



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Wednesday, 29 June 2005.

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DÁIL ÉIREANN

*Dé Céadaoin, 29 Meitheamh 2005.
Wednesday, 29 June 2005.*

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

*Paidir.
Prayer.*

Leaders' Questions.

Mr. Kenny: As the Taoiseach will be aware, the main issue to dominate tomorrow's G8 summit in Scotland will be the effort to solve the plight of the people of Africa. It is worth bearing in mind that, in every ten minutes we speak in the House today, 60 children will have died of a vaccine-preventable illness and 80 babies under a month will die worldwide. A woman in the developing world will die every second in childbirth. Every 30 seconds a child dies of malaria. Six thousand people will die today from an AIDS-related illness. By the end of this year, just like every year, whooping cough will have killed 300,000 children, and diarrhoea will have killed 600,000 more under the age of five.

The Taoiseach and his Government obviously cannot prevent these tragedies from occurring. However, I am annoyed that in September 2000, with no election in sight, he made a solemn commitment to the UN Assembly, before the eyes of the world, that the Government would achieve the UN target of 0.7% of GDP by 2007. He made this commitment based on the information available to him with the consent of his Government and on behalf of the people of Ireland. When it became politically expedient for the Government to break that promise, it did so.

This country can be very proud of the outstanding work done by our NGOs which dispense aid all over the world. It is a pity that our reputation in the eyes of the world is now being besmirched by the fact the Taoiseach broke the promise he made on behalf of the people and the Government. Some time ago, he stated in the House that his job was to answer questions when asked. In light of this, let me ask him a question now: when will this Government achieve the Taoiseach's commitment to donate 0.7% of GDP in overseas development aid? Why has he postponed making a decision on this matter until some time before September, at which time the House will not be sitting and at which time there will be no opportunity to raise these matters with him? If the Taoiseach's job is to answer questions, he should

state when the Government will make this announcement.

The Taoiseach: As I stated previously, I would like Ireland to be the number one subscriber to overseas development aid in the world. We lie at about number seven or eight in the world. This is an extraordinary achievement for this country and everybody should be proud of it. We subscribe the better part of €600 million towards overseas development aid, more than the entire capital programme for health in this country. Every year we are increasing our overseas development aid package by a vast amount. In the last budget, the first by the Minister for Finance, Deputy Cowen, a €1.8 billion package for overseas development aid for the next three years was outlined.

I am thankful that we are now able to help NGOs to do their job. They cannot do it without the money. I am proud that under the Governments I have led, we have increased our overseas development aid contribution from €150 million to over €600 million. With the packages that have been announced, this will amount to approximately €700 million by 2007.

Mr. McCormack: Much short of the promised amount.

The Taoiseach: I would have liked to have—

Mr. Gormley: The Taoiseach should just answer the question.

The Taoiseach: —had the ability to reach the target of 0.7% but—

Mr. J. O'Keeffe: Why did the Taoiseach make the promise?

The Taoiseach: —because of growth levels and all the necessary adjustments, we would have had to be contributing sums of approximately €200 million to achieve it.

Mr. Connaughton: It did not—

The Taoiseach: I am trying to answer the Deputy's leader's question.

Mr. Gormley: He is not answering it.

(Interruptions).

An Ceann Comhairle: Allow the Taoiseach, please.

The Taoiseach: The Deputies should respect their leader and let me answer the question.

The reality is that this country has slipped back far less than any other country. The United States of America, the biggest economy in the world, has no target.

Ms Burton: I do not believe it.

The Taoiseach: The United Kingdom——

Mr. F. McGrath: George Bush. He is in touch with the world.

An Ceann Comhairle: Allow the Taoiseach to contribute without interruption.

(Interruptions).

The Taoiseach: Soundbites get in the way of facts. People hate facts in this House.

Mr. F. McGrath: George Bush.

The Taoiseach: The United Kingdom, which is being held up in lights at present in respect of the G8 summit — I wish them well — has a lower target than ours. It is not contributing the kinds of resources we are contributing, nor has it made the kinds of strides we have made. France is totally ambivalent. This country——

Mr. Gormley: The Taoiseach broke his promise.

(Interruptions).

An Ceann Comhairle: Deputy Gormley should note the question was posed by Fine Gael, of which he is not a member.

The Taoiseach: This country should be very proud, as I am, of its record on overseas development aid.

Deputies: Hear, hear.

Mr. Gormley: The Taoiseach broke his promise.

The Taoiseach: I look forward to the discussion on the millennium goals in September and to reporting that Ireland, which has 1% of the population of Europe, can stand as one of the highest in Europe in terms of its ability and achievement regarding overseas development aid.

Deputies: Hear, hear.

Mr. Gormley: The Taoiseach broke his promise.

Mr. J. O'Keeffe: It was a breach of a promise.

Mr. Kenny: I am not talking about France, the United Kingdom or the United States but about the Taoiseach, who made a solemn commitment before the eyes of the world that the Government would achieve the target of 0.7% of GDP by 2007. The Taoiseach knew the implications when he made that commitment and was promised before that he would get a seat on the Security Council. What is the value of his word? What does his word mean? What did it mean in terms of the health services where €50 billion has been spent since 1997 and yet there were 257 patients

lying on trolleys around the country yesterday? What does his word mean in terms of the commitment given for 2,000 extra gardai? The Minister for Justice, Equality and Law Reform is smirking but he should have been listening to the public speak in Raheny last night.

What does the Taoiseach's word mean in terms of broken promises on class sizes which the current Minister for Education and Science now terms a noble aspiration? What does it mean when the Minister for Justice, Equality and Law Reform says the release of the murderers of Detective Garda Jerry McCabe will be the happiest day of his life? What does the Taoiseach's word mean in terms of the 34 stealth taxes imposed on consumers of this country?

An Ceann Comhairle: The Deputy must restrict his questions to topical issues.

Mr. Kenny: This morning we listened on radio to the reprehensible conduct of the Minister for Foreign Affairs who talked about decisions with regard to the target of 0.7% as against seatbelts on school buses.

An Ceann Comhairle: The Deputy's time has concluded. The Chair is on its feet. Leaders' Questions are confined to one issue and not a number of issues.

(Interruptions).

Mr. Kenny: I thank the Ceann Comhairle for reminding me of this. The central question the value of the Taoiseach's word. Promise after promise and commitment after commitment have been broken. How can we believe anything from this Government when, in respect of the poorest people in the world, the Taoiseach stood up in front of the eyes and nations of the world and said we would achieve our target by 2007? Not only has he let down the poorest in the world, he has let down people here at home. Promises and commitments have no value because his word no longer counts for anything.

Mr. Gormley: The Taoiseach should answer the question.

An Ceann Comhairle: I will have to ask Deputy Gormley to leave the House if he interrupts again.

The Taoiseach: We have delivered substantially to overseas development aid. Some €150 million had been delivered when I came to power, and this figure is heading towards €700 million which is a huge achievement. There has been a commitment of €1.8 billion over a three year period which helps NGOs do their job, enables them to provide services and allows us to go into new countries such as East Timor.

Unlike most places in the world, Ireland should be very proud that it does not have tied aid. Former President Clinton said he would like the

US to have done half of what we did. It is amazing that people all over the world recognise what Ireland has done for overseas aid. Yes, we decreased our percentage but I did not know in August 2000, when the economy was growing by 11%, that it would only grow by 1% a year later. However, we still continued to provide untied aid at a rate not achieved by anybody else in the world.

Deputy Michael D. Higgins speaks so much and so well on the issue. However, he must remember what his Government did. It reversed the figure.

Mr. M. Higgins: The Taoiseach was the Minister for Finance at that time and was always against it.

The Taoiseach: The Deputy's party had the worst record with regard to overseas aid. It was absolutely terrible and did nothing.

Mr. M. Higgins: I would not go down that road.

(Interruptions).

An Ceann Comhairle: The Taoiseach without interruption. The Taoiseach should direct his remarks through the Chair.

(Interruptions).

Mr. M. Higgins: On a point of order——

An Ceann Comhairle: There will be no point of order on Leaders' Questions.

Mr. M. Higgins: The Taoiseach has chosen to mislead the House on development aid. He was always against it. That is the truth.

An Ceann Comhairle: Deputy Michael D. Higgins should resume his seat.

Mr. M. Higgins: He wrote it in his election programme and the social partnership programme.

The Taoiseach: I am confident this country will remain at the highest level, and will be one of the first to achieve the target of 0.7%.

(Interruptions).

Mr. M. Higgins: You did better than your friend, President Bush.

(Interruptions).

Mr. Rabbitte: Without any justification, the Taoiseach proposes to call the House to rise on 1 July. The Government will limp off into the summer recess with the ministerial debris of the parliamentary year still on the front bench. The former Minister for the Environment, Heritage and Local Government, Deputy Noel Dempsey,

came up with the idea of spending €52 million on electronic voting, and the subsequent Minister, Deputy Cullen, decided against all advice to implement it. The behaviour of former Minister for Health and Children, Deputy Martin, with regard to the nursing homes issue would, according to the former Ombudsman, make previous Ministers squirm in their graves. Ministers of State, Deputies Callely and Tim O'Malley, managed to read the brief but did absolutely nothing. Then there is the issue of the former and current Ministers for Justice, Equality and Law Reform, Deputies O'Donoghue and McDowell.

(Interruptions).

Mr. Rabbitte: Fianna Fáil backbenchers will like what I have to say. In August 2000, the Acting Commissioner, Mr. Noel Conroy, sent a secret report based on the Carty investigation to the then Minister for Justice, Equality and Law Reform, Deputy O'Donoghue. It was a shocking 37-page summary of what Assistant Commissioner Carty had uncovered in Donegal. What did the Minister, Deputy O'Donoghue, do about it? Absolutely nothing.

In November 2001, the then Minister, on the advice of the Attorney General, voted down a motion from the Labour Party, Fine Gael and the Green Party calling for an inquiry into this affair. The current Minister, Deputy McDowell, came in last week and said if they had known the facts earlier they would have acted earlier. He then went on to accuse me of bluffing when I told him what was in the Conroy report, saying I had not read it or seen it. I have the report here now, entitled An investigation carried out by Assistant Commissioner Kevin Carty into allegations that members of An Garda Síochána attached to the Donegal division engaged in criminal and unethical behaviour in the execution of their professional duties between 1994 and 1998.

An Ceann Comhairle: The Deputy's two minutes have concluded.

Mr. Rabbitte: Every time I raise the issue, the Minister scurries up the back stairs to brief the media and muddy the waters. I hope when he scurries up today that he brings the report with him and gives the media a copy. Contrary to what he tried to suggest yesterday, I have seen the report and it would cause the hair on the back of any reasonable person's neck to stand up. It is reprehensible and indefensible to think that Deputies O'Donoghue and McDowell contrived to do nothing about it.

Mr. McDowell: That is another untruth. The Deputy is shameless.

(Interruptions).

An Ceann Comhairle: I ask the Minister to allow the Taoiseach without interruption.

The Taoiseach: I will go back over some of the facts again.

Mr. Rabbitte: We want the real facts.

The Taoiseach: In February 1999, Assistant Commissioner Carty was appointed by the Garda Commissioner to investigate allegations that gardaí in Donegal had engaged in criminal and unethical behaviour. In July 2000, over a year later, Assistant Commissioner Carty submitted his report, which was the investigation file, to the Director of Public Prosecutions who is independent. A few months later, in August 2000, Deputy Commissioner Conroy forwarded a 37-page summary of the Carty report to the Department of Justice, Equality and Law Reform. This was not the Carty report itself. At that stage, the DPP was considering the Carty report and its recommendations and prosecutions. That is the process. He would get the file and then consider it. A number of civil actions relating to Donegal were well under way at that stage and a number of complaints were with the Garda Complaints Board.

In light of the controversy at that time, the then Minister, Deputy O'Donoghue, sought a preliminary opinion from the Attorney General in June 2001 regarding the options open to him to have the matter inquired into. The Attorney General replied immediately that he required sight of the full Carty report before he could furnish an opinion. The Attorney General, while agreeing that a public inquiry was the most attractive option — and he said that — advised that since tribunals of inquiry have to be conducted in public, this could seriously prejudice pending prosecutions. A tribunal could not be conducted while prosecutions were ongoing. He also advised that a tribunal could be established if the truth did not emerge in the cases that were pending.

In November, four or five months later, having consulted the Director of Public Prosecutions, on foot of the Attorney General's request to see the Garda file, the Garda Commissioner gave an edited version of the Carty report to the Department of Justice, Equality and Law Reform. This consisted of those parts of the Carty report considered to be relevant to the defence of the civil actions related to events in Donegal. This edited version was a bulky document and the Office of the Director of Public Prosecutions remarked that it would be difficult for persons reading the case to make sense of the issues without sight of the papers. In November, Shane Murphy was appointed to review all the papers and advise on how best to proceed.

The fact is that the full Carty report was given to the Department in late January of 2002. Mr. Murphy submitted his report at the end of the same month. The following week, in February 2002, the Government approved in principle the establishment of a tribunal of inquiry. That approval came a week or ten days after the full report was given. Just a few days after the full Carty report was given, the Government

approved the establishment of a tribunal of inquiry and the drafting of a Bill to amend the Tribunals of Inquiry (Evidence) Act to facilitate the holding of such an inquiry.

As I have said a number of times, there was no delay or holding back. The cases were being proceeded with and it is the role of the Director of Public Prosecution to prosecute such cases. The Minister for Justice, Equality and Law Reform had not got the investigation file.

Mr. Howlin: The investigation file is not the issue.

The Taoiseach: The Attorney General, when he was asked for advice, said that a tribunal would be best but that it could not be held in public while cases were pending. I do not know why Deputy Rabbitte persists with this issue because all of the records, dates and information are available. I can make a list of these publicly available for people to see. I read the full Dáil debate on the matter last night and it is quite clear what the then Minister, Deputy O'Donoghue, said to the House on 23 May 2001. It is there for everybody to read.

Mr. Rabbitte: When the Taoiseach reads the Dáil debates at night I would ask him to focus on some of the language that he uses because language ceases to have any meaning when he issues a reply like the one we have just heard. The fact of the matter is that the then Minister, Deputy O'Donoghue, claimed throughout 2001 that he had the Carty report. As time is limited, I will furnish one quotation. On 23 May 2001, Deputy O'Donoghue said, at column 1414 of the Dáil debates, "The investigation by Assistant Commissioner Carty was completed and presented to me and, in turn, to the Director of Public Prosecutions." That was on 23 May and he repeated that point to Deputy Howlin and others. Last Wednesday, 22 June 2005, the Taoiseach came into the House and said: "A partial version of the Carty report was eventually furnished in November 2001..." That is a straightforward untruth. The report was furnished on 1 August 2000. The Taoiseach uttered a straightforward untruth and he has now picked up the habit of his former Attorney General, Deputy McDowell, of trying to throw sand in people's eyes about when is the Carty report not the Carty report; when is the Carty report the Conroy report; and what is the difference between the report and an investigation file needed for prosecution. Opposition Deputies were not talking about an investigation file for prosecution, which was the defence that the Minister advanced. We were talking about the hair-raising report from Mr. Noel Conroy, who acted quite properly and who, within a month of the report being delivered to Mr. Pat Byrne, summarised it and sent it to the Minister for Justice, Equality and Law Reform in easily intelligible terms. The Minister did nothing and a year and three months later, when we put down a motion

in the House calling for the matter to be investigated, the Government voted it down.

The current Minister, Deputy McDowell, has stated that he could not engage in such an inquiry because he had not received the full Carty report. When, as Attorney General, he was advising on the legal redress scheme and could not get the relevant report because of the secret deal cooked up by the Taoiseach and Deputy Woods, he quite properly said that he would withdraw from giving advice because he could not get the documents from Deputy Woods. However, he did not say the same in this case and he has now dropped the Minister, Deputy O'Donoghue, in it to the extent that the poor fellow is ashamed to come into the House, go on radio or television or to present himself anywhere. He is properly embarrassed, as he ought to be, about having read the Conroy report and done nothing about it.

The Taoiseach: I have given the facts as they are, from the Attorney General, the Director of Public Prosecutions and the Department of Justice, Equality and Law Reform. I can do no more than that.

I have read the Dáil debate and Deputy Rabbitte has quoted only one line from it. In a section of the debate approximately one minute before the line quoted by Deputy Rabbitte, there is an exchange between Deputies Shatter, O'Donoghue and Howlin. This part of the Official Report states:

The Deputy asks if I intend to publish the reports of the earlier investigations into allegations of Garda misconduct in the Donegal area and, in this regard, if I have received the completed reports from the Garda Commissioner. On the latter point, the Deputy will be aware from recent correspondence that I have not seen the investigation file nor would it be normal practice for the Minister to do so. I have, of course, as I have previously informed the House, received a report of the assistant commissioner's investigation from the Garda Commissioner.

The Deputy—

Mr. Howlin: Deputy O'Donoghue said that he had the report.

Mr. Durkan: The Taoiseach is talking about a different matter entirely. He is attempting to confuse the issue.

The Taoiseach: It is quite clear that the former Minister states that he has the report.

(Interruptions).

The Taoiseach: The Minister also explains that he cannot act on that because it is not the full report and because there are legal prosecutions emanating from the Director of Public Prosecutions.

Mr. J. O'Keeffe: Here we have the Taoiseach with his three Carty trick — now we see it, now we do not.

The Taoiseach: Deputy Jim O'Keeffe's other profession is law and he should know better than anybody in this House — with the exception of the other legal experts here — that the Minister could not deal with this issue while the Director of Public Prosecutions had cases before the courts. He knows that.

Mr. Howlin: Of course he could.

Mr. J. O'Keeffe: Not only could it be done, it was done.

An Ceann Comhairle: I remind Deputy Jim O'Keeffe that Deputy Rabbitte is quite capable of handling his own Leader's Questions.

The Taoiseach: He is not capable on this issue because Deputy Howlin keeps helping him. Deputy Howlin asserts that of course the Minister could deal with the issue, but I say he could not.

Mr. Howlin: The Government did it eventually. It did exactly that.

The Taoiseach: We introduced in legislation later when we got the full report.

Mr. Howlin: Why did the Government not act two years earlier?

The Taoiseach: We introduced legislation later when we got the full report.

Mr. Howlin: The Government did nothing until it was compelled to act.

The Taoiseach: The last point I will make, when Deputy Howlin calms down —

Mr. Howlin: Would the Taoiseach tell the people of Donegal to calm down also?

The Taoiseach: Deputy Rabbitte speaks on this matter as if nothing happened but I wish to remind the House that it was this Government, not the Opposition, which identified the solution to the impasse, namely, the enactment of the legislation to enable a tribunal to hold part of its proceedings in private so as to avoid possible prejudice to court proceedings. That was the solution found by the then Attorney General, Deputy McDowell, and the then Minister for Justice, Equality and Law Reform, Deputy O'Donoghue. They acted totally properly and correctly.

Caoimhghín Ó Caoláin: There has been no debate in this House on the report from the National Economic and Social Council, Housing in Ireland: Performance and Policy, published six months ago. I am not aware of any response from

[Caoimhghín Ó Caoláin.]

the Minister for the Environment, Heritage and Local Government to the recommendations of the NESC report. Will the Government accept and implement the recommendation that there should be an increase in permanent social housing units, owned and managed by local authorities, of the order of some 73,000 units between 2005 and 2012? This is a key recommendation of the NESC. Will the Taoiseach note that the NESC report cites evidence from other states showing that only through increased social housing provision can the housing crisis in this State be seriously tackled and also the terrible tragedy of homelessness for so many?

Does the Taoiseach accept that Part V of the Planning and Development Act is failing to deliver social and affordable housing which I have acknowledged it has the potential to deliver? Does the Taoiseach recognise that the subsequent Planning and Development (Amendment) Act 2002 allowed developers to shirk their responsibilities under the original legislation and through the giving of money, land or units on other developments they are able to avoid the responsibility of providing social and affordable houses in key developments? Is the Taoiseach aware that the Department of the Environment, Heritage and Local Government, indicated there were only 390 units — I ask the Taoiseach to take note of that figure — of social and affordable housing provided under Part V of the Planning and Development Act up to the end of September 2004?

Has a cost benefit analysis been carried out on the transfer of land, the proposed swap of land in Government ownership with developers in exchange for so-called affordable housing units? What has happened to the Government's so-called commitment regarding the creation of integrated communities and a living city? The Taoiseach is also a Dublin Deputy. It is clear that in the heart of Dublin—

(Interruptions).

An Ceann Comhairle: I ask the Deputy to give way to the Taoiseach as his time is concluded.

Caoimhghín Ó Caoláin: —the real effects of what I have outlined are biting deeply into heart-land communities.

The Taoiseach: The Government was very glad to receive the NESC report and also the PricewaterhouseCoopers report and the other work done on housing. As the Deputy knows, the Government rate of building social and affordable housing and housing is higher than anywhere else in the modern world. It stands at 20 houses per 1,000 people as against a rate of three houses per 1,000 people in Britain and five in the United States.

Caoimhghín Ó Caoláin: It is not social housing.

The Taoiseach: Some 30% of all houses in the State are new houses which is an enormous achievement. The Government is delivering strongly on social and affordable housing programmes with 13,000 benefiting under the broad range of social and affordable housing programmes in operation since 2004. Record levels of funding are being allocated to local authorities for their housing programmes this year. The total Exchequer provision for both capital and current expenditure for 2005 is €1.3 billion which is 20% over the provision figure for last year. This represents a seven-fold increase in the past seven years. I know the Deputy will be very supportive, as I am, of such investment.

The Deputy is correct in that changes were made in Part V. The supply of social and affordable housing has been boosted by the implementation of Part V. It took some time to implement the provisions of Part V and there were changes and delays following much lobbying in the House. Whether or not those were justified, I accept delays occurred but it is up and running. It is envisaged that more than 11,000 units will be delivered from the various affordable schemes between this year and in 2007. The needs of a further 6,000 households are expected to be met through other social housing measures, including houses completed by the voluntary co-operative sector. The long-term housing needs of approximately 5,000 current recipients of rent supplements will be addressed through new rental accommodation schemes.

The local authorities are also producing five-year action plans for social and affordable housing programmes. The primary aim of these plans is to ensure housing is delivered in a manner which breaks the cycle of disadvantage and dependency which still exists in some areas and I accept the point made by the Deputy on that matter.

The Deputy asked about the transparency of the land swaps. The Harcourt Terrace site was the subject of an initial feasibility analysis which concluded that given its present zoning it would only realise about 30 apartments on site in addition to some commercial developments. The analysis found that its maximum value would be extracted by facilitating a commercial development focused on the owner-occupied market, for example, a law practice for which demand is strong in that area. The recommendation was to consider an exchange of the site as a pilot scheme to test the Government's fast growing approach to early delivery of affordable units. The net consideration for the site was determined in the analysis at €15.6 million which is €2.6 million over its pre-sale valuation of €13 million. This equates to approximately €39 million per acre for that area and reflects the top of the range for sale prices achieved in the city centre. Dublin City Council acted as project managers for the site. Sixteen bids were received on an open tender and Durkan Homes was identified as the prime developer from a short list of three bids.

The advantage is that rather than having a site which would have required the State to take considerable years to develop — it takes four years to complete a building project on a site — the State was enabled in a matter of months to go to the market and have 193 apartments. One hundred and forty families will be in their apartments by Christmas as a result of this decision and 53 more early in the new year, rather than having to wait for the longer process. The Government has now made six other sites available. Any reasonable person would agree this process is a fast-track approach. I accepted the point made in the House on many occasions. It is a fair point and it was raised by Deputy Rabbitte many times. I am here again answering questions from Members because we have effectively done things, as is always the case. The Deputy asked if a proper feasibility study was carried out and my reply has shown it was.

Caoimhghín Ó Caoláin: I thank the Taoiseach for his reply. As this is the last Leaders' Questions of this term, the House should deal with the issue being raised, which is social and affordable housing. The Taoiseach refers to the building programme in total which includes private building which we know is currently at an unprecedented level. However, that will not address the focus of my question which is the 50,000 housing units for people who are still on local authority waiting lists throughout this jurisdiction. When the Taoiseach refers to a cost benefit analysis regarding specific cases, under any cost benefit analysis there would be a greater return for this State if the lands were given to local authorities rather than in swaps with private developers. This is what is needed. What of the NESC recommendation in respect of a tax on second homes? Many of those new homes in that private sector area are being bought by investors and property speculators, people who are buying second and subsequent homes—

Mr. M. Higgins: Hear, hear.

Caoimhghín Ó Caoláin: —only to become landlords and rack-rent landlords as is often the case.

Mr. Treacy: Illegal money.

Mr. J. Brady: There was a lot of that in the Opposition's day.

Caoimhghín Ó Caoláin: Is it the Government's intention to act on that recommendation of the NESC? What is the Taoiseach's position in respect of the continuation of section 23 tax relief when clearly it is contributing to ever spiralling house prices particularly in the city of Dublin where it is having a devastating effect on the potential of young couples to aspire to first-time home buyer status? It is having devastating consequences. Centre city communities are being ravaged. Those who have lived generationally

together are being forced to move out to suburbia and into far distant counties, including my constituency. There is clear neglect. As the Taoiseach said yesterday, it is time he lifted the telephone and talked to his brother in terms of his portfolio responsibility.

The Taoiseach: The only reason I outlined to the Deputy the transparency in the system is that he said he wanted to ask me two specific questions, and that was one of them. In that respect, I am sorry if I answered his question.

On the issue of social and affordable housing, we are acutely aware of the need for such housing. That is why we are putting approximately €2 billion a year into building the record number of houses we are now providing. In addition, we are removing the old slums in the heart of the cities, where people lived close to each other because there had no alternative as there were packed in together, and redeveloping them.

Ms Burton: There are far fewer new houses being built. That is the problem.

The Taoiseach: We are doing that in Cherry Orchard, Ballymun, Oliver Bond flats and estates throughout the inner city. We are providing new homes and housing under major programmes.

Caoimhghín Ó Caoláin: The Taoiseach has cited instances of which I know. What is being done in regard to the Oliver Bond flats?

An Ceann Comhairle: Allow the Taoiseach to continue without interruption.

The Taoiseach: The Deputy mentioned the inner city. Part V of the legislation enables local authorities to provide houses in areas where they would not have been able to provide them previously, and that arrangement is working. In most of the new schemes being built the local authorities have successfully negotiated that a portion of the units will be allocated to tenants on the list. This is very helpful and is happening in respect of every development.

Caoimhghín Ó Caoláin: If the Taoiseach wants to fast-track matters, he should adopt the recommendations of the NESC report.

An Ceann Comhairle: I ask the Deputy to allow the Taoiseach to continue.

The Taoiseach: The NESC report is very helpful and is being used—

Mr. Morgan: When will we debate it?

The Taoiseach: —in terms of provisions on foot of decisions we have made. The announcement last week of the establishment of the Affordable Homes Partnership under the 1971 Act is designed to pull together the four local authorities in Dublin—

Aengus Ó Snodaigh: That is for the developers and speculators.

The Taoiseach: —to try to co-ordinate activity to increase the number of affordable houses.

Aengus Ó Snodaigh: What is being done to provide social housing?

The Taoiseach: This is proving to be highly successful and we will continue in this direction in the months and years ahead.

An Ceann Comhairle: For the benefit of the House, I point out that we went 18 minutes over time on Leaders' Questions. The Chair requests all leaders before the autumn to try to find a way of living within the Standing Order which provides for seven minutes per question or the Chair will have to find a way to ensure this.

Ceisteanna — Questions.

Social Partnership Agreement.

1. **Mr. Kenny** asked the Taoiseach if he will report on the recent work of the National Implementation Body; and if he will make a statement on the matter. [20756/05]

2. **Mr. Rabbitte** asked the Taoiseach if he will report on the recent work of the National Implementation Body; and if he will make a statement on the matter. [22234/05]

3. **Mr. Sargent** asked the Taoiseach if he will report on his speech to the ICTU conference in Belfast; and if he will make a statement on the matter. [22338/05]

4. **Mr. Sargent** asked the Taoiseach if he will report on the recent work of the National Implementation Body; and if he will make a statement on the matter. [22555/05]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

The National Implementation Body, which includes employer and trade union representatives, operates under the chairmanship of my Department. Its purpose is to oversee delivery of the industrial peace and stability provisions of the Sustaining Progress agreement.

The body has met on a number of occasions recently to assist in the resolution of industrial relations disputes in both the public and private sectors. Meetings of the body also provide opportunities for informal discussion of some of the broader issues relating to the social partnership process and the industrial relations climate generally.

