech Ireland Ltd	Yes
	Killeen (Louisburgh)	Earthtech Ireland Ltd	Yes
	Kilmeena	Earthtech Ireland Ltd	Yes
	Kilmovee/Orlar	Earthtech Ireland Ltd	Yes
	Laghta	Earthtech Ireland Ltd	Yes
	Lough Mask/Creevagh	Earthtech Ireland Ltd	Yes
Monaghan	<i>Monaghan DBO Pilot Project Schemes</i>		
	Aughnashalvey	Veolia Water Ireland	No
	Churchill/Oram	Veolia Water Ireland	No
	Corduff/Corracharra	Veolia Water Ireland	No

County	Project /Scheme	Service Provider	O&M Contract Signed
	Doohamlet	Veolia Water Ireland	No
	Drumgole	Veolia Water Ireland	No
	Killanny/Reaghstown	Veolia Water Ireland	No
	Stranooden	Veolia Water Ireland	No
	Truagh	Veolia Water Ireland	No
	Tydavnet	Veolia Water Ireland	No
Cavan	Farmoyle/ Barraghy	Veolia Water Ireland	No
Sligo	<i>Sligo South East DBO Project Schemes</i>		
	Castlealdwin	Treatment Systems Services Ltd.	Yes
	Corrick	Treatment Systems Services Ltd.	Yes
	Culfadda	Treatment Systems Services Ltd.	Yes
	Geevagh/ Highwood	Treatment Systems Services Ltd.	Yes
	Keash	Treatment Systems Services Ltd.	Yes
	<i>Sligo North West DBO Project Schemes</i>		
	Ballintrillick	Treatment Systems Services Ltd.	Yes
	Beltra	Treatment Systems Services Ltd.	Yes
	Benbulbin	Treatment Systems Services Ltd.	Yes
	Calry/Keelogydoy	Treatment Systems Services Ltd.	Yes
	Castletown	Treatment Systems Services Ltd.	Yes
	Drum East	Treatment Systems Services Ltd.	Yes
	<i>South Leinster DBO Project Schemes</i>		
Carlow	Ballinabranna	EPS Ltd	Yes
	Glynn St Mullins	EPS Ltd	Yes
Kilkenny	<i>Schemes</i>		
	Ballycallan	EPS Ltd	Yes
	Castleinch	EPS Ltd	Yes
	Castlewarren	EPS Ltd	Yes
	Clifden	EPS Ltd	Yes
	Cuffesgrange	EPS Ltd	Yes
Kildare	<i>Schemes</i>		
	Usk/Gormanstown	EPS Ltd	Yes
Laois	<i>Schemes</i>		
	Ballacolla	EPS Ltd	Yes
	Ballypicas	EPS Ltd	Yes
	Donaghmore	EPS Ltd	Yes
Wicklow	<i>Schemes</i>		
	Askinagap	EPS Ltd	Yes
	Ballingate	EPS Ltd	Yes
	Baltyboys	EPS Ltd	Yes
Wexford	<i>Schemes</i>		
	Blackstairs/Templeeudigan	EPS Ltd	Yes
	Borrmount	EPS Ltd	Yes
	Kilanerin	EPS Ltd	Yes
	Mullaun	EPS Ltd	Yes

Register of Electors.

247. **Deputy Jim O’Keeffe** asked the Minister for the Environment, Heritage and Local Government the details of the section in his Department dealing with the oversight of the register of electors; the staffing involved; and the resources allocated for such a purpose. [18292/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In law, the preparation of the Register of Electors is a matter for each local registration authority. It is their duty to ensure, as far as possible and with the cooperation of the public, the accuracy and comprehensiveness of the Register.

The Franchise Section in my Department is responsible for a range of matters relating to the electoral system, including the relevant legislative codes; the provision of advice and guidance to registration authorities and returning officers (including relating to the Register); implementation of the electronic voting and counting system; the servicing of the Constituency Commission as required; and the provision of electoral information to the public. At present, there is a total of 10 staff in the Section, the majority of whom work on, inter alia, matters relating to the Register.