I should make clear that the National Implementation Body does not seek in any way to duplicate or substitute for already well-established industrial relations machinery. The role it

serves is complementary in helping to identify and overcome obstacles to effective participation in these wider processes. The body will continue to meet, as necessary, to this end.

I addressed the Biennial Conference of the Irish Congress of Trade Unions in the Waterfront Hall in Belfast on Thursday last. In the course of my speech, I addressed the issue of housing. One of the central issues in housing is affordability, and we have for some time been working to provide increased numbers of affordable houses under a variety of schemes, including the affordable housing initiative which we agreed with the social partners in Sustaining Progress.

While considerable progress has been made, our priority now must be accelerating delivery of affordable housing units. In this context, I announced during my speech in Belfast that we are creating a new agency, to be known as the affordable homes partnership.

The role of the AHP will be to drive and co-ordinate the delivery of affordable housing in the greater Dublin area, with particular reference to the Dublin metropolitan area. The AHP will help to accelerate the Sustaining Progress affordable housing initiative on State land, and will work closely with relevant Departments and local authorities to ensure a "whole of Government" approach to affordable housing developments.

In the first instance, the agency will be working within the existing planning and development framework. However, if additional legislative powers prove to be necessary, they will be made available. In the meantime, consideration is to be given to approaches dealing with land options and a "use it or lose it" scheme.

The Government intends to address more medium-term issues for the provision of social and affordable housing in the early autumn. This process will be informed by the outcome of the statutory housing needs assessment currently under way and the work under way by the Housing Forum in reviewing the effectiveness of the existing social and affordable housing schemes in the context of Sustaining Progress.

A copy of my address to the conference has been laid in the Oireachtas Library.

Mr. Kenny: The National Implementation Body met recently to discuss the difficulties between the Department of Health and Children, the Health Service Employers' Agency and the Irish Nurses Organisation in regard to the full implementation of the health care assistants' programme. Part of the recommendations, as the Taoiseach will be aware, was the establishment of a high level group representative of the main interest groups, including An Bord Altranais, to examine the outstanding recommendations contained in a report termed the Effective Utilisation of Professional Skills of Nurses and Midwives and that such work should be finished by September 2005. Was that high level representative group set up and, if so, it is currently carrying out that analysis? Does the Taoiseach expect it will have

concluded its business by September of this year? Does he consider any further action needs to be taken at this point by the National Implementation Body? Does he have information as to how many cases that body considered during the past 12 months?

In respect of the threatened strike of nurses intended to take place in June but which was averted once the pay increases of between 3.5% and 5.5% were not withheld and were paid by 1 June, does the Taoiseach consider the issue of acuity recognition in terms of the degree of pressure, stress and responsibility with which various aspects of the nursing profession have to deal should be considered under the benchmarking process?

The Taoiseach: I do not have information on the number of meetings of this body.

Mr. Kenny: That is okay, the Taoiseach can forward me that information.

The Taoiseach: Since the beginning of 2004 it has met 15 or 16 times.

Mr. Kenny: The Taoiseach can forward me that information.

The Taoiseach: In regard to the health care assistants' programme, the body met the management side and the INO representatives. Following those discussions, the body noted that the INO had no principal objection to the implementation of the modules of the health care assistants' programme and it recommended immediate and full co-operation with all the preparation and training arrangements. It recommended the establishment, as the Deputy mentioned, of a high level group representative of An Bord Altranais to examine the outstanding lists. This work is ongoing and will be completed by the end of September. It also noted the issue of nursing practice and delegation.

In regard to what should be included in the benchmarking process, it is a matter for individual groups to make their cases and put forward their submissions. They can do that under the benchmarking process. The issue raised by the Deputy is, to the best of my knowledge, a legitimate issue that the profession can put forward under those arrangements.

Mr. Rabbitte: I refer to the Taoiseach's address to the congress in Belfast. Will he say something more about the new affordable homes partnership agency? Is it in place? If not, when will it be put in place? Of how many people will the agency comprise? Mr. Des Geraghty has agreed to act as chairman. What other kinds of people will be on the agency? Will the powers be vested in them to gift lands to developers in return for housing elsewhere? Has the Taoiseach any concerns as to whether there is a value for money question to be addressed regarding, say, an immensely valuable site such as Harcourt Street? How do we,

as taxpayers, know that we are getting value for money? If we take Harcourt Street as an example, is everything tied up and are the "i's" dotted and the "t's" crossed in terms of what exactly is the *quid pro quo* for the swap, the alternative locations the developer who will benefit from getting Harcourt Street is offering, how many units can be put on them, etc.?

Has the Taoiseach any concerns about inner city regeneration and building, in the sense that it seems what we are encouraging here is the construction of more office blocks? The people working in those office blocks will be put out in the commuter belt and they will have to commute to the office blocks in the city and so on. I know there has been unconscionable delay. The then Minister for the Environment and Local Government, Deputy Dempsey, tried to address some of these issues when he held that office. Is the plan well thought out to gift these valuable sites to developers in return for housing elsewhere, with all the implications for city living that are involved?

The Taoiseach: Before I go to those questions, I should make it clear that there are no gifts involved in this initiative. It is a commercial deal, a swap, with costs being put on the sale. The details have been worked out and I will go through some of them. There is nothing for nothing for anyone. Dublin City Council managed the project and professional assessments were made of what the site could be used for. The advantage in terms of the Harcourt Street analysis is that planning would be forthcoming for 30 apartments, with a commercial use for another part of the site. If this were to be done in the inner city as a private project, given all the time it takes to do these things, it would take four years at best. The largest developers will say that it takes between four and six years from the time they purchase a site to getting a likely return on some of it. I have had endless information from all the local authorities which confirms that this is case. I do not quite understand why it takes so long, but apparently that is how it works.

In this case, Durkan, the developer, won the contract out of 16 tenders. There was no shortage of applicants. Eventually there was a shortlist of three and Durkan ultimately won. It will have 140 of these units in south Dublin ready by Christmas and people will be occupying them, as well as another 52 units. For the swap of that site we will build 30 units or perhaps more. By early in the New Year, within nine months of the deal being completed a month ago, we will get 192 units. In all of this Dublin City Council is doing the project management. There is no point in another group doing it. It is best to do it that way. I can give the Deputy some details about the initiative itself. The initiative comes about from the experience gained in the past few years regarding the agreement on the 10,000 sites. We were able to get the sites but it was an exceedingly slow process to get on with matters.

[The Taoiseach.]

The Affordable Homes Partnership will be established as a corporate body under the Local Government Services (Corporate Bodies) Act 1971. The reason is that it can be done immediately and we can get ahead forthwith. The establishment order for the partnership will be made shortly by the Minister for the Environment, Heritage and Local Government and will be circulated in the Houses of the Oireachtas. It will provide a statutory structure around which a board and support staff may be put in place immediately. The Affordable Homes Partnership will be subject to public service corporate governance disciplines, including audit and appropriate ethics requirements. Initially the board will consist of seven members, the managers of the four Dublin local authorities and three independent members. Mr. Des Geraghty has been invited to serve as chairman and has agreed. The names of the other independent members will be announced, I hope, within the next week.

The partnership will have an experienced chief executive and a small dedicated staff comprising personnel with a proven track record, principally on secondment in the early stages. It is a question of initially seconding people with proven experience in this area, rather than going through a long interviewing process. The chief executive will be an *ex officio* member of the board. Arrangements have already been put in place for the appointment of the chief executive and other staff.

The Affordable Homes Partnership will have responsibility for a range of tasks, mainly for a short-term period of three years, at least initially. It will drive and co-ordinate the delivery of all affordable housing development, that is, quality houses at a reasonable cost in the greater Dublin area. In conducting its role the partnership will pay particular attention to increasing supply within the Dublin metropolitan area, with regard to the local authorities' five year action plans on sociable and affordable housing. The partnership will co-ordinate approaches as regards the development of supporting infrastructure, such as transport, water, education and other community facilities. The approach will be to prioritise projects within existing capital envelopes in a concerted and co-ordinated way to facilitate the necessary affordable housing.

It is intended that the partnership will take responsibility, as far as practicable, for the present affordable housing system — that is the 10,000 sites on State lands in the greater Dublin area, where it is necessary that this initiative should lead to their accelerated development. The partnership will be tasked to undertake a series of measures to bring additional land for housing development, including the consideration of proposals from builders, developers or local authorities for the utilisation of lands not currently zoned for housing but which may be suitable for development.

The partnership will also publicise and communicate with the public in general on affordable

housing availability and development. In fulfilling its communication role, it will work with local authorities to simplify contact by members of the public on the choices available and the tailoring of individual requirements. There are now about eight or nine different schemes.

Regarding the priority of increasing affordable housing in the Dublin metropolitan area, the partnership will be mandated to ensure that the annual target of at least 16,000 units identified for Dublin is met. As a particular requirement this will ensure that the response is aimed at addressing issues of affordability that remain a significant source of concern. In this area, the growth of commuter-based development in Dublin and surrounding counties has resulted in significant human, social and economic costs due to the deficit in affordable housing in the capital. Therefore it is important that supply contains a sufficient component within the affordable category, whether as private housing or under the affordable schemes.

In order to increase the supply of land available for affordable housing in the greater Dublin area, the Affordable Homes Partnership, as one of its earliest tasks, will call for proposals from the holders of land that may be suitable for housing development, including land that is not currently zoned for housing, regardless of its ownership. In order to assist the progressing of development of suitable lands using existing planning mechanisms, the Minister for the Environment, Heritage and Local Government intends to issue policy guidance which will reinforce the policy context in which zoning and planning decisions take account of the goal of providing additional housing in the affordable category.

The partnership will undertake an audit of their lands with local authorities with a view to the most active use of such holdings for affordable housing schemes. The principle to be used in this initiative is that the land should be located in an area where there is a need for such housing, to ensure that suitable development land is adjacent to existing developments and capable of integration with such settlements — community facilities, schools, public transport — and the land, ideally, should be capable of being built upon within a short timescale. It should be serviced or serviceable.

Value for money will be based on the final unit costs of housing, including any servicing, having regard to specified quality and timescales of delivery. I have quite an amount of detail on swaps. Perhaps I will send Deputy Rabbitte a memorandum on that area. On the basis that everyone believes the Harcourt Street project is a great success — I hope it will be and something does not happen — a second phase will begin on Harcourt Street because only a small area was tested in the pilot project.

Land at Gormanston, Model Farm in Cork, Athenry, Magee Barracks and Backweston is also being put on the market to see what it can generate. Most of these sites are not serviceable and it

will take a considerable amount of time for the State to make them serviceable. In this way, it is hoped we will get serviceable sites either built or about to be built, rather than stretching out the process until 2010 which would be the case without a swap. We will probably not get the same interest — I hope we do — or value as for the Harcourt Street site where we are getting 190 apartments for a relatively small site. At least the other sites would speed up the process but, again, it would have to be project managed by local authorities, instead of the State also getting involved. It is worth making this effort to have the land developed because the other way is painfully slow.

The issue which interests me in swapping sites and the reason I went with this approach, although I can always see the dangers in these kinds of things, is that the affordable selling price for the units after the swap involving the Harcourt Street site will be between €150,000 and €170,000, an average discount of 33% of the market value. For the citizen, our constituents, this is a considerable reduction. In this case, the individual on the list is given good quality housing in a good area for a very attractive price.

Mr. Rabbitte: I thank the Taoiseach for his reply. I would appreciate getting the information he promised to allow me to examine the matter in more detail. To help me understand the concept, does the Taoiseach have a figure on file for the value of the Harcourt Street site? I understand he indicated that the agency is charged with delivery of the entire 10,000 units and that, whereas other sites in the ownership of the State will be put out to tender, the agency will not be prevented from developing some sites in its possession if it wishes to go through the procedure and deliver houses itself. Is that correct?

The Taoiseach: The value for money analysis of the Harcourt Street site was carried out as part of an open and transparent procurement process conducted by Dublin City Council, as the project manager for the site. The site was put out to tender and 16 bids were received and evaluated against predetermined criteria. A shortlist of three bids was examined and Durkan Homes was identified as the preferred bidder. We are receiving a net consideration for the site of €15.6 million, which is in excess of €2.6 million above its pre-sale valuation of €13 million. This equates to €39 million per acre, a frightening figure but that is how the world is today. It reflects the top of the range of sale prices achieved in the city centre in recent years. It is extraordinary stuff.

Mr. Rabbitte: Are the 190 units in south Dublin almost complete?

The Taoiseach: I have been assured that 140 of the units will be occupied before Christmas and the other 52 will be occupied within a period of nine months. That is the benefit.

An Ceann Comhairle: I call Deputy Sargent.

The Taoiseach: I wish to make one further point in case I cause confusion. The partnership will look after any of the 10,000 sites located within the Dublin metropolitan area. Any sites outside the area will be looked after elsewhere. The partnership wants to keep the system small by having a small board and staff, using local authority structures and seconding staff rather than getting into the interview process and trying to make a big impact.

Another issue of interest has not yet emerged and Deputy Rabbitte's question offers an opportunity to raise it. Everybody gives out that there is a lot of land around Dublin, often lying derelict or used for anti-social behaviour, which is sometimes owned by the local authority and sometimes owned by God knows who. I am sure Deputy Rabbitte will have had the same experience of this in his constituency as I have had in mine. If a developer or local authority believes it could put this land, which is not zoned, into use, it could propose a project to the partnership. The partnership, within the existing structures, would then try to fast-track the development of the land purely for affordable initiatives, taking into account the needs of local residents. I have made the point to the partnership that if it were to try to make it attractive for local residents to get rid of what is probably an eyesore by guaranteeing some local participation in the affordable housing allocation, such projects could become quite attractive operations. If local residents believe it is house building for the general housing pool, they will probably not find it attractive. It will be interesting to see what emerges in regard to this aspect of the plan which has not had much of an airing, although it should have been aired because if many of the nuisance sites could be brought to the agency and planning and zoning were quickly secured, not alone could one get more affordable housing but one would also get rid of many of the nuisance sites.

Mr. Sargent: I will ask two questions relating to the Taoiseach's speech to the Irish Congress of Trade Unions in Belfast. ICTU has set out a number of priorities in advance of the new round of partnership talks. Top of its list is tackling the widening gap between the low and high paid, which is not new. Given the growth in this gap under Governments led by the Taoiseach, does he foresee a time when we will be able to turn around this trend and effectively reduce the gap to bring about some equity?

My second question is related to the affordable homes partnership plan. I assume the creation of the partnership is an acknowledgement by the Taoiseach of the failure to quickly meet the commitment to build 10,000 social housing units. It is clear the plan is a good deal for developers who will no doubt be happy to get their hands on lucrative land in return for building what are known as affordable homes. I understand the

[Mr. Sargent.]

affordable homes in question will be sold at 20% below market price, whereas the Taoiseach indicated to Deputy Rabbitte that they will be sold at 33% below market price. Will he clarify the difference?

What criteria will govern the selection of the lucky developers who will be charged with taking responsibility for delivery of the partnership project? Will selection be determined simply by the price given to the State or will the criteria include obligations on the developers to pay subcontractors they engage promptly and operate to a set of standards laid down by the Government? Will the Taoiseach outline what such criteria might be, given the experience of a significant number of subcontractors who protested outside the House yesterday, having been effectively stung for hundreds of thousands of euro owed to them by contractors working in the pay of local authorities? I understand the Taoiseach is aware of the matter. What criteria are in place to prevent a recurrence of this type of serious non-payment of Bills?

The Taoiseach: As always, the Deputy has tried to turn the issue around by saying the partnership offers good value to the developer when everybody else believes it offers good value to the individuals concerned, as I have outlined. The argument as to whether tax reliefs should be continued is fair. The Minister for Finance is reviewing these.

The analysis the Deputy has come to is that approximately 300,000 people have homes outside the country. I believe that he has come to this analysis himself. I am not going to tell people not to have a second home. I am not ideologically opposed to people having a second home. It is difficult enough to live in one.

Mr. F. McGrath: The Taoiseach has none in Kerry.

Mr. Kenny: They are good for hanging baskets.

The Taoiseach: I do not know why people want seven or eight homes if they make money on them. If I had a house down in Mayo, I would make no apologies for it.

Mr. F. McGrath: Does he have one in a place called An Daingean?

The Taoiseach: This argument emerges at this time of the year. However, many of the villages on the western seaboard are very happy to see people coming from the greater Dublin area for the summer season.

Mr. Morgan: They are not happy.

The Taoiseach: They are happy.

Mr. Morgan: They are not because it is putting up the cost of housing for many of them.

The Taoiseach: The only lift they get in the entire year is the nine to ten weeks when people visit during the summer.

Mr. Durkan: Does this mean we are only following assumption?

The Taoiseach: Recently the President of Serbia and Montenegro informed me that the leading investors in property in his state are Irish people. Do we have to send them to Serbia and Montenegro rather than the west for a summer house?

Mr. Morgan: That has nothing to do with the cost of housing in Galway.

Caoimhghín Ó Caoláin: There are two Galway men sitting behind the Taoiseach. I can assure him that—

Mr. Treacy: We love visitors every day.

Caoimhghín Ó Caoláin: —there are many families in Galway concerned about property prices.

An Ceann Comhairle: Allow the Taoiseach to conclude.

The Taoiseach: I never make personal remarks but Deputy Ó Caoláin's party is not too bad for having second homes.

Mr. Durkan: Country hideaways.

Mr. F. McGrath: Safe houses.

Mr. Morgan: Tax them, that is what we are saying.

An Ceann Comhairle: Allow the Taoiseach without interruption.

The Taoiseach: What is wrong if people can afford a large or a small second house in a country area and go there with their children for long weekends and summer holidays?

Mr. Naughten: The social welfare system must be good.

Requests to move Adjournment of Dáil under Standing Order 31.

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

Mr. F. McGrath: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the developing crisis at Global Mobile Vision and the urgent need to assist staff and customers.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, that landowners and residents of Rosspport, County Mayo, who are in mortal fear for their lives, are being thrown into jail because they are asserting their right to live on their own property without a potentially lethal high pressure gas pipeline being imposed on them. It is a disgrace.

Mr. Treacy: Deputy Cowley is anti-development and anti-the west.

Mr. F. McGrath: Michael Davitt lives on.

Mr. Sargent: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, to plan for the potential growth in biofuel production which could supply as much oil as Ireland uses in electricity generation or five times the amount of diesel our entire public transport fleet requires each year if just one seventh of land in pasture were converted to biofuel production as detailed in a Green Party study and how such a move would greatly improve our efforts with the Kyoto Protocol.

Mr. Morgan: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of public concern, namely, the threat of legal action hanging over local landowners at Rosspport, County Mayo, two of whom have been committed to prison this morning, who are objecting on health and safety grounds to the proposed gas pipeline there. The wrong people have been put in jail.

An Ceann Comhairle: Having considered the matters raised, I do not consider them to be in order under Standing Order 31.

Order of Business.

The Taoiseach: It is proposed to take No.18, motion re proposed approval by Dáil Éireann for a Council Decision on the exchange of information and co-operation concerning terrorist offences, back from committee; No. 19, motion re proposed approval by Dáil Éireann of the Planning and Development Regulations 2005; No. 28, Veterinary Practice Bill 2004 [*Seanad*] — Report and Final Stages (resumed); No. 2, International Interests in Mobile Equipment (Cape Town Convention) Bill 2005 [*Seanad*] — Second and Subsequent Stages; No. 29, Driver Testing and Standards Authority Bill 2004 — Second Stage (resumed); No. 30, Health and Social Care Professionals Bill 2004 [*Seanad*] — Second Stage (resumed).

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted not later than 10 p.m.; No. 18 shall be decided without debate; the proceedings on No. 19 shall, if not previously concluded, be brought to a con-

clusion after 65 minutes and the following arrangements shall apply: the speech of a Minister or Minister of State and of the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case, Members may share time and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; the proceedings on the resumed Report and Final Stages of No. 28 shall be taken today and shall, if not previously concluded, be brought to a conclusion at 6 p.m. by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Agriculture and Food; the following arrangements shall apply in relation to No. 2: the proceedings on Second Stage shall, if not previously concluded, be brought to a conclusion at 9.30 p.m. tonight, the opening speech of a Minister or Minister of State and of the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case, the speech of each other member called upon shall not exceed ten minutes in each case, Members may share time and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; the proceedings on the Committee and Remaining Stages of No. 2 shall, if not previously concluded, be brought to a conclusion at 10 p.m. by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Transport.

Private Members' Business shall be No. 56, motion re G8 Summit and overseas development aid (resumed), to conclude at 8.30 p.m.

An Ceann Comhairle: There are five proposals to be put to the House. Is the proposal for the late sitting agreed to?

Mr. Rabbitte: It is not agreed. This schedule brings to 17 the number of items guillotined or taken without debate, which is hard to justify. We are providing for a late sitting despite the House deciding to rise as early as 1 July. Can I remind the Ceann Comhairle that this is the fourth revised schedule of business this week? The Government now proposes on Friday to introduce a Bill and take all Stages. This is the fourth time the Government has put through all Stages of a Bill in a single sitting without notice to the Opposition. For those reasons, I cannot see how it is acceptable for the Taoiseach to cause the House to rise so early and, at the same time, introduce an Order of Business that requires us to sit until 10 p.m.

Question, "That the late sitting be agreed to," put and declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 18, motion re proposed approval by Dáil Éireann for a Council decision without debate, agreed to?

Caoimhghín Ó Caoláin: We have no report from the committee's deliberations on this motion. I have had no sight of it. It is imperative that we have a full debate on what is an important element of the overall EU action plan. This has implications for our security, our civil liberties and our human rights. All these matters are affected by the content of the proposition and, more importantly, in the context of the EU action plan which was introduced four years ago and yet the House has never debated it. It is irrelevant of what one's view may be of its content. Whatever opinion I may have, others may have one that is totally contrary. On principle, the House should be addressing the proposal. The greater number of Members simply do not know what it contains or what effects it may have on the rights of citizens of this State and other EU member states. The House should not permit something to go through on a nod and a wink without Members fulfilling their duty of proper inspection. That is why I again object to No. 18 proceeding as proposed.

Question, "That the proposal for dealing with No. 18, motion re proposed approval by Dáil Éireann for a Council decision without debate be agreed to" put and declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 19, motion re proposed approval by Dáil Éireann of the Planning and Development Regulations 2005 agreed? Agreed.

Is the proposal for dealing with No. 28, conclusion of Report and Final Stages of the Veterinary Practice Bill 2004 agreed?

Mr. Naughten: The proposal regarding No. 28 is not agreed. While Deputies Upton, Crawford and I are supposed to be debating the Report Stage amendments in the House, we are also supposed to be attending a meeting of the Joint Committee on Agriculture and Food to discuss Teagasc's closures of profitable offices around the country. It is impossible for us to be in two places at once and we indicated this to the Whip earlier.

Mr. Kelleher: Why did I not hear about it?

Mr. Naughten: The solution is to restrict the discussion on the closure of the Teagasc offices

to 30 minutes so we can facilitate the passage of this legislation. I ask the Government to look at this again and provide us with the facility to address both the legislation in the House and the issue in the committee meeting, rather than conducting both matters at the same time.

The Taoiseach: I will ask the Whip to contact the Chairman of the Joint Committee on Agriculture and Food with a view to arranging something. The time of the debate in this House cannot be changed but perhaps the committee can change the time of its meeting.

Mr. Naughten: If the Whip had not changed the time from last week to this week, this could have been facilitated. However, it has been chopped and changed without any discussion taking place, even though the committee meeting has been scheduled for the last four weeks.

The Taoiseach: It is an important issue.

An Ceann Comhairle: Is the proposal for dealing with No. 28, conclusion of Report and Final Stages of the Veterinary Practice Bill 2004 agreed? Agreed.

Is the proposal for dealing with No. 2, conclusion of Second and Remaining Stages of the International Interests in Mobile Equipment (Cape Town Convention) Bill 2005 agreed?

Mr. Stagg: I wish to put on the record of the House that the use of the guillotine in this widespread manner on a long list of Bills is simply unacceptable. It is bad parliamentary practice and is relatively new, particularly since, as my party leader, Deputy Rabbitte stated earlier, the House is breaking for three months. Hence, if the House wishes, there is plenty of time to have a debate without guillotining the Bill.

Caoimhghín Ó Caoláin: I also wish to object to the application of the guillotine once again in respect of a number of items, including the last one. It is uncalled for and is unnecessary. As a preference, the Government should allow the opportunity for full participation by Members and the guillotine is wrong in principle unless there are specific reasons for it. I acknowledge that such reasons have presented themselves in the past, but in the normal course, it should not be the Government's first option.

Question put: "That the proposal for dealing with No. 2, conclusion of Second and Remaining Stages of the International Interests in Mobile Equipment (Cape Town Convention) Bill 2005 be agreed to."

The Dáil divided: Tá, 68; Níl, 53.

Tá

Ahern, Bertie.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Johnny.
 Browne, John.
 Callanan, Joe.
 Callely, Ivor.
 Carey, Pat.
 Carty, John.
 Cassidy, Donie.
 Collins, Michael.
 Cooper-Flynn, Beverley.
 Cregan, John.
 Cullen, Martin.
 Curran, John.
 Davern, Noel.
 Dempsey, Noel.
 Dempsey, Tony.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Finneran, Michael.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Fox, Mildred.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.

Healy-Rae, Jackie.
 Hoctor, Máire.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Brian.
 Martin, Micheál.
 McDowell, Michael.
 McEllistrim, Thomas.
 McGuinness, John.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donovan, Denis.
 O'Keefe, Batt.
 O'Keefe, Ned.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Treacy, Noel.
 Walsh, Joe.
 Woods, Michael.

Níl

Allen, Bernard.
 Breen, Pat.
 Broughan, Thomas P.
 Burton, Joan.
 Connaughton, Paul.
 Costello, Joe.
 Cowley, Jerry.
 Crawford, Seymour.
 Deasy, John.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Gilmore, Eamon.
 Gogarty, Paul.
 Gormley, John.
 Gregory, Tony.
 Hayes, Tom.
 Higgins, Michael D.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Pdraic.
 McGrath, Finian.
 McGrath, Paul.
 McHugh, Paddy.
 McManus, Liz.

Mitchell, Olivia.
 Morgan, Arthur.
 Murphy, Catherine.
 Murphy, Gerard.
 Naughten, Denis.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Keefe, Jim.
 O'Shea, Brian.
 Pattison, Seamus.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairi.
 Rabbitte, Pat.
 Ryan, Seán.
 Sargent, Trevor.
 Sherlock, Joe.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Twomey, Liam.
 Upton, Mary.
 Wall, Jack.

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

Question declared carried.

Mr. Kenny: A matter raised by the Taoiseach, on behalf of the Government, has been about competency and this is the last time he will be in

the House before the summer recess unless he turns up tomorrow. Nine of the 13 Bills on the list published by the Chief Whip, which were due to be published, have not been. These include the Abbotstown sports campus Bill, the energy

[Mr. Kenny.]

(miscellaneous provisions) Bill, the Foyle and Carlingford fisheries Bill, the sea fisheries Bill, the employment permits Bill, the employees (provision of information and consultation) Bill, the diplomatic relations and immunities (amendment) Bill, the criminal justice (international co-operation) Bill and the tribunals of inquiry (evidence) (amendment) Bill. Only four of the 13 Bills listed have been published. That is an appalling record.

The Chief Whip, after due consideration by the Cabinet, published the work for the Legislature for this session, that is, 13 Bills to be published and debated in the House, but we find at the end of the session that nine have not been published. That is an appalling record in terms of competency. It does down the Chief Whip who struggles away against the vagaries of politics each week. Will the Taoiseach comment on that? Can we have an assurance that when the House comes back, the list of Bills proposed to be published for the autumn session will be realistic and that Deputies will know it is seriously intended to deal with the body of work on the list produced by the Cabinet?

The Taoiseach: There are two issues. We have just had a vote on a Bill which passed all Stages in the Seanad where it was introduced and we now want to pass it in the Dáil. It is a short, technical Bill which was opposed even though it helps an Internet based aircraft register which will be based in Ireland. It was opposed not because Deputies were against the Bill but because the Chief Whip is trying to complete Bills from 2004 which have been around for a long time. There is not much point in putting forward a number of new Bills when we cannot even clear existing Bills. We are criticised for guillotining Bills that are not of great significance. If we could clear Bills more quickly here, it would be far better. One of the proposals of the Whip is that we spend more time on legislation, so that we could try to speed up the process.

Mr. J. O’Keeffe: Rubber stamping legislation is what the Taoiseach wants us to do.

The Taoiseach: The energy (miscellaneous provisions) Bill will be published in the next few weeks. The Foyle and Carlingford fisheries Bill is also ready for publication. The sea fisheries Bill will be published in July. The employers (provision of information and consultation) Bill is also ready. The diplomatic relations and immunities (amendment) Bill has been approved by the Government and is awaiting publication. The Twenty-Eighth Amendment of the Constitution Bill has been published. The medicines Bill, approved by the Government, is awaiting publication. The criminal justice (international co-operation) Bill will be published in July. The Prisons Bill has been published. The tribunals Bill will be published in the autumn. The air navi-

gation Bill has been approved by the Government and is awaiting publication. There are four Bills not on the list, namely the British-Irish Agreement (Amendment) Bill, the Landlord and Tenant (Ground Rents) Bill, the Air Navigation Transport (Indemnities) Bill and the Civil Registration Bill, which were taken.

We have published 25 Bills since last summer. We will publish several more over the next few weeks. I thank the House for enacting 22 Bills since last September, which is a large amount of legislation. If we could change the schedule to spend more time legislating, it would certainly help the process. That is the real problem.

Mr. Rabbitte: I am not sure what the Taoiseach means by that last remark. It has often been made by some of his Ministers as well. Is he suggesting that we put those Bills through on the nod? Many pieces of legislation that have gone through this House have got inadequate time and scrutiny. The Taoiseach knows that. He has Ministers who would like to dispense with Parliament, make law in their offices and deal with the media outside.

Mr. J. O’Keeffe: The next step is dictatorship.

Mr. Rabbitte: The Minister for Justice, Equality and Law Reform, Deputy McDowell, is probably giving another briefing at this moment. As far as Ministers like him are concerned, the Dáil is an irritant. Now I hear the Taoiseach wishes to make an assault on one of the few elements of parliamentary accountability, which is Leaders’ Questions. He will try to neuter it before the next parliamentary session.

Was the work permits Bill published this morning? Can we be sure the Minister has read it?

The Taoiseach: The work permits Bill will put the existing employment permit administrative arrangements on a legislative basis. This Bill will be published today.

The point I am making is that we could schedule our business to give more hours to dealing with legislation. The Whip’s proposal is trying to move legislative time from 11.5 hours to 15 hours.

Mr. Stagg: One would think he was the only one with proposals.

The Taoiseach: I think we can do it. We often watch interesting debates on the Adjournment at 9 p.m. which could easily be held in the morning and would be of far more benefit to everyone.

Mr. Naughten: The Minister might turn up in the morning.

The Taoiseach: Yes. There would be a much better chance of the Minister turning up in the morning and someone might report it. If the House does not wish to change, I am quite happy to continue with the way we operate, even if it represents far more than any other Taoiseach ever did before.

Mr. Crawford: If the Taoiseach says that often enough, he will believe it.

The Taoiseach: We could improve the current situation. If everyone believes that it is fine the way it is, that is all right with me.

Mr. Sargent: The Taoiseach talks about improving matters in the House. It is strange that the proposals from the Green Party and others, requesting that the Dáil only go into recess for the month of August, requesting sittings on Friday, demanding that the Ceann Comhairle ensures the Taoiseach actually answers questions—

An Ceann Comhairle: I have no power in that whatsoever.

Mr. Sargent: We want to change that and give him that power.

An Ceann Comhairle: No Chair in the world has that power.

Mr. Stagg: This Ceann Comhairle will be the first in the world with such a power.

Mr. Sargent: The point I am making is that the Taoiseach claims to want more time for legislation. We are not stopping him in that and we would welcome that becoming a reality. In the meantime, we are very constrained in what we can do. The claims made about Bills to be published during the Dáil session are not being honoured. Does the Taoiseach agree the claims should be up to and including the summer recess? He claims the energy (miscellaneous provisions) Bill will not be published this week, despite promises to the contrary. We have a serious energy crisis in this country.

An Ceann Comhairle: The Deputy has made his point and is being repetitive.

Mr. Sargent: It is a serious point and I raised it under Standing Order 31, but it was not agreed to by the Ceann Comhairle. Will the Taoiseach take back his comment that he wants the parliamentary session extended? Will he acknowledge that nobody is stopping him from extending the time?

Caoimhghín Ó Caoláin: We must recognise that the Taoiseach's presence is a critical issue when dealing with Dáil reform. Any package of reforms would have to include the Taoiseach's accountability to the House on a Thursday. Many Deputies would be open to the idea of extended time at the beginning of the week, if some of the areas to which the Taoiseach alluded could be accommodated, including Private Members' time. Why should Private Members' time be confined to Tuesday and Wednesday evenings? There is a tendency in the greater part of the media to ignore much of what is raised. Matters on the

Adjournment could be reconfigured to allow Members, especially backbenchers, a greater opportunity for a more fulfilling participation on the floor of the House.

These are all important matters, but the Chief Whip's current proposal is all about reducing the accountability of the Government. It is not about enhancing engagement or accountability to the House. The proposal is therefore flawed and will make no progress unless it addresses properly the issues to which I referred.

The very restrictive way in which the Order of Business operates also needs to be examined. There is a failure on the part of the Taoiseach to respond properly to specific questions put to him. The need for debate on critical areas is ignored. A point made on the Order of Business today was completely ignored by the Taoiseach. He gave no response. A Deputy has just left and we must make our own judgment on what the silence represents. We spent much time today debating the NESC report on housing. The Taoiseach has given no indication, six months later, on whether the House will be allowed to debate it. Will the Government provide time in the resumed session in late September? The Members want to address these important issues on the floor of this Chamber. It is incumbent on the Government to provide those opportunities.

The Taoiseach: I am completely open to suggestions, but with such suggestions, the Opposition Members will want it all their way. They want the Government to accept these things. It does not work that way. If people want to have sensible dialogue, the Whip will be around most of the summer and he will be glad to hear from them. There must be a sense of give and take. People come with a shopping basket and demand what they want. Others will demand something else. We will continue to have what we have had for the 28 years I have been in the House and for the 28 years before that which is Adjournments at night time. Can people not see that nobody takes any notice of them?

Mr. Gormley: That is because Ministers do not turn up.

Mr. Durkan: Ministers do not take the questions.

The Taoiseach: We could switch around the business of the day and make it very productive if people were really interested. I do not mind and would like to see some changes made. It will not matter to me. I will do what I am doing. I was asked to make a change a few years ago and did so. I have been accommodating. It is nice to be here and a great honour. While this is a lovely place to be and all the rest of it, we do not organise it very effectively. That is all I am saying. It will be the same way in 28 years time, which will certainly not concern me.

Caoimhghín Ó Caoláin: The Taoiseach will not be here.

The Taoiseach: It is up to Members to make changes or not.

Mr. Durkan: I was set to extend a warm welcome to the Minister for Communications, Marine and Natural Resources, but he must, unfortunately, have been bored with proceedings as he left the House.

The Taoiseach: He was here for two hours.

Mr. Durkan: And the Taoiseach was talking for most of the time.

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

Mr. Durkan: This is very appropriate to the Order of Business as there is a plethora of legislation on the introduction of which the Minister could have enlightened us. The Postal and Telecommunications Services Bill was on the Order Paper but has disappeared. If the Minister had waited for a further five minutes, he could have told us when he proposes to restore it to the Order Paper.

An Ceann Comhairle: The Deputy has made his point. I call the Taoiseach.

Mr. Durkan: There is also the energy (miscellaneous provisions) Bill, electricity Bill, electronic communications (miscellaneous provisions) Bill, the natural gas regulation Bill and the Bord Gáis Éireann Bill. While all these are within the Minister's area of responsibility, he could not stay to give information on them. I was prepared to welcome him to the House. We are not so bad that he should not tolerate us for a little while. I would like a comprehensive answer to my question.

An Ceann Comhairle: If the Deputy would resume his seat, Deputy Broughan could speak.

Mr. Broughan: Can the Taoiseach tell the House when or if it is intended to restore the Postal and Telecommunications Services Bill to the Order Paper? While I am on my feet—

An Ceann Comhairle: The Taoiseach should reply on legislation. When will the Bill be brought back?

Mr. Broughan: The Minister who was sitting across the way is responsible for the postal service obligation to deliver to every household and business every working day, and this has broken down.

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

Mr. Broughan: The Ceann Comhairle would not let me raise it on two days last week.

The Taoiseach: The Bill has been taken off the list. The Deputy will need to table a question to the Minister to find out when he wants to restore it.

Mr. Broughan: It is Taoiseach's responsibility to ensure that a significant problem is addressed. He is doing nothing about it. The postal service is collapsing while the Taoiseach and the Minister will not lift a finger.

An Ceann Comhairle: I call Deputy Naughten.

Mr. Durkan: We did not hear the Taoiseach's reply.

Mr. Broughan: In the Taoiseach's constituency—

An Ceann Comhairle: Deputy Broughan should allow the Taoiseach to speak.

Mr. Broughan:—no post has been delivered.

An Ceann Comhairle: If Deputy Broughan wants to disrupt the House, we will move on to the next business. It is after 12.30 p.m. and we are moving on to No. 18.

Mr. Gormley: Come on. We are sitting here waiting.

Mr. Durkan: Questions on promised legislation must be answered.

An Ceann Comhairle: If Deputy Durkan and his colleagues behave themselves in the House, the Taoiseach can answer the question.

The Taoiseach: I answered the question on the Postal and Telecommunications Services Bill but Deputies did not hear me because of interruptions. I said the Bill had been removed from the schedule. If the Deputy wants to find out what the Minister will do, he should table a question. It is not on the current list.

The electronic communications (miscellaneous provisions) Bill is due later in the year while the energy (miscellaneous provisions) Bill will be published during the summer.

Mr. Naughten: The Railway Safety Bill was published in 2001 before the previous general election and republished after it in autumn 2002. Committee Stage took place in spring 2003. When will we take Report Stage? While I was led to believe by the Department that the legislation was ready for Report Stage last June, which is a full 12 months ago, it has yet to be brought forward.

An Ceann Comhairle: Report Stage is a matter for the House.

The Taoiseach: I understand the Bill is ready and ordered for Report Stage. I will raise it with the Minister.

Mr. Costello: Given the continuing fallout from the Morris tribunal report and controversy on matters requiring clarification, especially the issue of when the Carty summary was available and its substance and the redesignation of a murder investigation into a hit and run accident—

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

Mr. Costello: —that was telegraphed to nobody for two and a half years, is the Taoiseach prepared to change the terms of reference of the Morris tribunal?

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

Mr. Costello: It is a matter for legislation. There are two options. The first is to change the terms of reference of the tribunal to allow the matters outlined to be investigated and the second is to refer both Morris reports to the Committee on Justice, Equality, Defence and Women's Rights, which will meet in July.

An Ceann Comhairle: That does not arise on the Order of Business. I suggest the Deputy submit a question. Is there any promise to change the legislation?

The Taoiseach: There was a promise to debate the report in the House and it was honoured two weeks ago.

Mr. Costello: The committee is meeting in July—

An Ceann Comhairle: The Deputy has made his point and is out of order. We must move on as a number of Deputies are offering and I would like to facilitate them. If Deputies continue to disrupt the business of the House, we cannot facilitate further speakers. I call Deputy Gormley.

Mr. Costello: What is the Taoiseach's reply on legislation?

An Ceann Comhairle: The Taoiseach has already replied.

Mr. Gormley: When will the House take Second Stage of the referendum Bill on the EU constitution?

The Taoiseach: As I said recently, the Bill will not be taken during this session. As we are now into the period of discussion, it is unlikely to be taken before the end of the year.

Mr. Crawford: When will the register of people who are considered unsafe to work with children

be dealt with? In light of a case I have encountered of a young mother of two who has had no financial support since 1 April owing to family dispute, when will the family law Bill be introduced to address the issues involved?

The Taoiseach: The interdepartmental working group has reported to the Minister for Justice, Equality and Law Reform on the register of persons who are considered unsafe to work with children and on proposals for the reform of vetting of employees by the Garda. The Minister has appointed an implementation group to advise on implementation and the necessity for legislation. The Departments of Health and Children and Education and Science are in discussion on the establishment of an employment consultancy service. When the process has concluded, they will get back to the legislation. The family law Bill will be introduced next year.

Mr. Sherlock: When is the Landlord and Tenant (Ground Rents) Bill, which was withdrawn by the Taoiseach, likely to be restored? Will the Taoiseach give a reason as to why it has not been restored to the Order Paper?

The Taoiseach: The Bill is not proceeding as a Supreme Court decision has been made which has implications for it. Officials have not finished working through the legislation following the decision.

Mr. Kehoe: The gaming and lotteries (amendment) Bill has been mentioned on a number of occasions on the Order of Business. The status of the legislation is that its publication is not expected or possible to indicate at this stage. Is there any possibility the Bill can be put on the pink list, or section A, for the autumn recess?

The Taoiseach: I understand there are a number of policy issues and other aspects of the proposed legislation which are being re-examined. Some aspects of the Bill are being dealt with within the civil law (miscellaneous provisions) Bill while the others are being reviewed.

Mr. J. O'Keeffe: Can we bet on that?

Ms Shortall: The programme for Government promised the establishment of a Dublin transport authority, a Bill for which appeared on the list of promised legislation until quite recently when the Government dropped it. As the Minister for Transport has recently announced his intention to establish an authority, can the Taoiseach tell the House whether this is Government policy again? If so, when can we expect the legislation to establish it?

The Taoiseach: The original Bill on the list was the greater Dublin land use and transport authority Bill. The Government is not proceeding with that legislation and the Minister last week

[The Taoiseach.]

announced his intention to re-examine another Bill. It is not the same Bill.

Ms Shortall: I asked if it was now Government policy to establish a Dublin transport authority.

An Ceann Comhairle: The Deputy will have to submit a question to the Minister. I call Deputy Timmins.

Ms Shortall: My question is on promised legislation.

An Ceann Comhairle: The Deputy has asked the question on legislation and it has been answered. I have called Deputy Timmins.

Ms Shortall: I did not get an answer. I asked the Taoiseach when we can expect the legislation and he wants to answer it.

An Ceann Comhairle: If the Deputy does not resume her seat, we will move on to the next business.

Ms Shortall: Why is the Ceann Comhairle being argumentative? The Taoiseach wants to answer.

An Ceann Comhairle: The Taoiseach has already answered the Deputy's question.

Ms Shortall: No, he has not. I asked a question on legislation.

The Taoiseach: All the various aspects of the legislation are being examined by the Minister and it is his intention to bring forward a Bill to tidy up the outstanding matters.

Ms Shortall: When?

The Taoiseach: As soon as possible.

Mr. Stagg: That put the Ceann Comhairle in his place.

Mr. Timmins: When can we expect to see the company law consolidation and reform Bill?

When will the State pay small time creditors in Arklow? Three years have passed—

An Ceann Comhairle: The first question on legislation is in order.

The Taoiseach: Next year.

Mr. Timmins: When will the many small family businesses in Arklow and south Wicklow be paid?

An Ceann Comhairle: I call Deputy McManus. Deputy Timmins, we cannot have a debate on the issue now.

Mr. Timmins: The State is a 51% stakeholder. When will these people be paid? They have been waiting for three years.

An Ceann Comhairle: I ask Deputy Timmins to give way to his colleague, Deputy McManus.

Ms McManus: I am interested in hearing the answer to that question.

Mr. Crawford: What about the workers in Belfast also?

Mr. Timmins: They have been waiting for three years.

An Ceann Comhairle: Deputy McManus should be allowed to speak without interruption.

Ms McManus: It would be very welcome if the Taoiseach took the opportunity—

Mr. Roche: I am reminded of Irish Shipping and the appalling record of the then Government.

Ms McManus: —to answer Deputy Timmins's question. In view of the fact that he will not be in the House again I hope the Taoiseach will answer the question Deputy Timmins rightly asked about an area in County Wicklow.

The Tánaiste and Minister for Health and Children is launching a major report today on bioethics in the Irish Council for Bioethics in regard to the disposal of human organs. This issue has caused great anguish and distress to many families across the country. When this issue first became known, the Government promised a human tissues Bill. When will the Bill be published?

An Ceann Comhairle: The Taoiseach to reply on the human tissues Bill.

Ms McManus: I have a second question. A craven decision was made by the Tánaiste not to introduce risk equalisation which would ensure—

An Ceann Comhairle: I am sorry, Deputy McManus raised that yesterday.

Ms McManus: —proper competition in the health insurance market. May I ask the Taoiseach again, since tomorrow we will have—

An Ceann Comhairle: That question was dealt with yesterday.

Ms McManus: I hope the Ceann Comhairle will give me the same courtesy he gave to Deputy Ó Caoláin to allow me to finish my question.

An Ceann Comhairle: Standing Order 26 applies to everybody, even Deputy McManus.

Mr. Roche: It applies to the nobility as well.

An Ceann Comhairle: We have to move on to the next business.

Ms McManus: Even half the time would be a welcome change.

An Ceann Comhairle: No Chair in the past has allowed as many questions on the Order of Business. I expect the Deputy to live within Standing Order 26.

Mr. Roche: The aristocracy believes the rules apply to the ordinary people.

Ms McManus: The Taoiseach might reply on whether we may have a short debate on the matter of risk equalisation tomorrow. When is this Bill coming back and can we deal with an issue of central concern to people currently subscribing to VHI.

An Ceann Comhairle: It does not arise on the Order of Business. Is a debate promised?

The Taoiseach: No, the first Bill is not listed.

An Ceann Comhairle: I call Deputy Quinn.

Ms McManus: I am sorry but it is promised legislation.

The Taoiseach: It is not listed so I cannot tell when it will come forward.

Ms McManus: When will we get it?

The Taoiseach: It is not listed so I cannot tell the Deputy when it will be ready. Deputy McManus should table a question to the Tánaiste because it is not on the list.

Ms McManus: That is a stupid thing to say, I cannot table a question to the Minister.

A Deputy: The Minister will be on holiday for three months.

Mr. Durkan: The Minister could answer.

Ms McManus: Will the Taoiseach indicate to the House when the promised legislation which is entitled the human tissues Bill—

An Ceann Comhairle: I call Deputy Quinn.

Ms McManus: —which was promised by the Government—

An Ceann Comhairle: I have called Deputy Quinn.

Ms McManus: When will we have it?

The Taoiseach: It is not listed.

Ms McManus: We are never going to get it.

The Taoiseach: I will ask the Tánaiste to give Deputy McManus an answer, but it is not listed.

Mr. Quinn: The Taoiseach misled the House earlier this morning in reply to Leaders' Questions. Will he take the opportunity before the House rises to correct the record? He may not have been aware of it, but he said in regard to the commitment to overseas aid that the United States had no dedicated target. He was wrong. In the year 2002 in the Monterey—

An Ceann Comhairle: The Deputy has made his point. That does not arise on the Order of Business.

Mr. Quinn: I want to facilitate the Taoiseach. I want to tell him where he was wrong and give him the opportunity to correct it.

An Ceann Comhairle: We cannot have a debate on the matter. The Deputy has made his point. Does the Taoiseach wish to respond?

Mr. Quinn: If you had not interrupted me, a Ceann Comhairle, I would have been finished by this stage.

An Ceann Comhairle: The Chair does not interrupt.

Mr. Quinn: In the Monterey consensus, the United States committed itself to the 0.7% ODA target. The Taoiseach may wish at some stage to correct the wrong he told the House earlier today.

The Taoiseach: I was advised last week by all the NGOs, who are the experts in this area, that the United States would not state a target. In my meeting with many of the G8 leaders last Friday, they told me that the United States has no target. If it has a target then I am wrong, but it was displayed on an excellent chart and clearly put to me that Condoleezza Rice had refused to quote a target. That was the source of my information. President Clinton was right when he said that if his country did half of what we did, he would be very proud of it.

Mr. Allen: They do not break promises at the UN.

Mr. Wall: Given the major development proposed in regard to the Curragh racecourse, when will the Curragh of Kildare Bill come before the House?

The Taoiseach: In the autumn session.

Treaty of Amsterdam: Motion.

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

[Mr. Kitt.]

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

proposal for a Council Decision on the exchange of information and co-operation concerning terrorist offences, a copy of which proposed measure was laid before Dáil Éireann on 16 June 2005.

Question put and declared carried.

**Planning and Development Regulations:
Motion.**

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

That Dáil Éireann approves the following regulations in draft:

Planning and Development Regulations 2005,

copies of which were laid in draft form before Dáil Éireann on 16 June 2005.

I am pleased to move this motion, the adoption of which by both Houses of the Oireachtas will pave the way for the planning and development regulations to be amended in three different ways: first, to make it a requirement for shops that wish to change into an off-licence or to sell alcohol to obtain planning permission; second, to facilitate consideration of the need for an environmental impact assessment, EIA, of peat extraction projects, that are currently exempted development, by referring to criteria set out in the environmental impact assessment directive; and, third, to reflect in the Irish planning regulations a technical change to annex I and annex II of the environmental impact assessment directive which lists project categories that require environmental impact assessment. The change is needed because the environmental impact assessment directive has been amended by the Aarhus Directive 2003/35/EC.

Positive approval of this House is needed for any change to the exemptions under the planning code, whether the change adds an exemption or limits exemptions, as these changes do. I had suggested that these changes would be discussed in an Oireachtas committee. I believe that would have been a much better approach from the point of view of everybody in the House but particularly from the point of view of the Opposition. It would have been a good and appropriate use of committee time. That format would have allowed for a freer and more extensive exchange of views than is possible in the 60 minutes we have available in the House.

As Members will know, I have for a long time been an advocate of the more extensive use of parliamentary committees, particularly for technical issues such as those under discussion here, not

least because it allows the Opposition parties to make a positive input. Members will accept that I have been forthcoming in that regard. I have always been willing to listen and involve the Opposition and, where possible, to change. Oddly, the proposition was opposed by the Green Party and I am mystified as to why it chose to do that. The party is not represented here now so we will probably never know.

The first amendment will require shop owners who wish to change the use of their premises to an off-licence to obtain planning permission. Under the planning and development regulations 2001, a change of use from a shop to an off-licence does not currently require planning permission. This has always struck me as very odd. Planning permission is needed to open a chipper, for example, yet no planning permission is needed to open a full-blown off-licence to sell all forms of beer, wines and spirits. Whatever about chippers, there is no shortage of off-licence outlets. The Commission on Liquor Licensing, Interim Report on Off-Licensing, published in May 2001, evidently shared my long-held view on this. It recommended that permission should be needed for a change of shop use to an off-licence.

The number of shops changing use to off-licence or expanding into the sale of alcohol has increased significantly in recent years. The increase in off-licences has arisen both from changes to the restrictions on the transfer of an intoxicating liquor licence and from changes in the way in which people socialise and drink. These changes have had an impact on our streets and communities. There is therefore a land use issue that must be tackled through the planning code. By bringing the matter into the planning code I am giving local communities and councillors a say in the matter.

I have therefore decided to amend the definition of a shop in the planning and development regulations 2001 so that a shop changing use to that of an off-licence, or expanding what it sells to include alcohol, will in future require planning permission. The change will not affect the sale of wine as a subsidiary to the main use of the premises as a shop. The sale of wine from a corner fridge, which is a minor element of the overall trade of the shop, will not be affected by this change. Lest Members jump to any conclusion, they should note that the Commission on Liquor Licensing supported my conclusion on this matter.

Mr. O'Dowd: No.

Mr. Roche: Yes, it did.

Mr. O'Dowd: I have the document here. I can show it to the Minister.

Mr. Roche: If the Deputy reads it, he will note that it was very specific.

Mr. O'Dowd: I will allude to it line by line as soon as the Minister sits down.

Mr. Roche: The change will allow planning authorities to exercise control over the major increase in large-scale off-licences and address the genuine concerns of local communities. The change is a very positive step. It will give local communities a direct input into the development and establishment of off-licences in their areas.

This has been an area of genuine concern for communities in recent years as more and more outlets for the sale of beer, spirits and wine have sprung up. It is not my intention that this proposed regulation should be used to prevent consumer choice or to inhibit competition. Rather, the intention is to give communities and councils a right to determine what can and cannot happen in their planning areas. The change will ensure better planning in our towns.

The second amendment will facilitate consideration of the need for the environmental impact assessment of peat extraction projects, which fall under the heading of exempted development, but which could have significant effects on the environment by reference to criteria set out in the environmental impact assessment directive. The criteria in this regard relate to the characteristics of the proposed development, its size, use of natural resources and so on. The environmental sensitivity of the areas affected is also a consideration, as is the potential for significant effects.

At present the planning regulations of 2001 exempt those involved in peat extraction from the requirement to apply for permission and conduct an environmental impact assessment in the case of peat extraction in a new or extended area of less than ten hectares, or peat extraction in a new or extended area of ten hectares or more where the drainage of the bogland commenced prior to the coming into force of these regulations.

The European Commission has indicated a concern in this area and action is needed. This change is a response to that concern. Following negotiations, the Commission is agreed that its concern regarding the transposition of the environmental impact assessment directive, No. 85/337/EEC, as amended by Directive No. 97/11/EC, as it relates to peat extraction can be resolved by a qualification to the existing planning exemption. The exemption would not apply where peat extraction is likely to have significant effects on the environment.

This would allow the planning authority to assess whether a peat extraction project would have a significant impact. Where it would have such an impact, the authority can step in and require the preparation of a planning application and, if necessary, an environmental impact statement.

The Commission is solely concerned with peat extraction activity covered by the planning exemptions but outside of special areas of conservation and natural heritage areas. Peat extraction

in these designated areas is subject to separate conservation controls not touched on in this change.

The designation of peatland sites in natural heritage areas should be substantially completed by the end of July 2005, other than in respect of a relatively small number of sites where proposed designation is under appeal. Therefore, the Commission's sole concern relates to peat extraction of less than 10 hectares outside designated areas. I apologise to the House for the extraordinarily complicated nature of this subject.

We are confident this amendment to the planning regulations will greatly assist in avoidance of a daily fine for non-implementation and will not have any dire impact on traditional peat extraction or turf cutting.

The final amendment is a technical amendment to Schedule 5 of the 2001 regulations reflecting a relatively minor change to the environmental impact assessment directive, annexes I and II. Part I of the schedule lists the project categories for which an environmental impact assessment is mandatory. Part II lists the project categories for which mandatory thresholds have been set.

The amendments are designed to ensure that any change to, or extension of, a project in Part I will, in itself, require an environmental impact assessment where such a change or extension meets any relevant threshold in Part 1. As currently drafted, such an assessment is mandatory only where a development increases by 25%, or an amount equal to 50% of the appropriate threshold, whichever is the greater. This is more likely to have an impact on other member states than on Ireland because Ireland has a propensity to use environmental impact assessments much more frequently than other member states.

This change to the lists of project categories transposes part of Directive No. 2003/35/EC, commonly known as the Aarhus directive. This directive provides for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice. The transposition of the Aarhus directive will, for the most part, be achieved through regulations under the European Communities Act 1972, and further amendments to the planning and development regulations. Work is in progress on the latter two sets of regulations. I intend that the necessary implementation measures will be adopted during the summer.

On the overall position on European Union environmental legislation, I assure the House I am fully aware of the importance of timely transposition and correct implementation of such legislation. There are now some 200 items of European Union legislation transposed in this country, including more than 140 directives. The challenge following transposition is effective implementation. In cases where the Commission feels member states have failed to satisfactorily transpose European Union legislation into their national laws and implement it effectively, the

[Mr. Roche.]

issue is raised in correspondence with member states. If agreement is not reached on how to address the issue, the Commission may take a case to the European Court of Justice. However, the vast majority of issues are resolved without recourse to that court.

The European Commission's Fifth Annual Survey on the implementation and enforcement of Community environmental law showed Ireland's overall performance to be average in comparison to our European Union partners. This means we are not "bottom of the class", as is often suggested, particularly by the Green Party, whose members are not present. However, it also means we still have much work to do in this area.

My Department, through the local authorities, the Environmental Protection Agency and the Office of Environmental Enforcement continues to work towards maintaining a high level of environmental protection for Ireland, and to addressing any alleged cases of infringement of European Union environment law.

The task force, which I established in my Department to address the range of environmental complaints against Ireland in a more comprehensive way and which was mentioned previously at a meeting of the Oireachtas Joint Committee on Environment and Local Government, has been fully operational for some months. In addressing its work, the task force has intensified engagement with Commission officials. They have been very positive in that regard. The task force has also intensified engagement with the implementing agencies in Ireland.

The task force has undertaken a systematic analysis of each case that is the subject of infringement proceedings by the European Commission and for which my Department is responsible. This analysis has facilitated accelerated responses by Ireland to Commission concerns in a number of cases. It should also help to improve our response to any infringement complaints in future, and to provide full information on the excellent ongoing work being undertaken towards fulfilling our compliance with our European Union obligations.