Planning Issues.

248. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government if he will clarify the position regarding representations from public representatives to planning authorities in respect of planning applications when these representations are received outside the statutory time limit; if these are taken into consideration in deciding on the planning application; if they are included on the planning file; if so, the statutory basis for same; and if he will make a statement on the matter. [18294/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Section 33(2)(c) of the Planning and Development Act 2000 makes provision for persons, including elected representatives, to make submissions or observations on a planning application on payment of the prescribed fee and within the prescribed period. Article 29 of the Planning and Development Regulations 2001 fixed this prescribed fee at €20 and the prescribed period at five weeks beginning on the date of receipt of the planning application by the planning authority. Sub-article (3) states that where a submission or observation is received outside of this period the planning authority shall return both the submission and the fee and notify the person that their submission or observation cannot be considered.

In making a determination on an application, planning authorities are obliged, under section 34 of the Planning and Development Act 2000, to have regard to any written submissions or observations received in respect of the proposed development, in accordance with the relevant regulations.

In relation to the information included in the planning file, section 38 of the Planning and Development Act 2000 provides that certain information must be made available for inspection by the public. Section 38(3) specifically requires that a copy of any submissions or observations in relation to a planning application must be made available for inspection and purchase by members of the public as soon as may be after receipt of the document until a decision is made on the application.

However, in the guidance notes on the 2001 regulations, and in the recently published Development Management Guidelines, my Department has clarified that certain types of enquiry or correspondence by elected members of a local authority in relation to planning cases should not be regarded as the making of a submission or observation within the framework described above. These could, for example, consist of enquiries as to the position regarding a planning application or requests to speed up the processing of an application, or correspondence supporting the application (or a resubmission by an observer) in general terms without elaborating on the grounds.

Social and Affordable Housing.

249. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government his public housing programme; and if he will make a statement on the matter. [18309/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The programme of investment in housing over the next seven years is set out in the National Development Plan 2007-2013 under which some €21 billion in finance, including €3 billion in SWA Rent Supplement, is being provided. Some 27,000 new social homes will be commenced or acquired and 17,000 affordable units will be delivered in the initial 2007-2009 period. The resources being made available under the NDP will allow for similar levels of activity post 2009 and in total, it is estimated that the needs of some 140,000 households will be met over the full period of the Plan. The actual delivery will be determined as part of the mid-term review of the NDP in accordance with the commitment in Towards 2016 to review progress taking account of market developments and capacity.

Full details of the 2007 Exchequer and non-Exchequer investment programme for housing

are set out in the Revised Estimates for the Public Services 2007 and the Public Capital Programme 2007.

Waste Management.

250. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the number and location of incinerators in use or proposed in the context of waste management; and if he will make a statement on the matter. [18310/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): There are currently no large scale waste incinerators in Ireland. My Department is aware that a small number of incinerators at industrial plants have been licensed by the EPA. It is also the case that a private company has secured planning and licensing approval for a municipal and a hazardous waste incinerator and, in relation to the latter, has indicated that approval for the treatment of municipal waste may be sought in the future.

Applications by Dublin City Council, on behalf of the Dublin local authorities, for planning and licensing approval for a waste to energy facility in the context of that region's statutory waste management plan are currently before An Bord Pleanála and the Environmental Protection Agency respectively. The other waste management regions in their respective waste management plans identify various approaches to the use of thermal treatment in waste management.

The Programme for Government commits to the setting of new ambitious waste management targets for maximum prevention, re-use, recycling and modern waste treatment to ensure that we match the best performance in the EU for recycling with the objective that only 10% of waste or less is consigned to landfill (down from 66% now). The Programme also includes measures to broaden out our approach to managing residual waste, with an increased emphasis on other technologies, including methods for mechanically and biologically treating waste.

251. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of landfill sites currently being used in respect of waste disposal throughout the country; if similar new facilities are contemplated; the proposed locations; and if he will make a statement on the matter. [18311/07]

253. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the number and location of landfill sites expected to become operational in the next five years; and if he will make a statement on the matter. [18313/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 251 and 253 together.

The waste management plans for which local authorities have statutory responsibility, generally operating in regional groupings, identify the landfill capacity which those authorities consider necessary to meet the needs of each region while meeting national and EU objectives and requirements. My Department does not compile details in respect of existing or proposed facilities and all such facilities are required to be licensed by the EPA. In the context of the demanding landfill diversion targets established by the EU Landfill Directive it is clear that a significant move away from our current reliance on landfill is essential. I anticipate that this will be borne out by the international review of the regional waste management plans which is provided for in the Programme for Government.

252. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government his policy in regard to waste management; the extent to which such requirements are expected to be met by way of recycling, landfill or incineration; and if he will make a statement on the matter. [18312/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Programme for Government commits to the setting of new ambitious waste management targets for maximum prevention, re-use, recycling and modern waste treatment to ensure that we match the best performance in the EU for recycling with the objective that only 10% of waste or less is consigned to landfill (down from 66% now). The Programme also includes measures to broaden out our approach to managing residual waste, with an increased emphasis on other technologies, including methods for mechanically and biologically treating waste.

Irish waste management policy is based on the internationally recognised integrated approach which places the main emphasis on waste prevention, reuse and recycling. This approach is now delivering demonstrable and successful results. In 1998 Ireland had a recycling rate of just 9% but this had risen to 35% by 2005, reaching a national target set for 2013. Our recycling of packaging waste over the same period rose from 15% to 60%, thus exceeding the 50% EU target set for 2005 and reaching the EU 2011 target.

The Government is determined to build on these achievements and I will be giving this matter priority over the coming months. The review of regional waste management plans provided for in the Programme should also better equip Ireland to achieve ambitious targets.

Question No. 253 answered with Question No. 251.

Water and Sewerage Schemes.

254. **Deputy Seán Ó Fearghail** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that there has been recent significant interruptions in the water supply to the town of Monasterevin; the level of investment by his Department to date in augmenting the water supply to Monasterevin; and if he will make a statement on the matter. [18396/07]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Phase 1 of the Kildare Water Strategy — Well-field Contract — is included in my Department's Water Services Investment Programme 2005 — 2007 at an estimated cost of €27.6 million and provides for the development of groundwater sources at Rathangan, Monasterevin (Hybla), Johnstownbridge and Robertstown.

My Department has to date recouped €12.4 million to Kildare County Council in respect of the development of the groundwater sources at Hybla, Monasterevin, which I understand is substantially completed. The commissioning and operation of the infrastructure is a matter for the local authority.

Grant Payments.

255. **Deputy Edward O'Keeffe** asked the Minister for Communications, Energy and Natural Resources the position regarding an application for a grant in respect of geothermal heating by a person (details supplied) in County Cork. [18191/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I understand from Sustainable Energy Ireland (SEI), who are administering the grants scheme on behalf of my Department, that payment of grant aid to the individual concerned has been approved and will issue to him shortly.

Telecommunications Services.

256. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if he is satisfied at the progress to date in regard to the delivery of broadband services here; and if he will make a statement on the matter. [18298/07]

257. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources when he expects 100% broadband availability here; and if he will make a statement on the matter. [18299/07]

264. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources when he expects Ireland to take its place at the leading edge in the European context in terms of the provision and availability of broadband and other telecommunication services; and if he will make a statement on the matter. [18307/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 256, 257 and 264 together.

The provision of telecommunications services, including broadband, is a matter for the companies operating in a fully liberalised market, regulated, where appropriate, by the independent commission for Communications Regulation, ComReg. The role of the Government is to implement regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services, by competing private sector service providers.