I commend these amendments to the House. As I stated at the outset, the amendments are very technical. It would have been far more productive if we had all agreed to handle these technical matters at a committee meeting. I know Fine Gael and the Labour Party were in general agreement with me in this regard. A committee meeting would have been a much better way to proceed than proceeding according to the requirement the Green Party imposed on us, which its members are not present to meet.

Mr. O'Dowd: I wish to share time with Deputy Naughten.

Acting Chairman (Mr. Ardagh): Is that agreed? Agreed.

Mr. O'Dowd: I would like the Minister to be a man of his word. In a recent reply to a parliamentary question by Deputy Olivia Mitchell, he stated he would, in a very short period, introduce changes to the Planning and Development Regulations 2005. One of the commitments he made in the reply — I do not know whether he or his Department officials wrote it — was that he would address the need for a uniform planning application form throughout the country. The reply stated he would also address the fact that a very significant number of applications are actually turned down by local authorities, as brought to his attention by Deputy Olivia Mitchell. These two issues are very serious. I understand from Deputy Olivia Mitchell that approximately 50% of the applications in her area are turned down by the county council because of errors made in filling out application forms. Has the Minister honoured his word regarding these issues? Has he made the necessary changes to the regulations? Clearly, they have not been made. Neither is there clarity of thought or intent, which the Government ought to demonstrate in dealing with these issues.

In spite of all the changes the Minister is making, any existing premises that has a licence from the courts to sell alcohol can and will continue to do so. There is no change whatsoever, provided they continue to comply with the law in every respect. However, every new business, convenience store and shop around the country can sell wine from the fridge. It does not need to be the substantial business of the premises, but can represent a very large portion. It will not be the Minister's concept of a little corner fridge, and that is where he is making a mistake. He is requiring people who want to sell beer, which has a lower alcohol content than wine, and spirits to apply for planning permission. However, he is not requiring those who sell wine only to do so. His proposal is ambiguous and lacks clarity.

The interim report of the liquor licensing commission strongly disputes some of the issues. The Minister refers to councillors and the community

1 o'clock having a say with regard to an off-licence. Due and proper space is given for that in the courts. It is very clear that an applicant for an off-licence must comply with the usual conditions regarding suitability of premises and the other grounds for objection as contained in section 18 of the 2000 Act. The applicant must go before the court and due notice should be given. This is to ensure general conformity with legislation and to give the public and authorities proper grounds for objection. When people object to an application, they are not objecting on grounds of planning or the physical premises but because they do not want it in their neighbourhood and perhaps it has been badly run in the past. All the issues and objections people raise can be dealt with properly and entirely through the courts system.

The commission recommends: "Should a full off-licence be required ... then the applicant shall

be obliged to obtain planning permission and shall satisfy the Court at the hearing ... that any conditions have been complied with.” This is in the interests of good planning practice and conformity with general practice to ensure that the lay-out of the premises is suitable. It does not make sense to introduce a planning application process for the sale of beer and whiskey but not for bottles of wine. Deputy Perry informed me that for every bottle of whiskey sold, ten bottles of wine go out the door. The Minister has swallowed this line——

Mr. Naughten: It is one way of getting rid of the European wine lake.

Mr. O’Dowd: The Minister will turn us into a nation of winos.

Mr. Roche: It would be helpful if the Deputy read recommendation 54.

Mr. O’Dowd: I am reading the recommendations. I am not finished and I will not let the Minister off lightly.

Mr. Naughten: Recommendation 54 is a long way down the list.

Mr. O’Dowd: The Minister should not open his mouth too soon. I will not suggest that he will turn the country into a nation of winos. Alcohol is a very serious issue and the people who spoke up at the commission against this proposal should be listened to. The members of the commission considered that the acquisition of a full off-licence for any premises involved a change of use of which the public should be made aware and should be entitled to object to at the planning stage. This recommendation was not acceptable to Ms Carmel Foley, the Director of Consumer Affairs, Ms Isolde Goggin of the Competition Authority and Mr. Brian Whitney representing the Department of Enterprise, Trade and Employment on the grounds that any genuine planning issues are already covered by existing planning and licensing laws and this provision presents an unnecessary and unwarranted barrier to entry to the business.

Ms Ailish Forde, RGDATA, considered the scrutiny of the courts to be sufficient and the involvement of planning authorities inappropriate. On the other hand, some of the members were of the view that a planning permission requirement should also apply to new wine-only licences. These members were Messrs. Frank Fell, Licensed Vintners Association, Michael Murphy, IBEC, Tadgh O’Sullivan, Vintners Federation of Ireland, and John Power, Irish Hotels Federation.

On one side people are trying to vindicate consumer rights and competition and on the other there are people with an interest in the business. The Minister has clearly taken one side——

Mr. O’Dowd: The Minister has taken one side and we have taken the other. This regulation is heavy-handed and does not make sense. I agree with proper regulation. Perhaps the Minister should have considered the sale of beer, but he did not take that option. In America, low-alcohol beers are available in convenience stores, but not those with a higher alcohol content. The availability of spirits and alcopops is a very serious issue. The whole situation is a mess and the Minister has not thought it through. I therefore oppose the regulation.

What happened to the promises made by the Minister in his written reply to Deputy Olivia Mitchell? The Minister has again come to the lobby’s defence.

Mr. Naughten: A lot done, more to do. I welcome the opportunity to speak on the regulation. I agree with the Minister it is disappointing that we do not have more time to tease this out in committee. I will raise a number of points regarding the Minister’s proposals——

Mr. Roche: The Deputy should accept that it is not the Minister’s fault.

Mr. Naughten: I accept that. Five minutes in which to reply to all these queries is wholly inadequate. A committee is the proper place to tease out such issues.

Mr. Roche: The Deputy should ask the Green Party about that.

Mr. Naughten: This issue was discussed in 2000 and there was a significant amount of debate on this specific proposal.

I am disappointed the issue of afforestation has not been considered in respect of the regulations. There is concern in the Minister’s county, as well as in many other counties, because the provisions do not allow a mechanism for public objection to forestry in instances when a community or individual is completely isolated by the type of forestry development taking place. The only mechanism available at this time is to object to the grant support that they may be eligible to apply for through the Department of Agriculture and Food. Will the Minister look at that specific issue?

The issue of peat extraction is close to my heart. This proposal has been brought forward because of the decision by the European Court of Justice. What has been the major change with regard to that decision from September 1999? This issue was discussed and debated in the House in 2000. A proposal was put forward at that time and the then Minister, Deputy Noel Dempsey, said that with regard to the environmental impact assessment, he was examining the requirement to reduce the threshold of 50 hectares. He said that this would address the concerns of the European Court in a transparent manner and that there should be no further diffi-

Mr. Roche: Both sides are wrong.

[Mr. Naughten.]

culty when it was done. However, it seems that there is further difficulty. Where did the Minister, Deputy Dempsey, slip up with regard to this issue? He seemed to be incompetent in respect of many areas when he was in charge of this brief, but how did he slip up with regard to this specific matter?

The word “significant” gives rise to huge concern in my constituency where people who cut turf, either for their own use or on a small commercial basis, could be roped in under this definition. Many bog owners and people with turbary rights cut turf on an acre plot. Half of the plot has been traditionally cut out and most active plots are approximately half an acre in size. Once the turbary rights are exhausted people must find some other form of fuel. However, the difficulty is that if one takes turf cutting on a contiguous basis on a bank of turf where individuals all along that bank have half-acre plots, one could very easily reach some of the thresholds in the regulations. Then some official in the local authority or an alleged do-gooder from some part of the European Union, who is visiting here and wants turf-cutting to be abolished because all the turf in his or her country has been cut, could decide that the turf-cutting has a significant effect. All of a sudden, individuals who are cutting three or four spreads of turf for their use and that of their neighbours will have to apply for planning permission and conduct an environmental impact assessment. That is the concern about these regulations.

The way that environmental impact is defined in the regulations could give rise to a situation where people who are cutting turf on a small, commercial basis or for their own use will be required to have an environmental impact assessment carried out because of the issue of taking a number of turf banks together along a particular bog. In that scenario, it is not just one individual half-acre plot. There could be a number of plots along the bank to be cut. That would be the normal procedure in that an operator would come in with a digger and a hopper, cut along the length of the bank, the turf would be spread out, dried, saved and then transported.

Livelihoods are at stake. Many contractors have put significant investment into upgrading their equipment. There has been much talk about the impact of turf cutting on blanket and raised bogs, but there has been very little acknowledgment of the fact that operators have moved away from the use of the sausage machine, owing to the assistance and encouragement provided by my colleague on this side of the House, Deputy Michael D. Higgins, and now use the hopper procedure which does not have the same type of negative environmental impact. As well as that, we must realise that we are talking about small plots on the edge of bogs. The majority of bogs in this country are either State owned or State controlled. We are referring to half-acre plots in many cases, and sometimes even smaller than

that, on the edge of bogs. Cutting turf in such plots using a hopper will not have a detrimental environmental impact.

I do not know the reason for these new definitions and changes in the rules. The former Minister, Deputy Noel Dempsey, said that he addressed this issue in 2000, so how have the sands shifted regarding the same European Court of Justice decision? I would like an answer to that question. I would also like a firm commitment from the Minister that this will not have an impact on turf-cutting on a small, commercial basis or by individuals on their own or a neighbour's bank in County Roscommon and elsewhere.

Will the Minister examine a proposal that was put forward to the Oireachtas Joint Committee on Environment and Local Government, for the development of a wetland wilderness park in the cutaway bogs of the north midlands? It would have a major economic benefit from a tourism point of view in that region. I ask the Minister to give serious consideration to that proposal which is being submitted to his office.

Mr. Gilmore: I agree with the Minister that this motion should have been considered by an Oireachtas committee where we could have teased it out in greater detail. I do not accept, however, the Minister placing the blame for that on the Green Party. Obviously, Deputy Cuffe can answer for his party in that respect, but I do not buy that the Minister did not bring his proposal to an Oireachtas committee because the Green Party objected to it. If that were the case, many proposals that are brought to the House or to committees would never appear. It is the first time I have ever heard that a Minister would not bring a proposal to a committee because an Opposition party of any size objected to it. I do not buy that argument.

Mr. Roche: There must be unanimous agreement to bring a proposal in that way.

Mr. Gilmore: There is a different reason, which I will come to in a moment. The motion has the potential to cause uproar in rural areas. The proposals before the House relating to peat extraction are a Trojan horse. The Minister may be right in saying that the proposals arise from the judgement of the European Court of Justice and the prospect that this country will face a daily fine of €26,000 if the issue is not addressed. However, the European Court of Justice imposed that fine two years ago. The Minister had two years to bring the issue before an Oireachtas committee; he did not have to leave it until the last week before the Dáil rises for the summer.

Furthermore, the issue first arose six years ago in 1999 and the Government had plenty of time to bring proposals on this issue to an Oireachtas committee or into the body of the House if it was of the mind to do so. We now have a motion, introduced two days before the Dáil rises, which

will give rise to set of circumstances which will result in people who have traditionally cut turf for their own use on their own bogs now having to obtain planning permission and undertake an environmental impact assessment before the turf can be cut.

When the uproar starts — and this is where I come back to the Green Party — and the back bench Deputies of the Minister's party and the Government parties are confronted with it in their constituencies, they will blame the Green Party. They will say that the Green Party would not allow the matter to be discussed. That is what the blame of the Green Party is about.

Mr. Roche: That is nonsense. The Deputy should tell the truth to the House. He knows what he is saying is disingenuous and untruthful.

Mr. Gilmore: Let us examine what is being proposed here. The Minister has found a formula to get around the judgment of the European Court of Justice and it is that an environmental impact assessment will be required where there is a significant impact on the environment. However, if one examines the criteria for that, one sees that they are wide open.

Deputy Naughten is right. If this was a situation where one was talking about individuals cutting turf with their own sleán on their own bank in their own bog, it would probably be fine. However, that is not what is happening now. These days a machine goes onto a bog and cuts turf for a number of people. By my reckoning, once a machine is cutting for around 20 people, it will be covered by these regulations and the operator will have to submit to an environmental impact assessment. This is why this issue should have been teased out in an Oireachtas committee and not in the last week of the Dáil session. It should have been dealt with long before now. This matter was held over until the last week, if not the last minute, so that the Minister could be in and out in no time and when the turf hits the fan, so to speak, he can blame the Green Party. That is the politics of this.

Mr. Naughten: What is more, Bord na Móna is exempt from the regulations.

Mr. Roche: I have heard some conspiracy theories, but that one certainly takes the biscuit. One can always depend on the Labour Party for a spot of mendacious misinterpretation.

Mr. Gilmore: The Minister can depend on my party to see what is going on.

Mr. Roche: The Deputy is being untruthful and I am disappointed in him.

Mr. Gilmore: I expect that the Minister will confront a few angry public meetings on this issue in his own county. That is all in front of him, but what I want to nail here is the bit of political cleverality, to coin a phrase, that is being engaged in

by the Minister to deflect the flak that will inevitably arise from this matter.

Two issues have been used to dress this up and make it look like it we are dealing with some wider amendment of the planning regulations. The first is to do with off-licences and I do not have any disagreement with the Minister's intent. Clearly where a shop selling sweets and newspapers is converting to an off-licence, it should be required to apply for a change of use permission. However, the situation is not always as clear-cut as that example and the Minister has left it ambiguous.

The new off-licence arrangements are very often in conjunction with an other activity which takes place in the shop. Typically, a filling station builds a new 24-hour shop, part of which sells alcohol. It is not entirely clear and I am not entirely clear in my mind whether it will be necessary for those who have already done so to apply for retention. I am not clear as to where the distinction lies between what the Minister describes as wine being sold from a fridge and part of a shop being used for the sale of alcohol and neither is it clear which activity will require planning permission. I am not clear if there is a distinction between the sale of wine and the sale of beers. Is the sale of beer from a fridge exempted from planning permission whereas the sale of beer outside a fridge requires planning permission? It is a pity the House did not have more time to tease out these areas of ambiguity.

I refer to the definition of "shop" in the motion. The sale of hot food is also being excluded. I am a little puzzled at this provision. Many shops sell hot food nowadays, in particular, filling station shops with a takeaway hot food counter. Will separate planning permission be required for the hot food arrangement? Some newer supermarkets also sell hot food. Will they be required to apply for a separate planning permission? I note this is listed in the definition of what is being exempted from the definition of a shop.

The second area turfed in, so to speak, with the peat extraction issue which is the reason for this motion, is the Aarhus Convention. What is delaying the implementation of the convention and why is only a portion of it being given effect in these regulations, particularly when the convention was to have been implemented last weekend? Why is the entire convention not being implemented? We had an exchange in the House yesterday about the Minister's planned infrastructural legislation. Why is the thrust of that proposal moving away from the Aarhus Convention? The convention is partly about making information on environmental matters available to the public but it is also concerned with the right of the public to participate in environmental decision-making from an early stage. The public does not have the right to be involved at an early stage in respect of major infrastructural projects in particular. In the case of the third pillar which is the right to challenge in a court of law public

[Mr. Gilmore.]

decisions made with regard either to information or public consultation, the thrust of the proposed legislation is away from the Aarhus Convention. I ask the Minister to address two questions. Why is only a part of the Aarhus Convention being implemented? Why does Ireland appear to drift away from the principles enshrined in it?

This motion is to amend the planning regulations and to address the area of exempted development. I am surprised the Minister did not take the opportunity to address the problems associated with the erection of mobile telephone masts and antennae. The Minister must be aware that considerable problems have arisen in many parts of the country with regard to the erection of masts and antennae on public property and claims being made that they are exempted development. Bodies such as CIE or ESB have erected them on their sites and claim exemptions because they are related in some way to their activities or are part of a shared facility for some other purpose. This is an issue that has caused considerable problems. If this motion is concerned with changing the regulations on exempted developments, I am surprised the Minister did not take the opportunity to deal with this issue. The answer to that question is connected to my first point about this motion.

This motion is about slipping through the dramatic change in peat extraction and turf cutting under the guise that this is some innocuous, technical change in planning regulations. When those members of the public who will be affected become aware of it, the Minister and his colleagues will then blame it all on the Green Party.

Mr. Roche: The Deputy can do better than that.

Mr. Gilmore: The Minister has got it in one; bull's-eye.

Mr. Morgan: I wish to share my time with Deputies Cuffe and Catherine Murphy.

I agree with the previous speaker and with the Minister when he stated that this motion should have been referred to a parliamentary committee for discussion. This would have provided a better opportunity to tease it out and the exchange of information would have been a better exercise than this present one which is in the old format of both sides shouting across the floor of the House at each other. While I am not totally convinced by the conspiracy theories it would have been a better format than the one we are currently enjoying.

I welcome the regulation relating to off-licences because this is an area requiring tighter regulation. A walk through O'Connell Street will provide examples of small shops and supermarkets substantially engaged in off sales of alcohol and the consequential contribution of that activity to disturbances. Significant alcohol-related disturbances have occurred on St.

Patrick's Day in recent years. The off-licences in O'Connell Street cannot be blamed for all those disturbances but it provides an example of where the situation needs to be checked.

The reference to hot food causes me some concern. Modern living is convenience living and people will call into whatever little shop opens up. Most filling stations and local shops now have a hot plate area offering a range of hot, precooked food. I am worried they may be caught in the net. Such services are an integral part of modern living. If those shops were to seek planning permission and face objections from a competitor up the road and then be required to go through the process of an appeal to An Bord Pleanála, it would be a retrograde step and I would not welcome such a move. The hot food element is sufficiently regulated.

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

Ceisteanna — Questions (Resumed).

Priority Questions.

Departmental Programmes.

11. **Mr. English** asked the Minister for Community, Rural and Gaeltacht Affairs if he is satisfied with the amount spent on the RAPID scheme to date; his views on the fact that this programme will end on completion of the national development plan in 2006; and if he will make a statement on the matter. [23013/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As the Deputy is aware, my Department, supported by Area Development Management, ADM, Limited, co-ordinates the implementation of the RAPID programme. It is, therefore, a matter for each Department to report on progress on the implementation of RAPID and details of funding allocations to the projects that fall within the remit of their Department.

However, Departments were asked recently to track funding against specific projects submitted in RAPID plans from each area. While this exercise is still under way, I am informed by ADM that Departments have to date reported a spend in the order of €300 million in RAPID areas since the inception of the programme. It should be noted that this amount relates solely to specific projects in RAPID plans and does not include funding for RAPID areas by Departments, which are in addition to the RAPID plans.

Despite a slow start the RAPID programme is now making a valuable contribution in disadvantaged communities. However, as the Deputy will appreciate, tackling disadvantage will require long-term commitment by Government and in this regard I believe that the RAPID programme should continue beyond 2006.

The programme is progressing on a number of levels in tandem and clearly the benefits at local level are becoming evident. In the first instance, many small-scale proposals from RAPID plans are being dealt with more effectively at local level. A dedicated fund of €7.5 million has been put in place in 2005 to support small-scale capital projects, through co-funding with other Departments or local agencies as appropriate. I have announced a number of co-funded schemes this year.

Further funding has been allocated to two schemes that operated in 2004. Total funding of €4.5 million is available over two years — 2005-06 — for the local authority housing estate enhancement scheme, which is co-funded with local authorities through the Department of the Environment, Heritage and Local Government. Small-scale capital works to enhance the physical environment within local authority housing estates and flat complexes are supported under this scheme. The RAPID playgrounds scheme, which provides funding for the development or refurbishment of playgrounds has also been launched again this year, with total funding of €3 million being provided by my Department and the Department of Health and Children through the Health Service Executive.

This year I announced a new traffic measures scheme for RAPID areas with total funding of €2.025 million. This scheme is being co-funded with local authorities and will support small-scale capital works to improve road safety in RAPID areas.

Total funding of €4.6 million is being made available by my Department and the Department of Health and Children through the Health Service Executive on a 50:50 basis to support a range of health and community projects in RAPID areas.

My colleague, the Minister for Justice, Equality and Law Reform, recently invited applications for funding under the community based CCTV scheme. My Department will provide funding in addition to resources allocated by the Department of Justice, Equality and Law Reform to successful applications from RAPID areas that are endorsed by the area implementation teams. A number of other co-funded measures are under consideration and I expect to make further announcements on this matter.

As regards the larger projects from RAPID plans that have been submitted to Departments, these will continue to be considered for funding within existing funding streams in each Department. However, I expect that Departments will deal with a smaller number of projects and will therefore be in a better position to prioritise projects and set out timescales for further actions.

Work on improving integration and co-ordination of service delivery at local level will also continue as this is a key component of the RAPID programme.

Special provision was made by the Government for RAPID areas under the dormant

accounts plan. RAPID areas have benefited from 57.5% of the €56.2 million in funding allocated to date.

Discussions are ongoing with Departments regarding prioritisation of other non-capital actions included in the AIT plans.

As the Deputy is aware, the RAPID programme is running in conjunction with the National Development Plan 2000-2006. While no formal decisions have been taken on the lifetime of the RAPID programme, the indications are that it will continue post-2006.

Mr. English: I thank the Minister for his reply. I do not doubt his commitment to the RAPID programme nor the essential need for it. We estimate that €300 million has been spent under it but we were informed by the Taoiseach that €2 billion would be spent under it.

Éamon Ó Cuív: Members were not so informed.

Mr. English: We were. That is written down. It is a commitment in the programme for Government.

Éamon Ó Cuív: When was that?

Mr. English: A number of years ago, prior to 2002. I can provide proof of that for the Minister if he so wishes. However, that is another broken promise. An estimated €300 million has been spent under the programme. All Departments have been asked to submit reports on funding under it and so on. Departments must not have spent much under this programme because they are not shouting about it. The Minister's colleagues in government are not shy when it comes to making announcements on the spending of money. Why is there not a separate subhead for this programme in each Department's Estimate? In that way we would know exactly what is spent on the RAPID programme. The people do not know the exact amount being spent on it, and they need to know that.

People were led up the garden path in terms of the RAPID programme. People in my community became involved in this issue, attended many meetings and met elected representatives to put forward new ideas for projects under the RAPID programme. They have plenty of ideas but funding under the programme is not coming through quickly enough. The Minister's Department was allocated only €7.5 million for the programme this year and €4.5 million last year, and his Department is central to this programme. I hope we will hear major announcements in regard to the programme next year and the year after.

The Minister has twice publicly said, for which I commend him, that the RAPID programme is essential and should continue. Is there something about it we do not know? Is there a doubt about the future of the programme when the NDP

[Mr. English.]

comes to an end in 2006 because now and on a previous occasion the Minister said that he called for it to continue, hoped the money allocated for it would be increased and that it would continue to operate? Is there a fear that funding for the RAPID programme will be cut and will that programme lose out if there is a change to the NDP?

Éamon Ó Cuív: As I explained to Members previously, the RAPID programme was about front-loading expenditure under the national development plan, under the existing headings. For example, under a housing heading, the idea was that a RAPID area would get priority over other areas when housing allocations would be made by the Department of the Environment, Heritage and Local Government. For example, under a health heading, there would be a scoring up in the case of a RAPID area. That is what the programme is about. If the Deputy were to check the press releases when the RAPID programme commenced, he would note that is what the programme is about.

Mr. English: The Taoiseach said that the programme would be given front-loading expenditure of €2 billion.

Éamon Ó Cuív: If the Deputy has the information I am seeking, will he make it available to me? The figure of €2 billion that is mentioned by everyone was also mentioned to me shortly after I become Minister. I asked people to gather all the press releases when the RAPID programme was launched, but I did not find any reference to that figure in them. If someone can give me that quote I will be externally grateful because I cannot find it. However, I suspect that the Taoiseach said that there was a €2 billion provision for social inclusion measures in the national development plan.

Mr. English: There was a €15 billion provision for it, of which €2 billion was specifically for RAPID.

Éamon Ó Cuív: I cannot find any specific reference to that figure in all the documentation I was given. I asked my civil servants to check through documents for a specific commitment of €2 billion for RAPID areas. I accept it is stated somewhere and I am not trying to allege that the Deputy is making it up. If it is stated, what we are talking about is the spend, in other words, expenditure on a health centre and so on. The figure I quoted of €300 million does not represent social inclusion spend, it is matched off against what was in the RAPID plans, which would not tally with the total spend in the areas.

We are serious about addressing needs in areas of deprivation. However, we need to focus not only on the total spend in those areas, which is important, but also what the funding is spent on. I gave a classic example on an earlier occasion of

the right way and the wrong way to allocate funding. A great deal of money was spent — I remember it being spent — on the building of Ballymun flats 30 or 40 years ago and they are now being knocked down. That money was badly spent in that there was no social planning and so on. What is happening in Ballymun today is different because there is a buy-in to that by the local community. There are many strands to RAPID and it is not all about money, though money is incredibly important. However, the second thing that is different this time is that we are looking for buy in from communities. That is absolutely essential so the money is well spent in terms of the social dividend it gives to the communities in RAPID areas. We could be obsessed totally in seeing it as a money gain. It is not as simple as that. It is a matter as well of spending the money in a way the communities recognise will improve their lives.

Mr. English: On the last point I totally agree with the Minister. We have to give value for money and there is a need for buy in from the communities and so on. We have had that in many areas.

An Leas-Cheann Comhairle: Time is running out.

Mr. English: They have put forward plans and the funding is not coming. I certainly will find the statement made by the Taoiseach in this regard. I know the Minister did not say it. When it is brought up on this side of the House it is as an attempt to back the Minister's fight to get more money for RAPID. That is the only reason for raising it, not to embarrass anybody and certainly not the Minister. It is to prove the point. People were given commitments and now we want that money brought forward so we can get results. My fear is that people in disadvantaged areas are not getting all the help they need. They are getting it in certain places but more could be done. Other Departments need to buck up and do more. We all know that if much more money was being spent on the RAPID programme, we would hear about it, so €300,000 is the maximum. That is a long way short of the €2 billion.

Does the Minister know whether there is to be increased funding for the RAPID areas next year, even in his own Department? Are there commitments in place? As regards the long-term future of RAPID, is there something we do not know about? That is a cause of some worry and it is something the Minister has referred to on a few occasions.

An Leas-Cheann Comhairle: The Minister may answer, briefly.

Éamon Ó Cuív: I will try to answer the questions briefly. The first thing I find, meeting coordinators, chairpersons of AITs and directors of community and enterprise services in the various

local authorities, is that there is an enormous buy in to RAPID now. If the Deputy had been at the recent meeting we had here in Dublin, he would——

Mr. English: I have been on the ground.

Éamon Ó Cuív: ——have found a very positive view. Since it is coming up to the summer break, we have a DVD that was made by the RAPID groups all along the west coast. A copy is being made available to every Member of the Oireachtas so they may see what the RAPID communities are saying about themselves. I had no hand, act or part in the preparation of this DVD, and neither had my Department. This was something they decided to do for themselves. They are saying it is a positive story and I suggest we listen to them rather than what the media tell us they are telling us, which is very different.

As regards the funds in my Department, as I said I have reservations——

Mr. English: I understand that.

Éamon Ó Cuív: ——about this and that is why CLÁR is different because it pre-dates that section. I had reservations about the measurement of front-loading because it was spending under the national development plan. I felt, very simply, that it would be good to have a small fund that could be co-funded with other Departments to deal with all the myriad of small projects that came through as RAPID plans that could not be in the national development plan because they are too small, but are still needed. I thought this was a great idea and certainly the RAPID areas think it is fantastic because it is delivering on the ground fast. It is very special to them and it is interesting that people want to get into the RAPID areas.

The Deputy asked about the long term. The reality is that we do not have a national development plan after 2006 for roads, so nobody can say with certainty what the road programme will be like after that. Similarly, I cannot say on a technical level, since there is no NDP after 2006 and because this is linked to that plan, that RAPID as it is today will be exactly the same after that date. I do not doubt in my heart and soul that RAPID will exist in some form similar to what it is at present. I would not have put so much time and effort into it if I was not 100% certain that it would be. Finally, we have extended the whole RAPID thought process way beyond where we started, for example with dormant accounts. The figure I mentioned, 57%, was not in anything at the beginning. It was not part of the programme. The equal measure of €7 million was ringfenced. It is fair to say that Departments and Government agencies are now beginning to realise that RAPID is there and will continue to be for the long term and that it needs to be given priority across a whole range of issues, even those which were not part of the original idea.

Caighdeán na Gaeilge.

12. D'fhiafraigh **Mr. O'Shea** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cathain a bheidh cainteanna aige leis an Roinn Oideachais agus Eolaíochta ar thuarascáil na Comhairle Oideachais Gaeltachta agus Gaelscoileanna ar chaighdeán na Gaeilge sna scoileanna Gaeltachta; agus an ndéanfaidh sé ráiteas ina leith. [22877/05]

Éamon Ó Cuív: Mar is eol don Teachta, is í an tAire Oideachais agus Eolaíochta atá freagrach as cúrsaí oideachais, sa Ghaeltacht agus lasmuigh di. Ar ndóigh, i gcomhthéacs na freagrachta atá ormsa agus ar mo Roinn-se i ndáil leis an nGaeilge agus leis an nGaeltacht, bíonn cruinnithe ann ar bhonn rialta leis an Aire Oideachais agus Eolaíochta agus le hoifigigh na Roinne chun saincheisteanna ábhartha a phlé. Leanfar leis na cruinnithe sin de réir mar is gá.

Tig leis an Teachta glacadh leis go mbeidh ábhar na tuarascála a luann sé mar ábhar plé sa chomhthéacs sin.

Mr. O'Shea: Nach gcuireann sé isteach go mór ar an Aire go ndeireann an tuarascáil gur bheag scoil Gaeltachta a bheidh ag múineadh trí mheán na Gaeilge taobh istigh de 20 bliain muna bhfaigheann na scoileanna Gaeltachta tacaíocht breise ón Stát? Ceapann tuismitheoirí go gcuireann an córas oideachais isteach ar a niarrachtaí an Ghaeilge a thabhairt don chéad ghlúin eile mar theanga bheo. Tá sé seo á chur ar ceal, agus níeiríonn leo aon dílseacht a chothú don Ghaoluinn sa chéad ghlúin eile. Tá scoileanna ann atá tar éis géilleadh agus atá ag múineadh anois trí mheán an Bhéarla anois sna Gaeltachtaí.

An aontaíonn sé leis an méid a dúirt Breandán Mac Cormaic, cathaoirleach ar an Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta, go raibh tuarascála ann roimhe seo, agus nár thárla tada ina ndiaidh? Muna dtarlaíonn rud anois tar éis fhoilsiú na tuarascála seo, nach mbeidh sé tubaisteach ar fad don nGaoluinn?

Éamon Ó Cuív: Bheadh sé fíordhona muna ngníomhófaí ar an tuarascáil sin anois, agus thiocfainn leis an Teachta go hiomlán. Tá idir deascéalta agus drochscéalta ann. Aontaím go bhfuil dúshlán dochreidte ann. Ar an taobh eile den scéal, chuala mé daoine ag labhairt ar líon na scoileanna atá ag múineadh trí Bhéarla, ach caithfear cuimhneamh, mar shampla, go gclúdaíonn sé sin scoileanna in áiteanna ar nós Bhaile an Chláir, Tír an Oileáin agus mar sin de. Is é an Ghaeltacht mar atá sainorduithe tugtha di a bhí i gceist, agus tuigimid le fada an lá nach bhfuil an Ghaeilge in uachtar i measc an phobail i gcuid de na ceantair sin.

Tá bunsraith mhaith sa tuarascáil seo ar féidir bheith ag obair uirthi. Tá moltaí soiléire ann, agus is é an rud atá le déanamh ná an rud céanna a rinne muid le tuarascáil Choimisiún na Gaeltachta — feidhmiú ar na moltaí. Tá

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comhchainteanna agus plé leanúnach idir mo Roinn agus an Roinn Oideachais agus Eolaíochta le féachaint cén chaoi ar féidir linn déileáil leis na dúshláin atá ann ó thaobh chúrsaí oideachais sa nGaeltacht. Is fiú nótaíl, ag éirí as tuarascáil Choimisiúin na Gaeltachta, go raibh mo Roinn i dteagmháil leis an Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta ar son an choiste comhairligh Gaeltachta chomh fada siar le Bealtaine 2003. Ba é ansin a tháinig an tuarascáil seo chun cinn, mar bhí an t-eolas ag teastáil uainn, agus anois tá síá feidhmiú. Beidh sé tábhachtach go bhfeidhmeofar í. Thiocfainn go hiomlán leis an Teachta. Má fhagfaimid ar leataobh é, is tubaiste a bheas ann ó thaobh mhúineadh Gaeilge sa nGaeltacht. Tá an ceart ag an Teachta.

Mr. O'Shea: Nach bhfuil an cheist i bhfad níos práinní ná mar a tháinig amach as an méid a bhí rá ag an Aire? Nach bhfuil an Ghaeltacht féin i mbaol? Nach bhfuil sé i bhfad níos tábhachtaí airgead a chaitheamh ar an scolaíocht sa nGaeltacht seachas ar an Acht Teanga nó, fiú amháin, ar an stádas oifigiúil atá bainte amach ag an nGaeilge san Eoraip? De réir na tuarascála, bíonn 10% de na daltaí a thagann amach as na bunscoileanna agus na hiarbhunscoileanna sa nGaeltacht ar bheagán Gaeilge. Fágann 25% de na daltaí an bhunscoil gan ach leibhéal réasúnta Gaeilge acu. Tagann 8% acu amach as na hiarbhunscoileanna gan ach leibhéal réasúnta Gaeilge acu. Nach n-aontódh an tAire liom? Más rud é go bhfuil an Ghaeltacht i mbaol — agus is é sin an rud atá rá agam anois — má theipeann ar an nGaeltacht, teipfidh ar gach rud. Nár cheart don Rialtas tabhairt faoin scéal seo go práinneach agus rud éigin substaintiúil a dhéanamh? Tá an t-am ag druidim orainn anois. Tá an meath ann le fada, agus is ag dul in olc a bheas an scéal. Tá an Rialtas ag déileáil le rudaí atá teibí — cáipéisí nach léann éinne a aistriú go Gaoluinn. Ar an láimh eile, áfach, tá an Ghaeltacht i mbaol. Tá Gaeilge na ndaltaí atá ag freastal ar na scoileanna ag dul i laige. Tá an scéal ina phrácás ar fad.

Ní dóigh liom go bhfuil an tAire ag tabhairt faoin cheist seo chomh práinneach agus ba cheart. Caithfidh sé dul go dtí an Rialtas agus cur ina luí ar an Taoiseach agus an Aire Oideachais agus Eolaíochta go bhfuil an fhadhb seo ann agus gur cheart tabhairt faoi blianta ó shin. Tá an scéal mar atá sé anois, áfach, agus caithfear tabhairt faoin scéal sin go práinneach.

Éamon Ó Cuív: Thógfadh na ceisteanna agus na pointí ar fad a d'ardaigh an Teachta ní ba mhó ama ná atá agam. Tá freagracht fheidhmiúil ar mholtaí na tuarascála ar an Roinn Oideachais agus Eolaíochta. Is ról tacúil é atá ag mo Roinn-se san obair seo ar fad. Tá an fhreagracht maidir leis an gceist seo go bunúsach ar an Roinn Oideachais agus Eolaíochta. Caithfidh mé sin a shoiléiriú arís agus arís eile. Seo ceann de na fadhbanna. Tá tuairim thart go bhfuil freagracht

iomlán na Gaeilge ar Roinn amháin. Tá sí ar chuile Roinn, áfach.

Tugann sé sin go dtí an dara pointe mé. Ceann de na fáthanna gur tugadh an tAcht na dTeangacha Oifigiúla isteach ná nach mbeifí ag lorg cistíochta ó mo Roinn-se le dualgais a chomhlíonadh do Ranna eile i leith na Gaeilge. D'fhágfaí an chistíocht mo Roinn saor chun obair teangan a dhéanamh seachas bheith ag comhlíonadh dualgas ar Ranna eile. Mar shampla, bhí na seirbhísí sláinte ag lorg go n-íocfaimis as teileafón cainte. Cén fáth go n-íocfaimis as teileafón cainte? An íocfaimis as teileafón cainte i mBéarla? Mar sin, in ionad bheith ag caitheamh airgead na Gaeilge—

Mr. O'Shea: Tá mé ag iarraidh—

Éamon Ó Cuív: —is ag sábháil airgead na Gaeilge le haghaidh chur chun cinn na Gaeilge atá muid leis an Acht na dTeangacha Oifigiúla. Táimid ag cur dualgas ar na Ranna, as a gcistíocht féin, dualgais a chomhlíonadh maidir le seirbhísí a chur ar fáil.

Mr. O'Shea: Tá sé seo i bhfad níos práinní.

Éamon Ó Cuív: Exactly, agus sin an fáth nach dteastaíonn uaim go mbeadh ar mo Roinn-se airgead na Gaeilge a chaitheamh ag déanamh obair Rann eile. Sin an buntáiste iontach a bhaineann leis an Acht. Is ag sábháil airgead na Gaeilge atá sé. Is ceist chairt chustaiméara atá i gceist, mar shampla, tuarascáil bhliantúil a chur ar fáil san dá theanga oifigiúil. Is ceist eile í an léann éinne tuarascálacha bliantúla, ach d'fhéadfaí an cheist sin a chur faoin gceann a fhoilsítear i mBéarla chomh maith leis an gceann a fhoilsítear i nGaeilge. Sin ceist eile ar fad, áfach. Ní thuigim cén fáth go dtagann sé sin aníos i gcónaí. Cinnte, tá sé thar a bheith práinneach, agus sin an fáth go bhfuil mo Roinn go leanúnach ag plé leis an Roinn Oideachais agus Eolaíochta leis an rud seo a chur chun cinn. Tá go leor oibre déanta anseo.

Mr. O'Shea: Ní théann aon rud as ach caint.

Éamon Ó Cuív: Tiofadh go leor as, agus cheana féin tá go leor tagtha.

Mr. O'Shea: Cad a thiofadh?

Éamon Ó Cuív: I bhfad níos mó ná mar a tháinig as an Roinn nuair a bhí páirtí an Teachta i gcumhacht. Mar shampla—

Mr. O'Shea: Ní raibh an tuarascáil seo ar fáil an uair sin.

Éamon Ó Cuív: Ní raibh. Níl sí ar fáil ach le cúpla seachtain. Tháinig an tuarascáil seo amach, agus táimid cheana féin ag díriú, mar shampla, ar cheist na gcúntóirí teangan sna scoileanna Gaeltachta, scéim atá ag leathnú amach ar fud na tíre anois. Táimid ag díriú, mar shampla, ar cheist

na gcuairteoirí baile agus mar sin de. Tá níos mó acmhainníá gcur ar scéimeanna ó tháinig mise isteach sa Roinn ná mar a cuireadh le 50 bliain roimhe. Bhí tréimhse comhghuallíochta i gceist freisin.

Offshore Islands.

13. **Dr. Cowley** asked the Minister for Community, Rural and Gaeltacht Affairs if he will consider introducing a scheme whereby island residents who are mentally or physically impaired are offered a relocation or rehousing option on the mainland to enable them to avail of necessary services; and if he will make a statement on the matter. [22706/05]

Éamon Ó Cuív: I remind the Deputy that responsibility for housing persons with mental or physical disability rests with my colleagues, the Ministers for Health and Children and the Environment, Heritage and Local Government. However, with regard to the context in which the Deputy has tabled the question, he should note that the development of new piers in recent years both on the island to which he refers and the adjacent mainland has satisfied a key remit of my Department to provide safe access to the island in question. In addition, his reference to the abandonment of a cable car project to the island — incidentally, the only island to which such a service is under consideration — is inaccurate.

The facts are that a grant of €1.84 million was approved by me to the relevant local authority for the provision of a cable car and associated services to the island. Furthermore, the local authority was recently authorised by me to purchase lands which had been the subject of compulsory purchase order processes so that all realistic options for providing the cable car service could be usefully explored.

In addition, my Department has engaged in discussions with Ireland West Tourism and the local authority with a view to ascertaining the tourism potential of the project and is actively examining the feasibility of securing partners from the private sector to build and operate the facility.

Dr. Cowley: I welcome the Minister's reply because many people on the island in question believe the cable car project is dead. I acknowledge his comments in this regard and welcome any progress on the project. The late Pól Ó Foighil — God be good to him — was very proactive on this issue and the Minister has visited the island on many occasions. I also welcome improvements in the piers and in access to the island, without which islanders would be stranded.

People with illnesses experience considerable difficulty travelling to and from the island and have been looking forward to having a cable car facility, which should have been developed a long time ago. Constituents of mine have suggested that in light of the length of time required to

develop the facility and the problems it has experienced, it might be preferable for them to be rehoused on the mainland. What are the Minister's views on islanders suffering from illness moving to the mainland? While I appreciate that housing people with disabilities is the responsibility of other Departments, will the Minister consider facilitating people with cancer who may need to move to the mainland for a period or older people who wish to live close to medical services which are unavailable on the island?

Éamon Ó Cuív: Unfortunately, as the Deputy will be aware, only a small number of people live on Inishbiggle, an island which has experienced a significant population decline in recent years. I doubt if anybody on the island is in any doubt as to the Department's position on the cable car project, given that I visited the island during my most recent visit to County Mayo and spent more than an hour explaining the precise position and the parameters within which I was working. I also promised islanders that I would inform them if the Department had approved the project once my discussions with Ireland West Tourism and others had concluded.

The tragedy is that the cable car project could have proceeded many years ago had it not been for various local difficulties and objections lodged at various stages. While people are entitled to object, the Department had to wait until all the problems were overcome before issuing compulsory purchase orders and so forth. The scenario I faced in spring was that, on the one hand, I had a report on my desk indicating that the cable car facility could not be justified purely as an island project while, on the other, I was facing a deadline as regards the decision to purchase the land required for the project. I took the decision that the deadline was too close and I had not done enough homework in terms of examining the project's tourism potential to defray some of the costs of constructing a cable car facility. As a result, I instructed my officials to inform Mayo County Council that it should proceed with the purchase of the land in question to ensure the project would remain intact.

The Department will have to make a decision on the issue. I have always believed, conditional on a wide range of factors falling into place, that the project has island potential as well as significant tourism potential, particularly in light of the development of Ballycroy. This development potential will only be realised, however, if the cable car operator drives it.

The question of old people living on the island who need to move to the mainland is a catch-22, although it was not meant as such, in that if I am seen to be proactively encouraging or assisting people to leave the island, others on the island will argue that my intention is to kill the island. However, if I do not get proactively involved in assisting those who need to leave the island, I will be accused of not looking after people's needs. If someone is seriously ill, the local authorities

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should look favourably on an application from that person and I would make a strong case that if there were good medical or social reasons for a person to leave the island, the fact that he or she has a house on the island should not be a reason for not giving that person a house on the mainland. I would articulate that view on behalf of someone on an island who needed mainland residence because of illness if I was asked to. I do not want someone saying that because a person has a perfectly good house, he or she can stay there. If illness is involved, and if it would be better for his or her health to stay on the mainland, it would be right and humane and I would make that point to any local authority. My experience, however, is that local authorities are sympathetic. They are trying to keep the same balance as us — not to depopulate the island in a driven fashion and to take a social view of individual circumstances.

Dr. Cowley: I appreciate that the Minister was on the island and that he is sincere but people have been waiting for so long that they do not believe what they are told.

Dedicated helicopter emergency medical services would make people feel much more secure on the islands. The Minister knows of the tragedies that have occurred on the islands. There is currently a delay in getting the definitive medical treatment the helicopter emergency services would bring to the islands. Would the Minister support this? It does not fall within the remit of his Department but he might ask his colleagues to support helicopter emergency medical services. They would be a great boon to older people on the islands and a reason for people to stay there.

Éamon Ó Cuív: Inishbiggle has one of the best helipads in the country and my Department put it in. I recognise that helicopter evacuation in terms of illness or other emergencies is vital. Doctors based on the islands full-time always tell me they get an excellent service from both the search and rescue helicopter and the Air Corps.

Dr. Cowley: When they are available to give the service.

Éamon Ó Cuív: I have kept in touch about this. There is more than one doctor on the Arann Islands and I have not received any complaints about availability, particularly from the Arann Islands, which have the largest population and the most calls out. Other doctors on the west coast have said the same.

Dr. Cowley: It is not just a question of availability but having the right equipment to do the job. People have been become hypothermic while waiting for intensive care medical treatment that helicopter emergency medical services would have but the Air Corps and search and rescue units do not have. I worked on Clare Island and

Inishturk and I can vouch for the fact that while the service is welcome, it is not dedicated and its availability and the equipment it carries depends on the other jobs it must do. The helicopter emergency medical service would be a flying intensive care unit that would bring definitive medical treatment to people on the islands.

Éamon Ó Cuív: The Deputy is trying to lead me into a wider issue that would be just as pertinent on the mainland as on the islands.

Dr. Cowley: It is particularly important for the islands.

Éamon Ó Cuív: Lift time into a hospital from the islands because of the provision of helipads and the willingness of rescue services to provide the service would be considerably quicker than in large parts of the mainland in my constituency.

Dr. Cowley: That is true.

Éamon Ó Cuív: I am not a doctor, I cannot argue about one service but the helicopters and helipads are available and there is quick lift time from the islands.

National Drugs Strategy.

14. **Mr. English** asked the Minister for Community, Rural and Gaeltacht Affairs the main aspects of the national drugs strategy for which considerable progress remains to be achieved; the way in which he intends to ensure that all of the 100 recommendations in the strategy and those amended through the mid-term review of the strategy are implemented in full by the strategy's end; and if he will make a statement on the matter. [23014/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Cabinet Committee on Social Inclusion agreed the report of the steering group on the mid-term review of the national drugs strategy in April and it was published earlier this month. The report is the culmination of the mid-term review, a comprehensive review process launched last year and included extensive public consultations.

A steering group, chaired by my Department, made up of the relevant Departments and agencies, as well as the community and voluntary sectors oversaw the review. External consultants also assisted the steering group. The review sought to assess the impact and direction of the strategy at this mid-point stage and, in this regard, the group concentrated on identifying adjustments to the existing strategy and highlighting priorities for the second phase up to 2008.

The steering group found that the current aims and objectives of the drugs strategy are fundamentally sound. There are encouraging signs of progress since 2001 when the strategy was first launched which suggest that our current approach to tackling the drug problem is proving effective.

At the same time, however, the review highlights the need to re-focus priorities and accelerate the roll-out and implementation of various key actions in the remaining period of the strategy up to 2008. In this context, new actions and amendments have been identified. These changes should help strengthen the strategy and enable it to better deliver its aims.

Ten of the strategy's existing actions are being replaced, seven of the existing actions are being amended and there are eight new actions that aim to address issues such as family support and rehabilitation. The review found that 49 of the original 100 actions outlined in the strategy are completed or of an on-going nature, progress was on-going on a further 45 and there were six actions on which considerable progress has to be made.

Of the six, actions 61 and 72, relating to half-way houses and drugs training for professionals, are of a long-term nature and require considerably more work to bring them about and this is continuing. Other actions are the subject of specific recommendations in the mid-term review, such as the eleventh action on the community policing fora, action 63 on needle exchange and action 77 on meeting the Oireachtas committee.

On action 23, the Irish Prison Service advises that it would not be useful to undertake a review at this time. It would be more beneficial to introduce the new prisons drugs policy and to undertake the review when the new policy has been in place for a reasonable period to allow for meaningful evaluation. It is proposed that the review will be initiated in 2007.

On monitoring the strategy, the mid-term review has been a very useful exercise, allowing for a stock-take of progress at this mid-point in time. The strategy will continue to be monitored through the interdepartmental group on drugs, which I chair and through the Cabinet Committee on Social Inclusion. The IDG meets regularly to assess progress by Departments and agencies in achieving the targets set for them and any obstacle to the implementation of any of the actions are brought to light and discussed at these meetings. Reports on the implementation of the strategy are presented to the Cabinet Committee on Social Inclusion on a regular basis.

My Department, in conjunction with the relevant Departments and agencies, will draw up a revised framework for the implementation of the recommendations in the mid-term review, including timescales. This will be presented to the IDG in the coming months.

Mr. English: The mid-term review showed some progress but I fear we might become complacent. There are still many problems because progress is not balanced, it has been made in the city but the problems are growing worse in the regions, with a report yesterday showing that deaths had risen ten fold. The new framework should concentrate on all areas and not just the city. There is no point fixing one problem while

other problems are developing around us, which we ignore. Effort must be put into work in the regions.

How many of the regional drugs task forces have submitted plans? Have those plans been reviewed? What plans exist for funding them? Will the Department play an active role in pushing for results? There has been a lack of urgency in dealing with the regional drugs task forces in recent years. It is too easy to say they have not reported or submitted their plans. The Department must drive the regional task forces to get results and make changes. The Department cannot do everything but it must give them a bit of a push and display a sense of urgency.

The Minister of State is not responsible for all the problems but he is the man in charge of driving these projects. How proactive is the Department of Health and Children? According to the Department's figures, 59 initiatives are still awaiting implementation. What role will the Department of Health and Children play? Is it considering a withdrawal of support from the drugs task forces, leaving them to the Department of Community, Rural and Gaeltacht Affairs?

The Department of Health and Children failed to provide immediate access for drug abusers to professional assessment and counselling by health board services in all areas. There are major waiting lists. That is the fault of the Department of Health and Children and the Health Service Executive which have failed to develop enough drop-in centres and half-way houses for which there is a major demand. In the judicial area, the rolling out the community policing fora is badly needed as they do work. Communities must become involved in solving their problems and young people must be involved in projects in their areas, getting to know the gardaí through the community policing fora.

Not every Garda station has a specific drug unit or squad. A station may have access to one or be able to request a drugs unit from headquarters. This is not good enough as a rapid reaction is needed. The Garda will put more effort into tackling other criminal activity which is easier because drugs offences are more long term.

Mr. N. Ahern: Progress has been considerable. Seven of the ten regional plans have been submitted. The first tranche of resources of these will be announced in the next ten to 14 days. The Department is driving it through the national drugs strategy team. The problem has spread to other Leinster towns as evidenced with the recent deaths, which are sad. That is what the regional task force plans will attempt to address. We have not always got co-operation from some towns, which I do not wish to name.

Mr. English: I understand that.

Mr. N. Ahern: However, some of these towns have adopted the attitude that the problem does

[Mr. N. Ahern.]

not exist or if it is ignored it will go away. The only way to tackle a problem is by providing services. Treatment is one of the main pillars of the strategy, which is focussed through the Department of Health and Children.

There were indications that some new people in the Health Service Executive were trying to back off on this as the drugs strategy is not the only problem the executive has. Some new brooms would rather it went away. However, I believe we have successfully handled this issue.

Acht na dTeangacha Oifigiúla.

15. D'fhiafraigh **Mr. O'Shea** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén dul chun cinn atá déanta aige ó thaobh chur i bhfeidhm Acht na dTeangacha Oifigiúla; agus an ndéanfaidh sé ráiteas ina thaobh. [22578/05]

Éamon Ó Cuív: Mar a dúirt mé go minic cheana, táim sásta go bhfuil dul chun cinn suntasach á dhéanamh ag mo Roinn maidir le cur i bhfeidhm fhorálacha an Achta ar bhonn cheimíúil. Táim sásta freisin go n-éireoidh leis na comhlachtaí poiblí na dualgais reachtúla a thitfidh orthu go céimíúil faoin Acht a chomhlíonadh agus go deimhin go nglacfaidh said leis an dúshlán le meon dearfach agus sa spiorad ceart. Ar ndóigh, beidh gach scéim dréachtaithe ag na comhlachtaí poiblí i gcomhthéacs agus ar bhonn na n-acmhainn, idir airgead agus foireann, atá acu nó a bheidh ar fáil dóibh le linn thréimhse na scéime. Ní féidir gach rud a bhaint amach thar oíche agus, mar a dúirt méon dtús, is í an aidhm atá agam ná go mbeidh feabhsúcháin á mbaint amach, thar thréimhse roinnt scéimeanna b'fhéidir, ar leibhéal agus ar chaighdeán na seirbhísí poiblí a bhíonn á gcur ar fáil trí Ghaeilge, de réir éilimh.

An méid sin ráite, is gnó do na comhlachtaí poiblí féin, ar ndóigh, a chinntiú go gcomhlíonfar na dualgais a thitfidh orthu faoin Acht seo sa chaoi chéanna agus a chomhlíontar dualgais faoi aon reachtaíocht eile.

Seo a leanas roinnt de na príomh-chéimeanna atá tógtha go dáta maidir le cur i bhfeidhm an Achta. Rinne mé ordú tosach feidhme ar 19 Eanáir 2004 a thugann feidhm don chuid is mó d'fhorálacha an Achta le héifeacht ón lá sin agus ó 1 Bealtaine 2004 i gcás alt 10.

Bunaíodh ag tús na bliana 2004, Oifig Choimisinéir na dTeangacha Oifigiúla agus ar an 23 Feabhra 2004, cheap Uachtarán na hÉireann an tUasal Seán Ó Cuirreáin mar chéad Choimisinéir Teanga. Tá foireann agus soláthar airgid cuí curtha ar fáil ag mo Roinnse leis an oifig a bhunú agus a riaradh. Tá an oifig lonnaithe sa Spidéal i nGaeltacht na Gaillimhe.

Foilsíodh ar 30 Meán Fómhair 2004 an leagan daingnithe de na Treoirínte a ullmhaíodh faoi alt 12 den Acht chun cabhrú le comhlachtaí poiblí dréacht-scéim a ullmhú faoi alt 11 den Acht. Tá scéim mo Roinne féin faoin Acht don thréimhse 2004-07 foilsithe freisin ó 30 Meán Fómhair 2004

agus tá sí ar fáil anois mar eiseamlár do chomhlachtaí poiblí eile.

D'fhogair mé ar an lá céanna ainmneacha an chéad 25 chomhlacht poiblí a bhfuil iarrtha i scríbhinn agam orthu dréacht-scéim a ullmhú, i gcomhréir leis na dTreoirínte sin. I measc na comhlachtaí sin tá Ranna Rialtais, údarás áitiúla, boird sláinte agus institiúidí 3ú leibhéal. Tá na dreacht-scéimeanna sin á scrúdú ag oifigigh mo Roinne le tamall anuas agus tááthas orm a chur in iúl go bhfuil cuid mhaith de na dréacht-scéimeanna sin daingnithe agam anois. Táim dóchasach go mbeidh na scéimeanna don 25 comhlacht poiblí ar fad daingnithe agam roimh dheireadh an tsamhraidh.

Tá roghnú an chéad grúpa eile de chomhlachtaí poiblí, a mbeidh mé ag iarraidh orthu dréacht-scéim a ullmhú, idir lámha agam agus tá i gceist agam fógra faoi sin a dhéanamh go han-luath.

Tá mo Roinnse ag obair, i gcomhar le hOifig an Dréachtóra Parlaiminte, ar dhréacht de na rialacháin a dhéanfar faoi alt 9(1) den Acht. Cé nach feidir liom dáta cinnte a lua, táim dóchasach go mbeidh ar mo chumas na Rialacháin sin a dhéanamh go luath.

Mr. O'Shea: Gabhaim buíochas leis an Aire as ucht an fhreagra sin. Go dtí seo, áfach, níl ach 25 comhlacht poiblí agus Roinn i gceist. Céard atá le rá aige faoin bhfigiúr a luaigh a chomhghleacaí, an tAire Sóisialta agus Gnóthaí Teaghlaigh, an Teachta Brennan, go gcosnódh sé €500,000 forálacha an Achta a chur i bhfeidhm sa Roinn sin? Cad atá le rá aige faoin urlabhraí de chuid Aer Lingus a dúirt nach bhfuil siad sásta leis an Acht, ós rud é go mbeidh siad in iomaíocht le comhlachtaí príobháideacha nach mbeidh forálacha an Achta ag baint leo? Céard faoin meastachán sealadach a cuireadh isteach anuraidh go gcosnódh sé €8 milliún do na comhairlí contae agus cathrach forálacha an Achta a chur i bhfeidhm.

Tá a fhios ag an Aire go bhfuil méá cháineadh féin agus ag cáineadh na Roinne le fada ós rud é nach ndearnadh aon mheastachán ceart ar na costais forálacha an Achta a chur i bhfeidhm go hiomlán. Déarfadh mé an rud seo leis, áfach. Bhíomar ag caint inniu mar gheall ar an nGaeltacht i mbaol. Is é an rud atá ag goilliúint orm ná go bhfuil seans ann go mbeidh cáipéisí nach léifidh éinne á n-aistriú go Gaoluinn. Deir daoine go ndéanfar an rud céanna leis an mBéarla — go mbíonn cáipéisí Béarla ann nach léann éinne agus nach aon stróe an rud céanna a dhéanamh ó thaobh na Gaeilge de. Ní aon fhreagra é sin. Is ceart na cáipéisí Béarla nach léitear a chur ar ceal freisin. Sin an rud is tábhachtaí.