I have reviewed the EU Commission's most recent report on the EU's telecom markets. I note the report's finding concerning Ireland that "Broadband penetration is still below the EU-25 average, but has improved substantially". I would like to point out that the speed of take up of broadband in Ireland is extraordinary. The data used by the Commission for the report shows that the rate of growth in broadband in Ireland was running at 105% per annum (to Q3 2006) while the rate of growth for the EU-25 was only 32%. This means that Ireland is actually growing three times faster than the EU-25.

The latest official figures from ComReg, which supersede the figures in the EU Commission report, were released last week showing that Quarter 1 of 2007 saw the highest number of new subscribers added in any single period since the launch of broadband services in Ireland, with almost 84,000 new subscriptions added. At the end of quarter 1 of 2007 Ireland had 602,000 broadband subscribers. The EU report refers to broadband penetration of 10.3% for October 2006 compared to the EU-25 average of 15.7%. As a result of Ireland's rapid growth, Ireland's penetration rate at the end of Quarter 1 of 2007 stood at 14.2%. Based on the current rate of growth, Ireland is on course to pass the EU-25 average of 15.7% by the end of the year.

It continues to be a priority of the Government that there will be broadband coverage across the entire country. In that regard my Department has undertaken initiatives to address the gaps in broadband coverage. These include providing grant-aid under the recently concluded Group Broadband Scheme and investment in Metropolitan Area Networks (MANs) in over 120 towns and cities under the Regional Broadband Programme.

Despite Government investment in broadband in the regions through the Regional Broadband Programme, there are still some parts of the country where the private sector will be unable to justify the commercial provision of broadband connectivity. The procurement process for the Government's new National Broadband Scheme (NBS) was launched on the 2 May 2007. This scheme will provide broadband services to the areas of Ireland that are currently unserved and ensure that every reasonable request for broadband in these unserved areas is met. The estimated time scale for the award of the NBS contract is December 2007, with rollout of the services due to begin as soon as possible thereafter, subject to agreement with the chosen Service Provider.

Offshore Exploration.

258. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources his proposals for oil, gas and other mineral explorations in the future with particular reference to the current or proposed amendment to the licensing regime; and if he will make a statement on the matter. [18300/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): With regard to petroleum, I am considering the report of the consultants who were engaged to assist with the review of the licensing regime. My proposals for the future of the licensing regime will be considered by Government in the near future and I will then take appropriate steps to give effect to the decisions taken.

With regard to non-petroleum minerals, exploration and development is undertaken by private enterprise and regulated under the Minerals Development Acts, 1940 to 1999. While it is my intention to consolidate and update the Minerals Development Acts in a new Minerals Development Bill, currently being drafted, I do not propose any change of policy.

Alternative Energy Projects.

259. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if he will further incentivise the growing of bio-fuel crops; and if he will make a statement on the matter. [18302/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Bioenergy Action Plan for Ireland, which was published earlier this year, sets out a series of cross-Governmental and inter-agency actions to support the development and deployment of bioenergy in Ireland including measures aimed at encouraging farmers to grow energy crops. The Programme for Government underlines our com-

mitment to maximise the potential of bioenergy crops.

The move to a biofuels obligation and our ambitious targets together, will create opportunities for the farming community to diversify into energy crops. I understand my colleague the Minister for Agriculture, Fisheries and Food who has responsibility for incentivising the production of energy crops already has incentives in place which are designed to encourage the growing of energy crops.

260. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if he will introduce new incentives to encourage bio-fuel production; and if he will make a statement on the matter. [18303/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Programme for Government underlines our firm commitment to the development of an Irish bio-fuels industry and to the development and deployment of bio-energy generally in Ireland. A range of initiatives are already in place to support the development of the biofuels sector.