I ndeireadh na dála, áfach, tá an chuma ar an scéal go gcosnóidh sé cuid mhaith airgid forálacha an Achta a chur i bhfeidhm go hiomlán do thart ar 642 comhlacht poiblí agus Roinn. Céard faoi Aer Lingus, Bus Éireann agus Bus Átha Cliath, áfach? Tá siadsan in iomaíocht le comhlachtaí príobháideacha agus ní bheidh na forálacha seo ag baint leo sin. Sin rud ar cheart don Aire díriú

air freisin. Nach bhfuil sé in am anois meastachán a dhéanamh ar cé mhéad a chosnóidh sé go díreach don Stát agus do na comhlachtaí poiblí an tAcht seo a chur i bhfeidhm? Níl mórán airgid ag aon Roinn, agus go mórthóir ag na húdaráis áitiúla — airgead a bheadh á chaitheamh ar rudaí nach bhfuil aon fhiúntas ag baint leo i ndáiríre. Beidh neart cáipéisí ann agus an-easpa leitheoirí.

Éamon Ó Cuív: Maidir le hAer Lingus, mar is eol don Teachta, tá soláthar san Acht le haghaidh an ruda a d'ardaigh sé. Má tá dualgas ar chomhlacht Stáit atá in iomaíocht le comhlachtaí príobháideacha, tá soláthar faoin Acht leis an bpáirc a choinneáil cothrom. Chonaic mé tagairt sa bpáipéar—

Mr. O'Shea: An ndéanfaidh an tAire é sin?

Éamon Ó Cuív: Má bhíonn gá leis, cinnte. Níl a fhios agam cén fáth go raibh Aer Lingus ag tagairt dó sin. Bhí sé ag caint ar fhógraíocht, agus níl aon rialachán déanta agam faoi fhógraíocht, agus níl aon mhaith do dhaoine bheith ag caint ar rud nach bhfuil ann.

Maidir leis an rud a dúirt an Teachta faoin Roinn Gnóthaí Sóisialacha agus Teaghlaigh, tá €500,000 curtha ar leataobh aici sna Meastacháin le haghaidh fheidhmiú an Achta. Deir sé sin dhá rud. Ar an gcéad dul síos, deir sé go soiléir nach raibh seirbhís cheart trí Ghaeilge á cur ar fáil ag an Roinn Gnóthaí Sóisialacha agus Teaghlaigh go dtí seo.

Molaim í as ucht a gcearta a thabhairt do lucht na Gaeilge. Má chosnaíonn sé an sciar sin den bhuiséad, bíodh sé mar atá. Tá súil agam nach bhfuil mé mícheart sa bhfigiúr. Tá a fhios agam go bhfuil sé luaithe anseo áit éigin, ach níl mé in ann mo lámh a leagan air. Más buan mo chumhne, tá an Teachta ag caint ar an séú cuid de 1% de bhuiséad riaracháin na Roinne Gnóthaí Sóisialacha agus Teaghlaigh. Tá sé sin níos lú ná 0.2% den bhuiséad riaracháin. Seo an dearcadh atá agam air. Má tá costais ag baint leis na dualgais dlíthiúla a chomhlíonadh, sábhálfaidh sé sin 0.2% áit éigin eile. Níl sé substaintiúil. Níl séabhartha i gcomhthéacs bhuiséid iomláin.

Níl costas dá laghad ar na heagraíochtaí Stáit a bhí ag cur a gcearta ar fáil do lucht na Gaeilge. Mar shampla, níl aon chostas ar fiú caint air do mo Roinn féin. Bhí muid ag déanamh gach rud dá bhfuil sa bplean. Níl sé ag cur aon chostais breise orainn. Níl aon chostas, mar shampla, ar Údarás na Gaeltachta cloí leis an Acht Teanga, mar bhí sé ag feidhmiú i gceart. Is beag costas atá ar Oifig an Ombudsman mar bhí sí ag déanamh na rudaí atá riachtanach de réir an Achta. Mar sin, má tá comhlachtaí áirithe a bhfuil costais orthu, sin le rá nach bhfuil seirbhísí á gcur ar fáil acu. Tá dreamanna eile nach bhfuil aon chostas ag baint leo mar bhí an tseirbhís agus ceart á dtabhairt don dream a úsáideann Gaeilge sa tír seo. Is fadhb do chuile chomhlacht é taobh istigh dá chuid acmhainní tosú a fheidhmiú taobh istigh den dlí.

Cuirim mar seo é. Tá an-chaint ar mhíchumas. Beidh costas ar sholáthar a chur ar fáil do dhreamanna míchumais. Titfidh sé sin amháin ar an dream nach raibh cothrom ceart á dhéanamh acu do dhaoine le míchumais go dtí seo. Ní thitfidh aon chostas ar an dream a bhí ag cur seirbhís cheart ar fáil. Má tá costais ar dhreamanna áirithe, is mar go raibh easpa seirbhíse agus mar gur theip go hiomlán is go huile ar na treoirínte deonacha a chuir an Teachta Michael D. Higgins ar aghaidh nuair a bhí sé ina Aire agus é féin ag maíomh gur réitigh sé sin fadhbanna seirbhíse trí Ghaeilge. Is léir gur theip air. Má tá costas anois air, is mar gur theip ar na treoirínte deonacha a raibh an oiread sin gaisce á dhéanamh astu.

Mr. O'Shea: Tá mé ag éisteacht leis an Aire, ach i ndeireadh na dála, tá ceist bhunúsach ann. Cad go díreach a chosnóidh cur i bhfeidhm an Achta ina iomlán? Cé mhéad a chosnóidh sé don Státchiste agus don phobal? Ba chomhair meastachán ceart — chomh ceart agus is féidir — a dhéanamh. Nár cheart féachaint ar cén úsáid ar féidir a bhaint as an airgead ar son na Gaeilge? Tá an chuma ar an scéal go bhfuil an Ghaeltacht i mbaol, agus sin an phríobhfhadhb atá ag an Rialtas seo. Níl me sásta ar chor ar bith go bhfuil an tAire seo sásta tabhairt faoin fhadhb sin, an ceann is práinní dá bhfuil ann. B'fhéarr leis bheith ag déileáil le rudaí atá teibí agus a bhaineann le cúrsaí acadúla, b'fhéidir.

Éamon Ó Cuív: Tá an tAcht Teanga thar a bheith tábhachtach do phobal na Gaeltachta. Den chéad uair ariamh, beidh siad in ann—

Mr. O'Shea: Ar chuir an tAire an cheist orthu?

Éamon Ó Cuív: Tá mé i mo chónaí sa nGaeltacht.

Mr. O'Shea: Ar chuir sé an cheist orthu?

Éamon Ó Cuív: Tá mise i mo chónaí sa nGaeltacht.

Mr. O'Shea: Tá a fhios agam, ach ar chuir sé an cheist orthu?

Éamon Ó Cuív: Cé air?

Mr. O'Shea: Ar mhuintir na Gaeltachta. An bhfuil an tAcht seo ag teastáil uathu? Níor chuir sé an cheist sin orthu.

Éamon Ó Cuív: Cuirim mar seo é. Na h-urlabhraithe—

Mr. O'Shea: An measann an tAire go bhfuil an freagra aige? Tá mise á rá go gcuirfeadh sé ionadh ar an Aire dá gcuirfeadh sé an cheist ar mhuintir na Gaeltachta.

Éamon Ó Cuív: Níl a fhios agam cén chaoi a gcuirfí an cheist sin seachas i reifreann, ach na daoine—

Mr. O'Shea: Is é an Teachta an tAire. Faigh an tslí.

Éamon Ó Cuív: Bíonn na hurlabhraithe pobail sa nGaeltacht á rá go bhfuil sé thar a bheith tábachtach go mbeadh seirbhísí ar fáil trí mheán na Gaeilge. An bhfuil an Teachta á rá liom go bhfuil sé ceart nó mícheart gur féidir le duine ón nGaeltacht ar mhaith leis cáin bhóthair a chur ar a charr dul isteach in oifig phoiblí agus seirbhís a fháil ón duine atá taobh thiar den gcúntar i nGaeilge nó i mBéarla?

Mr. O'Shea: Iarr orthu.

Éamon Ó Cuív: An bhfuil an ceart sin acu?

Mr. O'Shea: Iarr orthu an bhfuil sé ag teastáil uathu.

An Leas-Cheann Comhairle: Caithfidimid dul ar aghaidh anois.

Éamon Ó Cuív: Tá an Teachta á rá liom nár cheart go mbeadh sé de cheart——

Mr. O'Shea: Ní aontaím leis an Aire.

Éamon Ó Cuív: Mar dhuine Gaeltachta amháin, tá mise in ann rá leis an Teachta go bhfuil sé ag teastáil uaimse.

Mr. O'Shea: Duine amháin.

Éamon Ó Cuív: An bhfuil an ceart sin agam mar shaoránach an Stáit seo seirbhís a fháil mar dhuine atá ina chónaí sa nGaeltacht trí mheán na Gaeilge má theastaíonn sé uaim cáin a chur ar mo charr agus dul isteach san oifig chánach i nGaillimh agus déileáil leis an gcigire cánach? An bhfuil an ceart nó nach bhfuil an ceart agam an gnó sin a dhéanamh i nGaeilge? Sin an cheist a gcaithfidh Páirtí an Lucht Oibre a fhreagairt. Glacaim leis go bhfuil an Teachta á rá nach bhfuil an ceart sin agam. Tá mé an-bhuíoch den fhreagra sin. Tá siad oscailte faoi dheireadh. Creidimse, agus creidim go gcreideann formhór an phobail, go mba cheart go mbeadh ceart ag duine ón nGaeltacht bunseirbhísí — agus táimid ag caint ar líon an-teoranta seirbhísí — a fháil trí mheán na Gaeilge ón Státchóras. Is léir nach gcreideann an Teachta é sin. Tá an-áthas orm anois go bhfuil a fhios agam cá seasann Páirtí an Lucht Oibre ar an gceist seo, agus tá mé——

Mr. O'Shea: Ceapann an tAire é sin. Níor chuir sé an cheist. Ná bíodh séá rá go bhfuil mise——

An Leas-Cheann Comhairle: Ceist Uimh. 16 don Aire Stáit.

Éamon Ó Cuív: Mar a deirim, seachas reifreann, níl aon bhealach ann seachas an bealach a chuir mé na ceisteanna. Ó na ceisteanna a chuir mise ar phobal na Gaeltachta, tá an buncheart sin uathu. Má chreideann an Teachta a mhalairt, níl

aon bhealach lena fháil amach ach reifreann a chur ar bun, agus níl aon soláthar do reifreann mar sin i gcás mar seo. Ní fhaca mé aon Aire ariamh a chuir reifreann ar bun maidir le ceist polasaí den chineál seo. Ón eolas atá agam——

Mr. O'Shea: Níl a fhios ag an Aire. Níor fhreagair sé an cheist.

Éamon Ó Cuív: Cá bhfios an dteastaíonn aon reachtaíocht uainne? Bheadh reifreann seafóideach.

Other Questions.

National Drugs Strategy.

16. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he will offer increased financial support to communities throughout the country attempting the combat the drugs problem; and if he will make a statement on the matter. [22755/05]

301. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he can offer financial assistance to community groups involved in combating the drugs problem throughout greater Dublin; and if he will make a statement on the matter. [23205/05]

Mr. N. Ahern: I propose to take Questions Nos. 16 and 301 together.

My Department was allocated €31.5 million to fund drugs initiatives in 2005, which represents an 18% increase on last year's budget. Through the funding available to me, the valuable work being done by local drugs task forces, LDTFs, and the young peoples facilities and services fund, YPFSS, will continue to be supported and developed.

In addition, the following new initiatives will be rolled out. A new fund to tackle emerging needs in the LDTF areas will be provided. I hope to make some announcements in this regard shortly. The Department will also continue to support a number of pilot projects which were announced last Christmas specifically to tackle cocaine. Funding will also be allocated to implement the action plans from the regional drugs task forces. In this context, the Deputy should note that I will make initial allocations to six of the regions in the next few weeks. Seven plans have been received and this allocation will consist of a first tranche of the funding. A third round of capital funding under the young peoples facilities and services fund in local drugs task force areas will also be announced shortly. A further round of funding through the premises initiative for community-based drugs projects in local drugs task force areas will also be made this year. Moreover, additional administrative supports for some local drugs task forces will be rolled out.

The Deputy should also note that in addition to the initiatives noted earlier, over recent years a large number of projects which were initially developed through the local drugs task forces and the young peoples facilities and services fund have been taken into the mainstream by various Departments and agencies. It is estimated that in monetary terms, these make up a further €19 million to €20 million so that in total, a sum of more than €50 million has been invested in projects which started at local drugs task force level and which continue on an ongoing basis.

Additional information not given on the floor of the House.

This Government continues to tackle the drug problem in the most comprehensive way possible. In this context, the Deputy should note that the mid-term review of the drugs strategy, which was published in early June, found that there are encouraging signs of progress since 2001 when the strategy was first launched. This suggests our current approach to tackling the drug problem is proving to be effective.

Mr. English: If I speak in Irish, am I allowed to speak for longer?

Éamon Ó Cuív: Deputy English should try it.

Mr. English: I might try.

An Leas-Cheann Comhairle: As these are ordinary questions, the Deputy's supplementary questions are limited to one minute.

Éamon Ó Cuív: The Deputy will be permitted to speak for two minutes if he speaks in Irish.

Mr. English: It is like the leaving certificate where one gets extra points. The Minister of State will have a busy summer travelling throughout the country announcing these funds and handing out cheques. I look forward to pursuing him as he does so. However, many of these programmes are under much pressure and need increased grants because of increases in the costs of insurance and staff. Can he examine the programmes which have received grants over recent years to see if it is possible to provide them with extra money? These announcements, which include some new schemes and some new places, will be made in the next few weeks.

With regard to multi-annual funding, is it possible to give projects a commitment over a number of years? In that way, people will not be obliged to spend half the year trying to raise money through golf or poker classics or by whatever means to guarantee money for the following year. They could get on with the job we need them to do, that is, tackling drug abuse and helping young people go down different routes by keeping them busy doing something else. Are there any plans to go down that route?

Mr. N. Ahern: I did not catch the Deputy's first point. On the multi-annual funding, all the funding is rolled out in accordance with plans submitted and approved. That part is all right. When the projects are in place for a certain period of time, they are evaluated. The theory is that they are mainstreamed back into the Departments of Education and Science, Health and Children and so on, and the funding becomes part of the establishment thereafter. They must be evaluated and examined. Every project does not get the nod or approval. A project might get approval in part. Once projects are mainstreamed, there is consistency of funding. That is built into the system thereafter. What was the Deputy's first point?

Mr. English: I asked about the increase in insurance costs. CE programmes used to get staff but it is becoming difficult for many of them to hold on to them. I refer to organisations such as the National Youth Federation.

Mr. N. Ahern: If it was part of the organisation's plan and if it was a genuine cost, it would be allowed. An organisation would get a slight increase based on its staff projects.

Mr. English: The question was not really about new projects but about existing ones. I probably worded the question wrongly.

Mr. N. Ahern: I think that is covered.

Mr. F. McGrath: Does the Minister of State accept we have had a major crisis in dealing with the drugs issue, particularly over the past five or six months? I welcome the announcements on dealing with the cocaine problem. Is the Minister of State aware that many crimes, including violent crimes, are committed by people who are coked up, or high, on cocaine and that it has been used by those involved in gangland murders?

I refer to strategies to tackle the drugs problem. We need a more targeted response to deal with it because considerable amounts of money are being made from drugs, there are gangland murders and children's lives are being destroyed. Does the Minister of State accept this is a reality for many people? Is he aware of the widespread intimidation of communities every night of the week? There are two areas in my constituency where everything seems to close down after 9 p.m., where there is violence, fear and intimidation and where people are afraid to leave their flat complexes or estates. What response would the Minister of State encourage as part of the strategy to deal with this problem? Is he aware that many of our ports and small harbours are used to import dangerous drugs?

Mr. N. Ahern: There is a problem in the drugs area and there is a strategy in place to deal with it which is receiving considerable funding from Government. Over the past seven or eight years, approximately €200 million has been provided through the local drugs task forces and the young

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people's facilities and services fund, not to mention all the money spent by the Garda and Customs and Excise on law enforcement and by the Department of Health and Children on treatment and on education and awareness campaigns. We only provide the money which goes to the local drugs task forces and the young people's facilities and services fund.

I do not know what the Deputy means by a more targeted response. We have just done a mid-term review of the strategy. All the State agencies and voluntary and community groups were involved in it and had an input. The review took almost 12 months. There has been exhaustive consultation so that everyone can feel part of and claim ownership of it. What has emerged is the product of everyone's involvement.

There is crime and there are areas in which there are difficulties but we have provided nearly €100 million through the young people's facilities and services fund, including €3.2 million for the new hall in Donnycarney in the Deputy's constituency. We realise it is not enough just to tell young people not to get involved in drugs. One must try to give them alternatives and point them in the direction of healthy sporting or other pursuits. Much money is being spent in that way.

The youth service, certainly in the Dublin area, has been totally revitalised in recent years through money from the young people's facilities and services fund. It tries to give people in "at risk" areas the opportunity to keep away from drugs and that is part of the way in which the strategy operates.

Housing Grants.

17. **Ms McManus** asked the Minister for Community, Rural and Gaeltacht Affairs if he will account for the rising demand for housing in Gaeltacht areas that has seen the amount of money allocated for grants under the Housing (Gaeltacht) Acts rise by over €500,000 for 2005; and if he will make a statement on the matter. [22597/05]

Éamon Ó Cuív: The demand for housing grants under the Housing (Gaeltacht) Acts has not increased in the past few years. Indeed, following increases in the number of applications from 1,025 in 1998 to a high of 1,486 in 2000, the numbers have fallen back incrementally to 911 in 2004. It is expected that the number of applications this year will be comparable with last year. This is a reflection of the success of the scheme in improving the housing stock in the Gaeltacht over recent years to a point where the level of applications appears to have stabilised.

In terms of expenditure on the scheme, €4 million was allocated for Gaeltacht housing grants in 2004. However, expenditure did not reach the level anticipated, with €3.5 million of the allocation being spent. An allocation of €4 million has been made for 2005 and it is expected that

this amount will be spent in full before the end of the year.

Mr. O'Shea: This is one of the good schemes in the Gaeltacht. I wish to ask about older people, particularly those living alone, who want to seal their houses against the elements, that is, windows, doors and so on, and want central heating. Are the number of applications in that category going up or down? If they are going down, is it an indication that, after a number of years, the back has been broken in respect of the number of people whose houses require this type of renovation or refurbishment? It is very important that older people are looked after in this regard. I am interested to know the trends in this regard and what the Minister sees as the ongoing need in that sector in the Gaeltacht areas.

Éamon Ó Cuív: There is a simple explanation for the numbers. The Deputy might remember that my predecessor, Deputy Michael D. Higgins, ended the grants except for over 65 year olds but, to cut a long story short, they were restored following some issue with the Ombudsman. I agree with the Deputy that it is a fantastic scheme. There are a number of attractions. The amount of money concerned is fairly small and is limited. The scheme is now means-tested and it is quick, efficient and demand-led.

In 1999 I changed the rules and, for the first time, people installing central heating as an essential repair became eligible for grant assistance. At that time the maximum grant was £2,300 and it was increased to £4,000. We increased the island grant considerably to £12,000. The effect of that was a huge rush of applications. The fantastic beneficial effect was that many people, particularly elderly people and people living in poor circumstances, got central heating for the first time because of the change in the rule. There is a rule that once one gets the grant, one cannot get another grant for seven years. Many people received the grant three, four or five years ago and cannot apply for a grant for further works until the seven years have elapsed. The most common applications are for repairs to doors and windows and for central heating, things in which one can make a significant dent with approximately €5,000. Some 75% of the cost, or €5,000, is provided. Considerably more money is available to those on the islands because the cost of building on them is much higher than on the mainland.

Mr. O'Shea: Grants were paid in respect of 151 new houses last year. Is there a trend whereby people who had left the Gaeltacht are returning to rear their families or to settle? Would grant applications indicate whether that is happening to any extent?

Éamon Ó Cuív: I do not think so. There was a rule change. In the old days if one did not live in the Gaeltacht at the time of application, one

could not get the grant. We changed that rule and said we would sanction the grant even if the individual was not living in the Gaeltacht at the time of application but that we would not pay it until he or she was permanently resident there. We found, for example, that someone got a job in west Kerry who was living in Dublin. The person wanted to build a house but was technically not eligible for the grant because he was not living in the Gaeltacht at the time of application. We changed that, but to safeguard the integrity of the scheme, we do not pay the grant until we are satisfied that the person is permanently living in the Gaeltacht.

I do not have figures on the number of people involved. That would not give us a good indication because in many cases someone moves to the Gaeltacht for a job, rents a house and then builds a house. Therefore, it would be very difficult to ascertain how many people are coming back into the Gaeltacht and then applying for housing grants.

Voluntarism Support.

18. **Mr. Howlin** asked the Minister for Community, Rural and Gaeltacht Affairs if he will provide an update on the progress made to date in implementing the package of measures he announced earlier in 2005 to provide immediate support for volunteering, including measures directed at promoting volunteering in second and third level institutions; and if he will make a statement on the matter. [22595/05]

34. **Mr. Cuffe** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department has discussed the way in which the proposed voluntary work module is to operate in courses offered by the Dublin Institute of Technology. [22735/05]

Mr. N. Ahern: I propose to take Questions Nos. 18 and 34 together.

The progress on the new volunteering package, which I announced in March 2005, is as follows. Core funding will be provided to six volunteer bureaux, totalling €900,000 over the next three years. The Department has recently provided funding to the Ballyfermot volunteer bureau and, subject to completion of contracts, funding for 2005 totalling €50,000 will be made available shortly to the remaining five bureaux and to Volunteer Centres Ireland for the recruitment of a development officer. ADM Limited has requested proposals from all of the partnership companies relating to the further €500,000 of local area partnership funding which was ring-fenced for measures that encourage volunteers and volunteering.

With regard to the Cohesion Fund of €500,000, I hope that the Department will shortly be in a position to make a call for proposals through the city and county development boards of which the volunteering initiative will form part. Funding up to €600,000 is being provided to support the young social innovators programme, including

the annual showcase awards, which will receive €75,000 per annum over three years. A total of €45,000 of that has been paid by my Department to date towards the YSI showcase awards for 2005 and, subject to completion of contract, funding of the YSI programme of €125,000 per annum will be made available shortly.

Funding up to €110,000 per annum will be provided by my Department to put the community learning programme on a sustainable footing over the next three years. Funding for the 2005-06 academic year will be made available shortly subject to the completion of contracts. This programme is a relatively new teaching method in our educational system which works by integrating classroom learning in any subject with suitable volunteering activity. The programme has been running on a pilot basis in the Dublin Institute of Technology since September 2001 through the school of hospitality, management and tourism with 12 students involved. By 2004 there were 65 students involved across a wide range of volunteering projects.

The institute's aim is to have the community learning programme method incorporated in all faculties over the next three years. It is my hope that this initiative will serve as a model for other third level colleges over the coming years. The DIT community learning programme includes provision for ongoing review, and the effectiveness of the Department's funding will be assessed within three years.

Mr. O'Shea: I thank the Minister of State for that reply. When a parliamentary question was tabled in April on the issue of locating volunteer centres on the campuses of third level institutions, he indicated that in this context he would discuss the relevant matters as they arose with the Minister for Education and Science. I welcome the initiative in DIT as it is moving in the right direction. However, it needs to be spread out geographically. The idea of having volunteer centres on the campuses of universities and institutes of technology is an important initiative as younger people are exposed to the voluntary sector and are educated in community development. This amounts to loving one's neighbour, especially when one's neighbour is in need.

There are also recommendations in the joint committee report. One of them was for an element of volunteering in the transition year. Another was to carry the junior certificate CSPE on to leaving certificate level. These are not directly within the Minister of State's Department, but he indicated that the issues on third level volunteering would be discussed with the Minister for Education and Science as they arose. Has there been any discussion in the interim?

Mr. N. Ahern: I do not think so. The package announced was for €2 million per annum, which is all we can do at present. It includes the aspect on second level and third level. The young social innovators annual showcase awards were held in

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Dublin six weeks ago. About 2,000 students were at it and the project is done in transition year. That group existed before we got this funding, but the funding, at €200,000 per annum for three years, will help to promote the project. Many of the projects now being carried out in transition year have a volunteer ethos. It introduces young people to different social projects, many of which are about drink and drug addiction, caring for the elderly and so on.

The third level project which we are supporting exists to create a volunteering ethos among young people. We are trying to make it part of a programme where the students get grades and credits for it. We have not yet done anything about a bureau on campus. We felt that this project would attract young people in second and third level and would give them a taste of volunteering. It is to be hoped that they will carry that on with them into later life. We have not developed it beyond that which we have already announced. I was in DIT a few weeks ago and some of the questions related to education policy. My interest is just to encourage volunteering. I cannot take over the Department of Education and Science. I understand what the Deputy is saying and we may get an opportunity to look at that.

Written answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Kehoe — to ask the Minister if she is aware of the condition of New Ross elderly day care centre; (2) Deputy Costello — the need for the Minister to explain the redesignation of the investigation into the death of a person (details supplied) on the Garda PULSE computer system; (3) Deputy Michael D. Higgins — the need for protection under the social welfare system of migrant workers affected by sudden closures in the construction industry; (4) Deputy Deenihan — the shortfall of funding for additional places in the intellectual disability sector in County Kerry for 2005; (5) Deputy Breeda Moynihan-Cronin — the need for funding for the establishment of a sexual assault treatment unit at Kerry General Hospital; (6) Deputy Finian McGrath — the potential loss of the 12th classroom teacher at Scoil Mhuire Marino, Griffith Avenue, Dublin; (7) Deputy Crawford — the urgent need for the Minister to provide adequate resource and remedial teaching hours to small rural schools; (8) Deputy Fiona O'Malley — to ask the Minister to undertake a review of the electoral register system given the high level of inaccuracies; (9) Deputy Carey — the need to review the impact of the policy decision on the probation and welfare service village project in Finglas, Dublin 11; (10) Deputy Hayes — to ask

the Minister about progress on the pupil-teacher ratio in primary schools; (11) Deputy Wall — to ask the Minister if she is aware of the concerns of special needs assistants in the Kildare area; (12) Deputy McManus — the serious implications for the VHI of the decision of the Minister not to proceed with the planned introduction of risk equalisation in the health insurance sector; (13) Deputy O'Sullivan — the need for the Minister to introduce clear and fair procedures for the employment and retention of special needs assistants; (14) Deputy Stagg — to ask the Minister if she is aware of the concerns of special needs assistants in the Kildare area; (15) Deputy Neville — the first annual report of the Ombudsman for Children; (16) Deputy Sherlock — the need for the Minister to make a statement on biofuels production given the proposed changes in the sugar regime; (17) Deputy Lowry — to ask the Minister if the lack of inward investment in north Tipperary has been drawn to his attention; (18) Deputy Cuffe — the need for the Minister to address the difficulties, particularly those of a regulatory nature, facing small food producers; (19) Deputy Broughan — the need for the Minister to ensure that the universal service postal obligation is discharged by An Post in all parts of Ireland; (20) Deputy Stanton — to ask the Minister if she will investigate the situation of a person (details supplied) whose bed in Beaumont Hospital was cancelled; (21) Deputy Sargent — the need for the Minister to ensure that companies contracted by the public and private sectors operate bill payment obligations in a prompt and proper way; and (22) Deputy Glennon — the situation surrounding the apparent miscarriage of justice in the case of a person (details supplied) and the efforts to have the case reviewed by the British authorities.

The matters raised by Deputies Neville, Michael D. Higgins, Sargent and Carey have been selected for discussion.

Planning and Development Regulations: Motion (Resumed).

The following motion was moved today by the Minister for the Environment, Heritage and Local Government:

That Dáil Éireann approves the following regulations in draft:

Planning and Development Regulations 2005,

copies of which were laid in draft form before Dáil Éireann on 16 June 2005.

Mr. Morgan: I was concluding my contribution on a reference to hot food. The Minister's body language indicated that the regulations are not aimed at convenience outlets. At what are they aimed? Are they aimed at hamburger stalls? They are already well regulated by the environ-

mental health officers, HACCP and other arrangements.

Mr. Roche: That does not arise.

Mr. Morgan: I look forward to the Minister's explanation on that. The other issue relates to off-licences. I am happy enough to see wine sold from a fridge in a corner of the store. How will the Minister be prescriptive about that? Can he keep it to a small scale? The issue relating to turf cutting is not unique to the midlands. We in County Louth have our own meadows, though I will not sing "The turfman from Ardee" for the Minister. Turf cutting continues to this day right up into the Cooley Mountains. I am concerned that small, individual plot-holders who cut turf for domestic use may be caught by the provisions and look forward to clarification on the matter.

We should remember that regulations and by-laws on the use of four-wheel vehicles and quad bikes caught a number of sheep farmers, which was not the intention. Sheep farmers require quad bikes to travel on mountains for legitimate purposes and have no intention of damaging the hillside environment. I understand, therefore, the concerns of other speakers that domestic or small-scale commercial turf cutters will be caught by the regulations. The Minister's body language tells me we should have no major worries in this area. I look forward to his response.

Mr. Cuffe: I understand the Minister made certain references to the Green Party earlier. I wish it to be clear that the Green Party wanted the draft regulations to be discussed in the House to ensure they were considered in the open, that every Member who wished could contribute and that members of the public could attend. I am not sure the introduction of draft regulations in the Dáil on the last sitting week is a proper and fitting way to do business.

Mr. Roche: We could have discussed it for hours in committee. I will address that in my response.

Mr. Cuffe: I note also that the Minister remarked on my absence earlier. I have responsibility for two portfolios and have not yet mastered the art of bilocation. I hope the Minister will take account of that.

Mr. Roche: I will let the Deputy away with it this time.

Mr. Cuffe: It is very hard to absorb the substance of the three proposals for change in the short time available for their discussion. To the best of my knowledge, Members were not circulated with the full text of changes to the regulations and it was up to ourselves to seek them out. I acquired them only recently.

The red tape and bureaucracy surrounding the sale of alcohol is a complete mess and there is a real need for rationalisation between the plan-

ning and liquor licensing codes. I am not convinced that cobbling together provisions on off-licences will deal satisfactorily with the issues involved. I am not sure, for example, that alcohol should be available for sale at garage forecourts as it makes little sense to have shops attached to petrol stations which are bulging with alcohol. We are aware, after all, of the dangers of drinking and driving.

I wonder what submissions the Minister received on the matter being acutely aware that there seems to be a licensed vintners' cumann within Fianna Fáil which has lobbied him very strongly over the last month.

Mr. Roche: Not on this. The Deputy should tell the truth.

Mr. Cuffe: I would like to see any representations the Minister received from them or on their behalf.

Mr. O'Dowd: On regulations.

Mr. Roche: The Deputy should not make up stories.

Mr. Cuffe: It was very brazen. It was the licensed vintners within the Fianna Fáil Party who lobbied the Government on this issue quite recently.

Mr. Roche: On this.

Mr. Cuffe: On the generality of the intoxicating liquor issue.

Mr. Roche: The Deputy should stick to the truth. They did not lobby on this issue.

Mr. O'Dowd: Consumers voted against the Government's proposals.

Mr. Roche: They were in a minority.

Mr. O'Dowd: They were there.

Mr. Roche: But they were in a minority.

Mr. O'Dowd: Consumers are in a minority.

Mr. Cuffe: I am not convinced consumers' rights are being considered and am sure the Competition Authority will have something to say about it when it has had full sight of the regulations.

Peat must be acknowledged as a finite resource. The principle behind environmental impact assessment is to consider where there will be an impact on the environment. It makes sense to regulate peat extraction as we cannot continue with a slash and burn approach to finite resources. We must look carefully at saving such resources, especially in the context of the purchase by the Dutch and other governments of bogland for the Irish Government to hold in trust.

[Mr. Cuffe.]

It is indicative of their lack of confidence that the Government is doing enough on the issue. I am worried by the exemption of one of the largest peat extracting interests in the country, over which there is a significant question mark.

I cannot understand why the Minister is only partially incorporating the Aarhus directive in the regulation. Why is there a delay in incorporation in the context of provision for the right to challenge in a court of law public decisions which have been made without respect for environmental law? As such provisions are seminal to proper planning and development in the State, I am at a loss to understand why the Minister has failed to transpose the directive wholly and completely. My guess is that it is an example of a Government policy to make it more difficult for the public voice to be heard. The Government first charged members of the public €20 to make a planning submission, then prevented them from appealing a decision unless they had made a submission in the first instance and is now about to embark on a course of action which will deny individuals to make appeals by removing the opportunity for a second bite of the cherry. Such provisions do not serve the public interest.

Given the Minister's pride in being a good European, I cannot understand why he pleads as his reason for introducing the regulation the probability of a daily fine by the EU. Fear of fines is not a good reasons for the introduction of regulations.

Mr. Roche: It is a fact, unfortunately.

Mr. Cuffe: I hope the Minister can rise above it.

Ms C. Murphy: I received a note yesterday explaining the regulations. I understand changes in the Intoxicating Liquor Act 2000 which removed the restriction on the transfer of licences to any part of the State have led to the establishment of many off-licences in urban areas. Changes to establish necessary planning control over the significant increase in the number of large-scale off-licence premises and balance consumer interests are needed.

I represent a primarily urban constituency, much of the development of which is recent. While it is the kind of area in which one would expect to see new pubs, I have mainly seen new clubs, hotels and off-licences. This observation is relevant to the point which has been made about the way in which people circumvent the licensing laws in the development of new facilities. I have seen supermarkets and forecourts expand from the sale of wine to more extensive sale of all kinds of intoxicating liquor. One sees in these outlets rows of alcoholic products in response to public demand which in turn has responded to changes in pricing policies. In contrast to the scenario in the case of tobacco, it is clear that increases in excise duties have changed patterns of behaviour rather than reduced the level of alcohol consump-

tion. One hears from taxi drivers that they regularly bring to discos people who are drunk before they leave their houses. A fundamental change in behaviour has taken place.

My aim is to establish the motivation behind the regulations. Is the intention to limit the number of off-licences or to respond to the aim of publicans to reduce competition, with which they clearly take issue? It is not at all clear that the regulations will modify behaviour as the fundamental issue in that context is price. If one's aim was to modify behaviour, one would revisit the Intoxicating Liquor Act which caused the changes rather than make regulations. I cannot see how the regulations can be implemented in practice where, for example, an application is made to build a supermarket which can be licensed in a commercially-zoned area. It is very difficult to see how local authorities would turn that down, and if they do turn it down, how would An Bord Pleanála respond to that, given that the establishment is in a commercial zone? Will the regulations be accompanied by directions to local authorities? Will local authorities be issued with guidelines by the Department specifying what is required from them in terms of the number of off-licences that is desirable. I am not clear on how the regulations actually—

Mr. Roche: It is the opposite. It gives the local authorities the right. I will explain that.

Ms C. Murphy: I am not convinced it will solve the problem because although many things are regulated when people make a planning application they often end up getting permission. It will not stop every off-licence so which ones will be stopped and how many?

Kildare is an area with significant wetlands. I have a difficulty with what I perceive to be a reactive change rather than a proactive change, in that the regulation appears to be designed to avoid a fine rather than being based on a definite idea about how wetlands should develop. The one organisation that has had a positive role in getting us to value our bogs is the European Commission. I would hate to think that what we were trying to do is more or less to get around a sanction it is trying to impose for a very good reason. I am concerned about what will be the result of this. Too often we have seen situations where the likes of Bord na Móna has applied for cutaway bogs to be used as landfills. It appears that the only value put on wetlands is an economic one, rather than for their value as a distinctive habitat, from a tourism point of view or simply because they have existed for centuries before any of us arrived.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I thank Members for their contributions. I wish to make a couple of points specifically on the manner in which this matter was handled. Deputy Gilmore disagreed with me regarding how this matter

came before the House and not before the joint committee. I suggest he has a word with the Labour Party Whip. I want to put the matter straight.

The Government wanted this matter to be discussed at length in committee because that is the appropriate place to deal with a technical issue like this. Deputy Boyle objected and said he had issues he wanted discussed in the House, which he is entitled to do. Because there was no unanimity, the matter came to the House. The Labour Whip agreed with Deputy Boyle's point. Those are the facts.

Mr. Gilmore: That is a load of nonsense. The Government orders the business of the House.

Mr. Roche: Deputy Gilmore knows he is not telling the truth.

Mr. Gilmore: There are 17 guillotines this week.

Mr. O'Dowd: The Minister should discuss the real issues. He should answer our questions.

An Ceann Comhairle: The Minister should be allowed to speak without interruption. There is only five minutes remaining for this debate.

Mr. Roche: I am telling the truth and Deputy Gilmore is misleading the House.

Mr. Gilmore: I am not misleading the House. I made a political charge and I stand over it.

Mr. Roche: Deputy Gilmore made an allegation that was false.

Mr. Gilmore: I made a political charge.

An Ceann Comhairle: The Minister should be allowed to speak without interruption.

Mr. Roche: Deputy Gilmore is repeating his false allegation. The reality is that last week at the Whips meeting Deputy Boyle indicated he wanted this matter discussed in the House. He did not speak to me about that and Deputy Gilmore's Whip agreed with him. On the basis that there was no unanimity, it came before the House. The Deputy should not tell this House something that is a pack of—

Mr. Gilmore: Since when is unanimity required to bring something before the House.

Mr. Roche: The reality is that Deputy Gilmore has misinformed the House in this context.

Mr. Gilmore: The Minister is using this as a distraction because he is trying to stop people from cutting turf.

An Ceann Comhairle: The Minister should be allowed to speak without interruption.

Mr. Roche: I was going to suggest what Deputy Gilmore said was probably inadvertent but obviously it was not, as he said himself, it was just a political charge. I am telling the House the truth. Deputy Boyle disagreed with it going to the committee, which he is entitled to do and Deputy Gilmore's party agreed with that. That is the reality. Deputy Gilmore appears to be besotted with conspiracy theories — perhaps the first sign of a man who has entered into some form of mid-life crisis—

Mr. O'Dowd: The Minister is well past it.

Mr. Roche: —as his delusory meanderings in this regard have displaced all logic. Alternatively — I hope this is the case — he is a man who has spent far too much time in the sun without the benefit of his pit helmet.

Mr. Gilmore: Bluster.

Mr. Roche: Whatever the explanation of Deputy Gilmore's wild-eyed delusions in this matter, the fact remains that the Government wanted to deal with this matter in an Oireachtas committee, not least to give Members from all sides of the House the opportunity to explore — as Deputy Catherine Murphy tried to do — their concerns on the issue.

Mr. Gilmore: The Minister wants to stop people in rural Ireland cutting turf off their own bogs.

Mr. Roche: The reality is that he is guilty of misleading the House and making wild allegations.

Mr. O'Dowd: The Minister is guilty of talking rubbish.

Mr. Roche: I am sad that the propensity of the Opposition to seek to make a political football out of everything has now started to displace all logic. This has resulted in the worst manner of handling this issue. This matter could have been before a committee. I was anxious and willing to go before the committee. I wanted to go before the committee and was prepared to give this matter, hours of debate before—

Mr. Gilmore: The Minister has still not answered a single question.

Mr. Roche: —the committee and the reality is that Deputy Gilmore prevented it.

Mr. O'Dowd: The Minister is talking out his time. He is confused.

An Ceann Comhairle: The Minister should be allowed to speak without interruption.

Mr. Roche: Let us move to the issues. I am not confused but Deputy Gilmore is misleading the House. He is doing a disservice to democracy when he says one thing in the secrecy of the Whips committee and another thing in public here.

Mr. O'Dowd: I think we are getting through to the Minister.

Mr. Roche: I will not allow that to happen. Let us deal with the issues. Deputy O'Dowd disagreed with my proposal to introduce planning applications for off-licences. I am amazed at his position on that. To return to the point made by Deputy Catherine Murphy, under the existing legislation, planning permission is required for one to open a chipper but it is not required for an off-licence. I do not know where other Members are coming from but I think that is a bizarre situation.

Mr. O'Dowd: The wine shops that are all over the country do not need planning permission. That is the point.

Mr. Roche: In any town in the country one will get complaints about the proliferation of off-licences.

Mr. O'Dowd: One has to go to court to make an objection.

Mr. Roche: Deputy O'Dowd can try and shout me down but he will not get away with it.

Mr. O'Dowd: I am not shouting the Minister down. I am giving him an answer.

Mr. Roche: What is being done here is to give local authorities and local communities a right to have a say in where an off-licence is established.

Mr. O'Dowd: But not where alcohol is being sold, that is the point.

Mr. Roche: Deputy O'Dowd is introducing yet another false trail.

Mr. O'Dowd: No, I am not.

Mr. Roche: His party has been holding anti-social behaviour meetings around the country with varying levels of success. There was a very low turnout in one case but I will not embarrass him on that. Maybe the next time he is holding one of these he will explain to voters why he wants off-licences to be able to operate on an untrammelled basis here.

Mr. O'Dowd: I never said that.

Mr. Roche: It is a serious matter. There is a lacuna in the law and I have argued for many years that we should have planning permission and that is part of the intention of this regulation.

Deputies Gilmore and Morgan raised the issue of hotplates in garages. The regulations do not refer to this matter. They were dealt with as far back as the 2001 regulations.

On the issue of the single application form, Deputy O'Dowd is unaware that draft regulations were circulated—

Mr. Gilmore: What about the turf?

Mr. Roche: Let me get to the points as they were made. Draft regulations were circulated. There was a great response, some of which were very detailed. We are working through that issue in the Department. I expect to be in a position to publish the new regulations later in the summer.

Mr. O'Dowd: That is what Deputy Mitchell referred to.

Mr. Roche: At that stage, maybe we will have a logical debate on them in committee. I mentioned this in the Oireachtas committee the week before last, I will also publish draft and management guidelines relating to planning to ensure consistency in planning authorities.

That I am bringing forward this legislation on peat extraction, demonstrates my willingness to meet the European Commission's concerns on Ireland's performance in the environmental area, a point touched on by Deputy Cuffe. This change in natural heritage areas, NHAs, will meet the outstanding concerns of the EU Commission and the Court of Justice. Deputy Gilmore asked what has changed. The reality is that the Commission has been in continuous contact with us on this issue. It is anxious that we should ensure that planning authorities have the possibility of stepping in to halt industrial scale peat extraction where that is necessary. I remind Deputies that we are talking about peat extraction in excess of 10 hectares, which is 24.71 acres. That is certainly not a year's supply for a farmer.

Deputy Naughten raised the issue of forestry, which is not dealt with in these regulations. Telecommunications masts were dealt with by Deputy Gilmore, who again shows signs of senility in this matter, because these issues were dealt with in the 2001 regulations and discussed at some length. I contributed to the discussions. As a spokesman on environmental policy I am amazed that Deputy Gilmore appears not to be aware that masts now require planning permission. Matters like this—

Mr. Gilmore: Except where the State agencies think they are exempt.

Mr. Roche: Do not come back at it now. Deputy Gilmore is caught out.

An Ceann Comhairle: The Minister should be allowed to speak without interruption.

Mr. Roche: The Deputy has been caught out and has shown himself to be incapable yet again.

An Ceann Comhairle: The time has concluded.

Mr. Roche: The reality is that we should have this type of discussion——

Mr. O'Dowd: The Minister is headless. He should go out to the bog and dig.

Mr. Roche: ——in an Oireachtas committee. Two of the parties in this House conspired to ensure it would not happen. Deputy Gilmore has made wild-eyed, delusionary assertions that, somehow or other, I managed to persuade Deputies Boyle and Stagg——

Mr. Gilmore: One will not need planning permission to cut turf.

Mr. Roche: That is correct, one does not and one will not.

Mr. Gilmore: Will an environmental impact assessment be required?

Mr. Roche: Members should keep to the truth and the facts. As I stated, this is not as Deputy Gilmore wishes.

Mr. Naughten: Local authority offices will have a field day.

Mr. Roche: We have an illustration of how Deputy Gilmore will operate from now on, that is, by distorting the truth, telling the first fable that comes into his mind, being delusionary and denying the reality.

(Interruptions).

Mr. Roche: The reality is that after Deputy Boyle raised a question, he——

Mr. O'Dowd: That is the programme for Government.

Mr. Naughten: That is the programme for Government.

Mr. Gilmore: The Minister will hear a lot more about this before the year is out.

Question put.

The Dáil divided: Tá, 69; Níl, 61.

Tá

Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Johnny.
 Brady, Martin.
 Brennan, Seamus.
 Browne, John.
 Callanan, Joe.
 Callely, Ivor.
 Carey, Pat.
 Carty, John.
 Cassidy, Donie.
 Collins, Michael.
 Cregan, John.
 Cullen, Martin.
 Curran, John.
 Davern, Noel.
 Dempsey, Noel.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Fox, Mildred.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hootor, Máire.

Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.
 Kirk, Seamus.
 Lenihan, Brian.
 Lenihan, Conor.
 McEllistram, Thomas.
 McGuinness, John.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Keeffe, Batt.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Walsh, Joe.
 Woods, Michael.

Níl

Allen, Bernard.
Boyle, Dan.
Breen, James.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Gilmore, Eamon.
Gregory, Tony.
Harkin, Marian.
Hayes, Tom.
Higgins, Joe.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.
Lynch, Kathleen.
McCormack, Pádraic.
McGrath, Finian.
McGrath, Paul.
McHugh, Paddy.
McManus, Liz.

Mitchell, Olivia.
Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Noonan, Michael.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Perry, John.
Rabbitte, Pat.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Twomey, Liam.
Upton, Mary.
Wall, Jack.

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

Question declared carried.

Veterinary Practice Bill 2004 [Seanad]: Report Stage (Resumed) and Final Stage.

Debate resumed on amendment No. 8:

In page 41, line 25, after “Minister” to insert “with the approval of Dáil Éireann”.
—(Deputy Naughten).

Amendment put and declared lost.

Amendment No. 9 not moved.

An Ceann Comhairle: Amendments Nos. 10 and 14 are related and will be discussed together.

Mr. Naughten: I move amendment No. 10:

In page 43, line 1, after “regulations” to insert the following:

“following the approval of each House of the Oireachtas”.

It is critical that any provision made under section 55 of the Bill, or any regulations made under such a provision, should be brought before the Oireachtas. The power given under subsection (5) means that the Minister may make regulations to exclude the application of subsection (3), which relates to the exemption of farmers from carrying out particular procedures, such as administering an antibiotic or another form of medicine. Currently, procedures such as the paring of sheep hooves and the dehorning of cattle are done on

a regular basis. The administration of medicines, whether as doses or inter-muscular injections, are exempted at this time and a farmer can carry out such procedures under section 55 of the legislation. It is only right and appropriate that this is the case.

I have no difficulty with the principle that the Minister can bring forward regulation exclusions because procedures may change at some stage in the future. However, it is vitally important that they receive a positive decision from the Houses of the Oireachtas before the Minister implements any of the regulations. We have witnessed the situation in terms of prescription-only medicines, and there is no guarantee that it will be debated by the Houses of the Oireachtas. I hope we will be given the opportunity to tease out the issues when the occasion arises later this year. However, we do not have a right to debate the detail of those regulations. It is up to members of the Opposition to table a motion in order for them to be debated and the Government can then use its majority to block it.

The situation is the same in this case. If we are to water down the rights of farmers to carry out various procedures on animals, it is imperative that the Minister is able to present a definitive argument to the House as to why he or she believes the regulation should be brought forward at that time and why there should be a restriction with regard to the procedures farmers can carry out on their farms and on their animals.

Amendment No. 14 is similar and elaborates on the issue of regulation of veterinary practice.

Under section 59, the regulations provide for the practice of veterinary medicine by non-registered persons. Again, the issue is what will be exempted from the regulations. This was discussed on Committee Stage and it is self-explanatory. However, amendment No. 10 is critical. It is imperative that these issues are put before the House and teased out in detail and that the Minister explains why farmers should be precluded from carrying out a particular procedure, whatever that procedure.

Dr. Upton: This is similar to one of the amendments we discussed yesterday and the reasons for the discussion are the same. When regulations are being made it is very important that there is an opportunity to discuss them and their implications. There is no automatic right that we would have a full debate, if necessary, on the regulations. We highlighted this issue as it related to a different amendment yesterday and, indeed, it was raised on Committee Stage too. I do not want to rehash the entire argument now but I agree with Deputy Naughten that it is important that the option should be available that regulations come before the House and we have the opportunity to discuss them in detail.

Minister of State at the Department of Agriculture and Food (Mr. Browne): As the Minister for Agriculture and Food, Deputy Coughlan, pointed out, this issue was addressed in detail on Committee Stage. Deputies Naughten and Crawford again propose, by means of amendment No. 10, that regulations made under section 55(5) must be laid before each House of the Oireachtas. They also propose, by means of amendment No. 14, to change the form of laying procedure, to be followed when the Minister makes regulations regarding emergencies. This latter amendment also has implications for section 55(5).

In the case of sections 55 and 59, provision is made for the laying of ministerial regulations before both Houses of the Oireachtas, with the standard 21 day annulment procedure. The main purpose of these regulation-making powers is to enable the Minister to deal with difficulties that arise under section 55(2) or section 55(3). Therefore, this provision is generally not intended in any way to broaden this provision but rather to do the opposite, if necessary. In these circumstances, the requirement to lay the regulation before the Oireachtas, as set out in the Bill, is a more appropriate approach and, therefore, I do not propose to accept these amendments.

Mr. Naughten: The Minister of State is making my argument for me. I accept that the reason for the procedure and the provision is not to broaden but to restrict what was, up to now, common agricultural practices carried out by farmers on their farms. Subsequent to the Minister bringing in the regulation, there will automatically be an

additional cost to farmers because what the Minister will do is exclude a particular procedure which, up to that point, was carried out by farmers and rule that it will have to be carried out by a veterinary practitioner. That will mean a fee for the call-out of the vet and the cost of carrying out the procedure, whatever it might be. In those circumstances, the Minister for Agriculture and Food should be prepared and willing to come before this House to explain why he or she believes that such a restriction should go ahead. The standard procedure with the 21 day annulment clause is not appropriate in this case because it does not provide for this issue to be debated.

In 2000, the then Minister for the Environment, Heritage and Local Government accepted an amendment providing for the bringing of procedures and regulations back before the House for debate. Indeed, that is what we did earlier today regarding that Department and the Planning and Development Bill. I cannot see why such a provision cannot be allowed here, especially as it relates to this particular issue. It is critically important that farmers are protected, that the Minister gives detailed reasons he or she is bringing forward these regulations to restrict procedures that would have been standard up to that point, carried out by farmers on farms across the country.

Mr. Browne: As I said, the Minister for Agriculture and Food has given this matter serious consideration since the Committee Stage debate. She is happy that the precedent in this House has always been that the making of an order would be placed before both Houses of the Oireachtas with the standard 21-day annulment provision, except in exceptional circumstances. Deputy Naughten has referred to the Department of the Environment, Heritage and Local Government, but in my Department, where we introduce levies or charges, they are always laid before this House before the regulation is made by the Minister. The Minister for Agriculture and Food is happy that what she is doing is correct and is in accordance with precedent in this House over many years.

Mr. Naughten: The difficulty is that this is a charge. The reality is that when the Minister excludes a particular procedure that up to now was carried out as a standard operating practice on a farm, it will mean a charge because it will be up to a veterinary practitioner to carry out that procedure. That is why I believe that such a regulation should come before the House.

An Ceann Comhairle: Is amendment No. 10 being pressed?

Mr. Naughten: Yes.

Amendment put.

The Dáil divided: Tá, 55; Níl, 72.

Tá

Allen, Bernard.
Boyle, Dan.
Breen, James.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Cowley, Jerry.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Gilmore, Eamon.
Harkin, Marian.
Hayes, Tom.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.
Lynch, Kathleen.
McGrath, Finian.
McGrath, Paul.
McManus, Liz.

Mitchell, Olivia.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Noonan, Michael.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Perry, John.
Rabbitte, Pat.
Ring, Michael.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Twomey, Liam.
Upton, Mary.
Wall, Jack.

Níl

Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Browne, John.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
Dempsey, Noel.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Haughey, Seán.
Healy-Rae, Jackie.

Hoctor, Máire.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Lenihan, Brian.
Lenihan, Conor.
McDowell, Michael.
McEllistrim, Thomas.
McGuinness, John.
Martin, Micheál.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M.J.
Ó Cuív, Éamon.
Ó Fearghail, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Keeffe, Batt.
O'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Power, Seán.
Roche, Dick.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Walsh, Joe.
Woods, Michael.

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

Amendment declared lost.

In page 43, between lines 20 and 21, to insert the following:

Mr. Naughten: I move amendment No. 11:

“56.—A person may transport an animal to a veterinary premises under the meaning of *Part 9* for the purposes of first aid or medical assistance in an emergency, without complying with normal animal movement regulations.”.

I tabled this amendment because it came to my notice from talking to a number of farmers in recent weeks that where Caesarean sections, especially emergency ones, must be carried out on cattle, it has increasingly become the case that veterinary practitioners want the animals to be brought into their premises to carry out the procedure. Up to now the vast majority of Caesarean sections on cows were performed on the farm, but this is not now the case. Given the difficulty this requirement presents and having regard to the provisions of the animal movement regulations in place, it is imperative to make provision in this regard.

The Minister said on Committee Stage that the animal health Bill would deal with this issue, but that Bill is still promised and nothing has happened in respect of it. That Bill has many implications and it will not have an easy passage through the Houses of the Oireachtas. In the meantime farmers will be left in an unenviable position in that they will not be cross-compliant if they bring an animal to a veterinary practice for a Caesarean section. This is the practice in some parts of the country and vets will not perform the procedure on the farm, rather in their premises. In light of that, I ask the Minister of State to provide for such circumstances by accepting this amendment to ensure that farmers will not be in breach of the regulations until we can thrash out this issue when we debate the animal health Bill.

Dr. Upton: I support this amendment on the basis that if there is not such a provision, farmers will face a difficulty if such an emergency were to arise. An animal welfare issue may arise under the Bill as drafted. If the Bill were passed, a farmer who moved an animal in such an emergency may technically be in breach of the law or, alternatively, the farmer may decide not to move the animal if he or she is to operate within the law. That would be an invidious situation. On that basis I support the amendment.

Mr. Browne: This amendment proposes to provide an emergency clause to cover animals being brought to a veterinary premises. As Deputy Naughten said, the Minister, Deputy Coughlan, outlined the reason she would not agree to this amendment. First, it is not a matter for this legislation, rather it is more appropriate to the animal diseases legislation. Second, there would be serious doubts about providing for such a general exemption to animal movement rules, particularly in the case of highly contagious diseases. The matter would need careful consideration and it is not one for this legislation. It will

be discussed when the animal diseases legislation comes before the House.

Mr. Naughten: Will this matter be discussed or addressed?

Mr. Browne: It will be dealt with.

Mr. Naughten: I will withdraw the amendment on that basis.

Amendment, by leave, withdrawn.

Dr. Upton: I move amendment No. 12:

In page 43, line 26, to delete “, the details of which are registered on the Register”.

I raised this issue on Committee Stage because under the legislation, as drafted, it seems harsh that it is criminal offence for a vet to advertise or use any qualification that is not registered on the register. The deletion of the words proposed in the amendment would address that anomaly. If the qualification in question is one a vet holds, it seems harsh that the use of such a title should give rise to an issue of criminality. Acceptance of this amendment would clarify the position to the effect that a vet is committing an offence by claiming to have a qualification which he or she does not have and it is not necessary that the qualification be registered on the register to avoid criminal liability. A vet should be obliged to register all the details but such provision could be dealt with elsewhere in the legislation.

Mr. Naughten: I support Deputy Upton’s amendment.

Mr. Browne: Deputy Upton proposes to delete the phrase “the details of which are registered on the Register” from section 56. The Minister, Deputy Coughlan, indicated on Committee Stage that she would reflect further on these issues. Subsequently, she had the matter further examined in the Department in consultation with the Attorney General’s office and the Veterinary Council of Ireland. As has already been indicated, the current wording of this section is primarily designed to ensure that the public is not misled as a result of a registered person displaying, for example, on the signage for his or her premises a title or a qualification which he or she does not in reality possess.

Sections 46 and 50 make provision for registration of specialties and additional qualifications where they would be a matter of public record and could assist a member of the public in choosing the best practitioner. It is desirable that letterheads and signage belonging to a practice should match the qualifications registered with the council and that an incentive is provided with a view to ensuring that this is the case. However, as has been said previously, if a person merely overlooks the registered qualification or specialty which that person genuinely holds, it would simply be a matter for him or her to rectify this when

[Mr. Browne.]

attention has been drawn to the oversight by the council. One could not envisage a person being subject to disciplinary proceedings in a situation where he or she has failed to register a qualification which he or she possesses unless that person, having been advised of the oversight, refused to do so. Accordingly, the words which are registered in the register could play an important part in ensuring that the public has accurate information available on which to base the choice of practitioner. The Minister consulted the Veterinary Council of Ireland and the Attorney General's office and both were of the view that the amendment is not required.