The 2005 pilot mineral oil tax relief scheme for biofuels has resulted in eight projects being awarded excise relief for a two year period under the scheme. Building on the success of this scheme a further Biofuels Mineral Oil tax Relief Scheme II was introduced in 2006, valued at over €200 million. Under this scheme sixteen projects have been awarded excise relief to the period 2010. The scheme will enable us to reach an initial target of over 2% market penetration of biofuels by 2008. As a result of this scheme, biofuels are already being mainstreamed in blends of up to 5% at a number of existing petrol and diesel pumps, and higher blends are being sold to identified vehicle fleets. The Government has also introduced a 50% VRT relief on Flexible Fuel Vehicles, which are capable of running on blends of up to 85% ethanol in petrol. These vehicles are now available in Ireland from a number of car manufacturers. The National Climate Change Strategy also commits to a re-alignment of VRT and Motor Tax to favour more energy efficient cars.

Under the Programme for Government we will introduce a Biofuels Obligation by 2009, which will require all fuel suppliers to ensure that biofuels represent a certain percentage of their annual fuel sales.

Grants for the conversion of diesel engine vehicles to use Pure Plant Oil (PPO) have been made available by Sustainable Energy Ireland (SEI), working with the four companies who were granted excise relief under the PPO category in the Pilot Biofuels Mineral Oil Tax Relief Scheme. The Department of Transport is also funding specific biofuels initiatives and will publish a Sustainable Transport Action Plan later in 2007.

[Deputy Eamon Ryan.]

In tandem with these developments the Programme for Government commits to the introduction of a minimum requirement for the use of bio-fuels in State owned and public transport vehicles. Dublin Bus and Bus Eireann will move their existing fleet to a 5% biodiesel blend and will achieve a 30% biodiesel blend in their new buses.

Natural Gas Grid.

261. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if he has satisfied himself that all outstanding relevant matters in respect of the Corrib gas pipeline have been resolved to the satisfaction of all concerned; and if he will make a statement on the matter. [18304/07]

262. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources his preferred options in respect of the alternative routes for the Corrib gas pipeline; and if he will make a statement on the matter. [18305/07]

263. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources when he expects produce from the Corrib gas field to be available to the commercial and domestic sectors; and if he will make a statement on the matter. [18306/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 261 to 263, inclusive, together.

While I understand that the developer is considering options in relation to the possible modification of the route of the onshore pipeline I have not as yet received an application from the developer in this regard. Any significant modification of the pipeline route would require my approval under Section 40 of the Gas Act 1976. Approval of An Bord Pleanála would also be required

under the Strategic Infrastructure Act 2006. In the circumstances it would be inappropriate for me to have a preference for a particular route.

The developer anticipates that first gas may be available from the field in late 2009.

Question No. 264 answered with Question No. 256.

Nuclear Energy.

265. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which he has had discussions with groups interested in the provision or promotion of nuclear energy; and if he will make a statement on the matter. [18308/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Since taking office I have not as yet had any meetings or discussions with groups interested in promoting nuclear energy. As I have indicated I am open to such discussions and believe in informed debate on nuclear energy as indeed with all aspects of energy policy.

As the Deputy is aware the use of nuclear fission for the generation of electricity in Ireland is statutorily prohibited under Section 18 subsection 6 of the Electricity Regulation Act 1999. It is also relevant in this context that Section 3 of the Planning and Development (Strategic Infrastructure) Act 2006 Act amends the Planning and Development Act 2000 to state that “Nothing in this Act shall be construed as enabling the authorisation of development consisting of an installation for the generation of electricity by nuclear fission”.

The Energy Policy Framework makes it clear that the Government fully intends to maintain the statutory prohibition on nuclear generation in Ireland. The Government strongly believes that nuclear power is neither sustainable nor an answer to Ireland’s energy needs. The Programme for Government commitments in relation to nuclear energy and Sellafield are a clear statement of our position and our intent in Europe in relation to nuclear energy.