Dr. Upton: I will withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Naughten: I move amendment No. 13:

In page 43, line 29, after "medicine" to insert the following:

“, including the issue of prescriptions and prescription only medicines,”.

I do not accept the argument put forward by the Minister on Committee Stage for not accepting the amendment tabled on this matter. The veterinary profession is strongly lobbying that its practitioners should be the ones who would be entitled to issue prescription only medicines in this area. That is not provided for in the directive on this area that we will receive from Brussels but that is the interpretation veterinary surgeons are putting on it.

While veterinary surgeons are seeking to have the right to write prescriptions and issue medicines, the practice to date has and will continue to be that they do not issue the medicines, rather they get their staff to do so. The medicines are given out and the prescriptions are written up later. That is what happens on a day-to-day basis. If veterinary practitioners want to have the right to issue prescriptions and particular medicines, the practice of doing so should be solely a matter for them. I do not understand why a person who is qualified to issue medicines in an animal health store or in a co-operative cannot issue them because of a change in the regulations while a veterinary practitioner can get a person who has no qualifications but simply works under the banner of a veterinary practitioner to issue veterinary medicine.

In her response to an amendment on this matter on Committee Stage, the Minister said acceptance of it would mean that only vets could issue prescriptions but as the Minister has repeated on numerous occasions, this is not the legislation to deal with that matter. That type of action should be specified. If it is designated that a vet should issue a particular type of prescription, he or she should not be able to pass that off to an unqualified employee to issue the medicine.

Dr. Upton: I support this amendment based on what Deputy Naughten has just stated. It is a rather unusual situation if the vet may pass along the facility to write or deliver a prescription when in somebody else, for example, in a co-operative cannot do it. This has been the tradition up to now. If it were to be made fair, including this amendment in the legislation would take care of matters. There has been a good deal of discussion with the various interested parties on the issuing of prescriptions and it is a critical area. This is an important amendment.

Mr. Browne: I refer to amendment No. 13 in the names of Deputies Naughten and Crawford. The Minister, Deputy Coughlan, indicated on Committee Stage that she did not believe that this amendment was appropriate for this legislation. There is separate legislation on animal remedies involving the number of statutory instruments made under the Animal Remedies Act 1993. On the point at issue, that is, who is to be allowed to prescribe prescription-only veterinary medicines, this is already covered in the Animal Remedies Regulations 1996 where this function is reserved to veterinary practitioners.

There are concerns arising from the forthcoming implementation of the new EU legislation, particularly with prescribing. However, as the Minister pointed out on Committee Stage, this amendment, if accepted, would copperfasten in primary legislation the exclusive rights of veterinary practitioners as prescribers — from which Deputy Crawford's remarks on the previous occasion appear to be the opposite of his objective. In any event, given that the question of prescribing falls under the animal remedies legislation, I suggest we deal with this matter in that context.

I would have serious concerns if this were to copperfasten in primary legislation the rights of veterinarians only to prescribe because I have had representations from numerous bodies and back bench and Front Bench Deputies on this issue arguing that vets should not be given exclusive rights. The Minister is quite adamant that if this amendment were accepted, we would be saying in effect that vets only can prescribe and that is not acceptable.

Mr. Naughten: I dispute the Minister of State's interpretation and he is trying to use that argument to muddy the waters. I do not believe that is the situation. Section 57 makes it an offence for a registered person to employ an unregistered person to carry out practices that should normally be done by someone who is registered. The reality is that prescription-only veterinary medicines are being issued by the staff of veterinary practitioners. If at some future date intramammarys and other medicines were to be made prescription-only, the reality is the vet would not be around to issue them. A member of his or her staff would do it. Whether it is in this legislation or in the regulations that are coming forward

later in the year, if the issuing of particular medicines is limited to a vet, then it should only be the vet who issues them and not his or her staff. Some of the vets are looking for the powers to issue medicines but do not want to deal with the practicalities involved in the day-to-day issuing of them. That is the reason for the amendment. I accept what the Minister of State is saying. I ask him to ensure that this anomaly is addressed when the animal remedies regulations are being dealt with because it is imperative that the system is not abused. I hope that the list available to vets is extremely limited and reduced from what it is at present. On the issue being discussed, if a vet is required, then it should only be a vet.

Dr. Upton: I agree with Deputy Naughten's interpretation. What the amendment does by including this phrase is to state clearly that the vet must be the person to issue prescription-only medicines in this particular context. The other issue is one that must be debated separately, but to include the amendment does not mean that only vets may issue those prescriptions. That is not what is intended. However, if the current situation in practice is that people who are non-veterinarians issue prescriptions and other people are precluded from so doing, then it is fair that this part of the amendment should be included in the legislation.

Mr. Browne: Under the animal remedies regulations it is specifically required that a vet should write prescriptions. It is an offence if others do it. I assure the Deputies that under the legislation forthcoming in line with EU changes, this particular issue will be dealt with.

Amendment, by leave, withdrawn.

Mr. Naughten: I move amendment No. 14:

In page 44, to delete lines 14 to 20 and substitute the following:

“(3) Prior to making a regulation under subsection (1) or section 55(5) the Minister shall seek and obtain the approval of each House of the Oireachtas.”.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

Amendment No. 15 not moved.

Acting Chairman (Mr. Stanton): Amendments Nos. 16, 17 and 18 are related and will be discussed together by agreement.

Mr. Browne: I move amendment No. 16:

In page 47, line 39, after “under” to insert “clauses (I) and (II) of”.

This is purely a textual amendment to correct cross-reference errors in section 63(5) and there is no change of substance involved.

Question put and agreed to.

Mr. Browne: I move amendment No. 17:

In page 47, line 39, to delete “subparagraphs (i) and (ii)” and substitute “subparagraph (i)”.

Question put and agreed to.

Mr. Browne: I move amendment No. 18:

In page 47, lines 41 and 42, to delete “subparagraph (iii)” and substitute “subparagraph (ii)”.

Question put and agreed to.

Acting Chairman: Amendments Nos. 19, 20 and 21 are related and will be discussed together by agreement.

Dr. Upton: I move amendment No. 19:

In page 64, line 14, to delete “triable”.

We would like the word, “triable”, removed and substituted by “which, in the opinion of the Council, would have been appropriate for trial”. We discussed this on Committee Stage and the section as it stands is very broad. There is a contradiction between the side note, “where persons convicted on indictment of an offence”, and the text which refers to persons convicted of an offence triable on indictment, which includes summary offences which are not tried on indictment. The danger is that these could include a multitude of very minor offences. The problem with section 83 is that there is no test, criterion or requirement by which the council should judge whether a person should be struck off the register by reason of having been convicted of an offence. The amendment would use the wording set out, for example, in section 47(2)(d). That makes it clear that merely being convicted of an offence *per se* is not sufficient but that the offence should be one which renders it, in the opinion of the council, inappropriate for the person to practise veterinary medicine or nursing, as the case may be. It cannot just refer to any offence, rather to one that specifically relates to where it is inappropriate for the person to practise the profession of veterinary nursing or medicine.

Mr. Naughten: I support Deputy Upton's amendments. She has made a valid point. An ambiguity exists within the legislation which should be addressed. It is appropriate that it should be addressed in this manner. A person might be convicted of something that is completely unrelated and may have nothing to do with how he or she practises as a veterinary practitioner. While it may have no implications for

[Mr. Naughten.]

practising veterinary medicine, it seems that the council's hands will be tied in this regard.

Mr. Browne: Following the raising of these issues by Deputy Upton on Committee Stage, the Minister undertook to return to this matter again when the legislation came back into the House. She has given further consideration to it and had consultations with the Office of the Attorney General. She believes the Bill as drafted strikes the correct balance. An example by way of illustration is a practitioner who steals €500 from a client. Such an offence could be tried in the District or Circuit Court. However, if proceeded with in the lower court, this should not of itself prevent the council from looking into the matter since, taken in context, it is a serious matter. The current provision does nothing more than give the option to the council to proceed. If, having considered the matter, the council decides to do so, the normal procedures will kick in, including a full right of appeal to the High Court.

While I fully understand the concern for the rights of the accused underpinning the amendment, balance is required. I emphasise that this is a "may" provision and, as such, does not imply that a person will be automatically struck off because of such conviction. The council will be required to examine the matter thoroughly and reach a view on whether the person's ability to practise has been compromised and whether the profession might be damaged by virtue of the person remaining registered. For this reason, I remain of the view that a reasonable balance has been struck and, in light of the Minister's consultation with the Office of the Attorney General, it is not proposed to accept the amendments.

Dr. Upton: I disagree with the Minister of State's assertion. Far be it for me to enter into a dispute with the Attorney General, but it strikes me that the words "appropriate for trial", which would be inserted by the amendment, take account of the example.

Mr. Browne: Having consulted the Office of the Attorney General, the Minister believes the amendment is not necessary and has advised as such.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Dr. Upton: I move amendment No. 20:

In page 64, line 16, to delete "triable" and substitute the following:

"which, in the opinion of the Council, would have been appropriate for trial".

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Dr. Upton: I move amendment No. 21:

In page 64, line 17, after "may" to insert "having regard to section 47(2)(d)".

Amendment put and declared lost.

Acting Chairman: Amendments Nos. 22, 23 and 24 are related and may be discussed together.

Mr. Naughten: I move amendment No. 22:

In page 67, to delete lines 38 and 39.

The purpose of the amendments is to address an anomaly in the Bill. Under the legislation as framed, the Minister of State, a veterinary practitioner, surgeon, schoolteacher or any other professional may cross the road to help out a neighbour if one of his ewes is in difficulty lambing. A veterinary nurse is the only person who is prohibited from assisting a neighbour in such circumstances. He or she may carry out a procedure such as pulling a lamb on his or her own farm, provided he or she is a farmer. Under the wording of the current provision and the definition of a body cavity, once a veterinary nurse assists another person by putting his or her arm into a body cavity to try to pull a lamb, he or she is committing an offence for which he or she may be struck off the register.

The House will be told it will be possible to turn a blind eye to this provision and the circumstances I describe will not arise. Human nature being as it is, it is certain that at some point an elderly man living in a rural area who has a ewe in difficulty and cannot reach a vet will knock on a neighbour's door to ask for help. If his neighbour is a veterinary nurse, she will no longer be considered a farmer the moment she leaves her premises to carry out the procedure. Instead, she will be considered a veterinary nurse and, as such, is prohibited under the legislation from carrying out the procedure. This unfair anomaly must be addressed and amendment proposes to do so. I ask the Minister of State to accept it.

Dr. Upton: I support the amendment. The provision, as defined, creates an anomaly in that a qualified veterinary nurse who carries out a minor medical procedure or surgery in a personal capacity could be at risk of placing himself or herself outside the law.

Mr. Browne: Deputies Naughten and Crawford have again proposed amendments covering the carrying out by veterinary nurses of minor medical or surgical procedures. The effect of these amendments would be that ministerial regulations would be required before nurses could become active in this area. When this matter was discussed on Committee Stage, the Minister drew attention to the amendment she had agreed in the Seanad by which nurses would be permitted to carry out functions of this type on the direction

of a veterinary practitioner. She also pointed out that the Bill provides for a definition of the word “minor” in the context of medical or surgical procedures. In light of this and given that we are not adopting a similar approach in respect of other tasks a nurse may carry out on the direction of a veterinary practitioner, it is not necessary to provide for ministerial regulation-making powers in this sole instance. Accordingly, I do not propose to accept the amendments.

Mr. Naughten: Does the Minister of State accept that the question of body cavity creates a major anomaly in the system? We must all live in the real world in which we will experience increasing difficulty securing sufficient veterinary practitioners to service rural areas. The majority of veterinary practitioners who complete their training will move into small animal practice. In addition, elderly people who have stuck to the land and may not have proper procedures or equipment or the required housing will call on neighbours for assistance, as people have done for generations. Under the legislation as framed, if the neighbour is a veterinary nurse, he or she can be struck off the register for providing such assistance. This is wrong and the section must include provision to cover genuine emergencies. Animal husbandry issues and human nature must be considered. I ask the Minister of State to ensure that if a veterinary nurse acts as a good samaritan, he or she will not jeopardise his or her career.

Mr. Browne: The Minister has considered this issue since Committee Stage. The Bill defines certain functions which may only be performed by a veterinary practitioner, while all other functions may be undertaken by a veterinary practitioner, veterinary nurse or layperson. The Minister is satisfied, particularly following her acceptance of amendments in the Seanad which further clarified the position, that the section is adequate to meet the requirements outlined by Deputy Naughten.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

Mr. Naughten: I move amendment No. 23:

In page 67, after line 43, to insert the following:

“(3) The Minister may, with the approval of each House of the Oireachtas, by regulation prescribe the minor medical procedures and minor surgery which may be carried out by a veterinary nurse.”.

Amendment put and declared lost.

Mr. Naughten: I move amendment No. 24:

In page 68, line 4, after “relates)” to insert the following:

“or a procedure under *section 55* under the direction of a veterinary practitioner”.

Amendment put and declared lost.

Acting Chairman: Amendments Nos. 25 and 26 are related and they will be discussed together.

Mr. Naughten: I move amendment No. 25:

In page 68, to delete lines 42 to 44 and in page 69, to delete lines 1 to 4 and substitute the following:

“(5) Prior to making a regulation under *subsection (1)* the Minister shall seek and obtain the approval of each House of the Oireachtas.”.

This has been discussed *ad infinitum*.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

Mr. Naughten: I move amendment No. 26:

In page 76, to delete lines 36 to 42 and substitute the following:

“(3) Prior to making a regulation under this section or *section 102* the Minister shall seek and obtain the approval of each House of the Oireachtas.”.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

Mr. Browne: I move amendment No. 27:

In page 78, line 11, to delete “Notwithstanding *section 109*, where” and substitute “Where”.

This is purely a technical amendment which arises from the amendments made to this and related sections on Committee Stage. Arising from the earlier amendments, the reference “Notwithstanding *section 109*” in paragraph (i) of section 107 is redundant and, on the advice of the Office of the Attorney General, can be deleted.

Amendment agreed to.

Dr. Upton: I move amendment No. 28:

In page 89, between lines 6 and 7, to insert the following:

“(3) Where an authorised officer takes possession of or removes from the premises for examination and analysis, any animal pursuant to *subsection (2)(h)* which is not the property of the registered person concerned, then—

(a) the authorised officer shall take reasonable steps to notify the owner of the

[Dr. Upton.]

animal of such seizure or removal, within a reasonable time after taking possession of or removing the animal, save where it is not possible to identify the owner notwithstanding reasonable diligence,

(b) where the owner so requests, the authorised officer shall return the animal to the possession of the owner unless there are reasonable grounds to believe that the owner is responsible for serious ill-treatment or neglect of the animal, and

(c) where an animal is returned to its owner following seizure or removal under this section, the subsequent production of the animal in proceedings (including disciplinary proceedings) under this Act shall not be required, and the production of photographic or scientific evidence regarding the condition of the animal shall be sufficient in any such proceedings.”.

The Minister agreed on Committee Stage that she would look at this amendment. It would protect the property rights of the owners of animals on the premises that are raided by authorised officers.

There is no difficulty with the authorised officer seizing the property of the vet because it is intended the legislation will provide for that. It is important, however, that any third party who is a client of the vet and whose animal is in the surgery at the time is protected.

The first part of the amendment states that the authorised officer is not required to get permission from the owners in advance but must notify them after the event. That is reasonable and practical. It is then up to the owner to request the return of the animal and if that request is made, the animal should be returned unless the owner is going to mistreat it.

When the animal is returned, production of the animal in court or before the veterinary council is not required and scientific evidence is satisfactory. It might be practical to bring a Manx cat but it might not be best practice to bring a Friesian cow to a court or sitting of the Veterinary Council.

Mr. Naughten: I agree with Deputy Upton, particularly on her last point. Whatever about bringing in a Friesian cow, I can imagine trying to bring in a Limousin bull — it would cause severe difficulty. It is fair that an unrelated third party who has an animal on the premises should be given proper notification. The amendment is balanced. It would protect the inspectors who might have to remove animals and protect the rights of the owners of the animals, particularly animals as valuable as a Limousin bull.

Mr. Browne: Arising from concerns expressed in both Houses, the Minister for Agriculture and Food, Deputy Coughlan, agreed to substantial amendments to this section under which investi-

gations by authorised officers of the council at veterinary premises will be carried out under a search warrant.

Amendment No. 28 deals with the seizure of animals in the context of investigations. The Minister explained on Committee Stage that she could not accept this having taken into account the legal advice of the Attorney General's office. She has since given the matter further consideration and, where authorised officers of the council seize animals belonging to a third party, they will be assumed to take on a duty of care for the animals and it is reasonable to assume they would inform the owner. It is not, however, appropriate to cover such procedural matters in primary legislation.

There are also concerns about paragraph (b) of the amendment where there would be a more specific difficulty. There may be cases other than potential ill treatment where it would not be possible or appropriate to return animals to the owner. The animals may have been given banned drugs requiring their removal from the food chain. Bearing in mind the substantial amendment which the Minister accepted on Committee Stage on veterinary premises, the correct balance has been struck and, accordingly, we do not propose to accept the amendment.

Dr. Upton: This amendment would protect the rights of the owner. The Minister of State made assumptions in his response, which is not always best practice legally. Significant issues arose in the recent past related to the seizure of animals and the right of people to enter premises. That is why the rights of owners should be particularly well protected in the legislation. I accept that if banned drugs are present, it would not be reasonable or practical to return the animals to the owner but where there are no grounds for suspecting ill treatment of the animal, it would make sense that the owner would be informed and the animal returned. It is important primarily from the point of view of protecting the rights of the owner of the animal.

Mr. Naughten: Reality can be very different from what is envisaged in legislation. The Minister of State is making many assumptions and people know that assumptions in previous legislation did not apply when it came to implementation. I ask the Minister of State to reconsider the amendment.

Mr. Browne: I discussed all the amendments with the Minister and she was anxious that I would make Deputy Upton aware that she had considered this amendment seriously and discussed it with the Office of the Attorney General, but found that she could not accept it. It would be difficult to frame legislation where banned drugs might be involved and she is not prepared to accept the amendment.

Amendment put and declared lost.

Bill, as amended, received for final consideration.

Question proposed: "That the Bill do now pass."

Minister of State at the Department of Agriculture and Food (Mr. Browne): I thank Deputies Upton and Naughten in particular for their contributions on the Bill. I was here on Second Stage of the Bill and I know they made important suggestions on how the Bill could be improved. The Minister for Agriculture and Food acted on many of the proposals put forward by Deputies on all sides of the House. I thank them for their co-operation and support. There were 104 amendments to the Bill, which was a significant number. I thank all Deputies, particularly the Front Bench Members, Deputies Naughten and Upton. I thank the officials from the Department of Agriculture and Food.

Mr. Naughten: I endorse what the Minister of State at the Department of Agriculture and Food, Deputy Browne, has said. I thank him and the Minister for Agriculture and Food, Deputy Coughlan, for their co-operation with the Bill. I also thank the departmental officials who did an excellent job with an extremely complex Bill. There was a significant amount of lobbying regarding it.

The legislation is dramatically different from that originally published. This is the proper way that legislation should be brought through the Oireachtas. Consultation must take place following a Bill's publication. Credit must be given to the Minister for Agriculture and Food on the advice that was provided by her officials. When the legislation went before the Seanad, a number of significant issues were flagged which the Minister took on board. To her credit and that of her officials, when the Bill came before this House — traditionally it can be very difficult to have amendments accepted when the Bill is passing through the second House — the Minister was flexible in accepting reasonable amendments. Credit is due to all involved in this dramatically improved Bill. There will be significant battles in the next couple of months with the animal health Bill where many of the issues raised with the Veterinary Practice Bill will again be raised. I thank all those involved in the enactment of the Bill.

Dr. Upton: I thank the Minister of State at the Department of Agriculture and Food, Deputy Browne, for taking amendments yesterday and today. He has been co-operative in moving the Bill through the House. The Minister for Agriculture and Food, Deputy Coughlan, took on board a large number of amendments after the Bill was passed by the Seanad, and that is appreciated by all Members of this House. I realise how much work the Department officials put into this long Bill. There have been significant changes since 1931 and we now recognise there

are vast improvements. The legislation was overdue. This is a complex area and much work remains to be done in the area of animal health. I thank everyone involved for their co-operation with the Bill.

Question put and agreed to.

**International Interests in Mobile Equipment (Cape Town Convention) Bill 2005 [Seanad]:
Second Stage.**

Minister for Transport (Mr. Cullen): I move: "That the Bill be now read a Second Time."

The purpose of the Cape Town Convention is to make it easier to finance the purchase of aircraft. There are two parts to the convention. The convention itself provides a general framework for an international legal basis for financing moveable assets. It is accompanied by a protocol containing more specific arrangements for aircraft assets. It is envisaged other protocols will be developed to deal with railway rolling stock and space assets, but these are not dealt with in the Bill. The Schedules contain the text of the convention and of the protocol relating to aircraft objects. For convenience, when I refer to the convention, I will also be referring to the aircraft protocol.

Aircraft are expensive items, even when bought second hand. It is a rare occasion that an airline can afford to acquire additional aircraft without borrowing. However, because aircraft move between countries, it is not easy to borrow for an aircraft as for industrial or commercial property. In the case of a building or a plot of land, the bank lending the money for its purchase will always know where the property is situated and what law applies in connection with a lease or mortgage on the property.

The purpose of the Cape Town Convention is to create a uniform international legal framework for loans and leases for aircraft so an aircraft can be the asset securing the loan. This framework will provide lending institutions with stability and certainty about their ability to repossess aircraft that are subject to loans or leases if the borrower fails to make the contractual payments. If, at the time of the default on the loan payments, the aircraft concerned is in any country that has ratified the convention, the courts of that country will apply the rules of the convention to determine who may take possession of the aircraft. By reducing the risk for lending institutions, the convention will enable lending rates to be reduced.

This will obviously have benefits for airlines and, ultimately, for passengers. It will be of particular benefit to the less developed countries where access to large-scale finance is more difficult. As a concrete example of this, the US Government's Export-Import Bank has offered reduced interest rates in respect of loans to airlines in countries that have ratified the convention.

[Mr. Cullen.]

An important part of the convention is the creation of the international registry. Its purpose is to record the existence of loans and leases covered by the convention and to establish priority between them on a first come, first served basis. The registry will operate over the Internet on a 24 hour, seven day a week basis. To gain the protection of the convention, a loan or lease must be recorded in the registry. If two or more loans for the same aircraft exist, which is quite common, the loan registered first will have priority over later registrations. Members of the public, as well as those in the aviation and financing industries, will be able to search the registry to discover if loans are recorded for any particular aircraft. Only appropriately authorised users will be able to add or change information in the registry.

A substantial number of the world's aircraft leasing and financing companies are located in Ireland. In addition to direct employment in those firms, their location in Ireland has resulted in a considerable volume of high-profile work for Irish legal and accounting firms. My Department has supported this project for several years. At an early stage we made it clear we were anxious to have the registry located in Ireland to underscore our long-standing commitment to international aviation and to support aircraft financing activity in Ireland. My Department participated in the preparatory work leading up to the diplomatic conference in Cape Town in November 2001 where the convention was adopted.

With the valuable assistance of senior Land Registry officials, my Department contributed to the work of the international registry task force, established to define the role and operation of the registry. One meeting of the task force was held in Dublin Castle in January 2000. It was decided at an early stage that a competition would be held to select the operator of the registry to ensure its efficient operation. It was held by the International Civil Aviation Organisation in the first half of 2004. I was delighted when an Irish company, Aviareto, was unanimously selected as the winner at an international conference in Montreal in May last year. Other bids came from Canada, Singapore and Spain.

Aviareto is a small PPP project between my Department and SITA, a major international company owned by over 700 aviation companies worldwide. It is the world's leading provider of global information and telecommunications solutions to the air transport and related industries. It has offices in Letterkenny and Dublin, employing 60 people in Ireland. The company recently announced the expansion of its activities in Letterkenny, which will employ more than 120 additional staff. Aviareto will be a small employer with probably fewer than ten staff and will be based at SITA's Dún Laoghaire offices.

The convention will come into force when it has been ratified or acceded to by eight countries. So far, there have been six ratifications and accessions by Panama, Ethiopia, Nigeria, the

United States, Pakistan and Oman. Due to Ireland's long-standing support for this project, and especially because Aviareto was selected to operate the registry, it is my ambition for Ireland to be one of the first eight ratifying countries, and I am sure the House will support me in this.

The registry will not take over the role of the Irish Aviation Authority for registering the nationality of Irish aircraft or regulating aviation safety. It will only be concerned with recording the existence of leases and loans for aircraft. It will do so for aircraft throughout the world, not just for Irish aircraft. When considering the Bill, it is important to note there is no obligation to use the registry or to make use of the convention. The Bill will not impose changes on people who do not wish to take advantage of it.

Aircraft financing involves large sums of money. All the parties to a loan or lease will have professional legal and financial advisers. Consequently, we can be satisfied all users of the registry and the convention will do so on the basis of carefully considered decisions. It is also important to note the convention will not affect the status of financial interests where the parties choose not to register them. It will not affect cases where the financial interest was created before the convention comes into force in the relevant country, even if the interest is subsequently included in the registry.

This is a short Bill. Most of the text is contained in the Schedules, containing the convention and protocol. Sections 1 to 3, inclusive, contain standard provisions in legislation such as the Short Title, purpose of the Act and interpretations. Section 4 provides that the convention and protocol will have the force of law in Ireland. The convention and protocol will only apply where people have chosen to take advantage of it.

Section 5 empowers the Government to make various declarations that are permitted under the convention and protocol. These allow a certain amount of tailoring to take account of national circumstances. As the convention has been formulated in a way that closely reflects common law legal systems, such as we have in Ireland, the declarations are primarily for the benefit of countries with other legal systems.

Section 6 contains standard provisions in connection with making orders, such as the inclusion of consequential provisions and specification of when an order takes effect. Section 7 specifies that the High Court is the appropriate court. Under the convention, disputes involving the registry must be heard in the Irish courts because the registry is based here.

Section 8 requires courts to take notice of the convention and protocol. Section 9 requires that proceedings for damages must take account of compliance with the relevant articles of the convention. Because the registry will be a computer-based system, it is important for users to comply with its requirements if they wish to have its protection. It was never intended that the registry would have responsibility for checking the quality

or accuracy of the information placed in the database, which is the responsibility of the users. The registry will be responsible to ensure that no errors are introduced while the data is stored in the database.

Section 10 empowers the Minister to subscribe for shares in the registry company, Aviareto, to an amount not exceeding €40,000. The Minister's shareholding will be an important indication of Irish support for the convention and protocol as well as the registry company. Section 11 prohibits a court from making an order that would prevent the registry from providing the services prescribed by the convention and protocol. This section does not prevent anyone from pursuing a claim for damages against the registrar. However it is important to ensure that a dispute with one party cannot affect the operation of the registry for the benefit of others.

Sections 12 to 14 are standard provisions pertaining to orders including the laying of orders before the Oireachtas and the usual opportunity for either House to pass a resolution to annul an order. Section 15 is a standard provision in respect of the Minister's expenses under the Act when enacted. Section 16 inserts standard provisions into the Act that implements the Montreal Convention pertaining to the making of orders under that Act. These include the laying of orders made in respect of the Montreal Convention before the Oireachtas and providing for possible annulment by either House. Because of a deadline to enact that Act before the expansion of the European Union on 1 May 2004, it was not possible to include these amendments before it was enacted.

This convention represents an important and welcome step forward in the legal framework connected with aviation finance and having the international registry located in Ireland is a great achievement. I congratulate all those involved in that process and I commend the Bill to the House.

Ms O. Mitchell: I welcome this Bill to the House. The Minister is aware that I inquired as to its status a number of times as I too was anxious that it would come before the House before it rose and would be transposed into Irish law. Consequently, I welcome the fact that it has been taken this week. On behalf of the Fine Gael Party, I am happy to give it my support.

As a result of the 9/11 attacks and reinforced by subsequent international events including rising fuel prices, the entire aviation sector has been subject to a climate of uncertainty, to put it mildly. It brings uncertainty for manufacturers, financiers, lessors, exporters, importers, airlines and for ordinary air passengers. The Air Navigation Bill passed by this House last week was a result and possible manifestation of that uncertainty, whereby the State found itself forced into a position to provide air carriers with insurance cover for potential dirty bomb damage, because the entire commercial insurance business had

simply withdrawn from that market. However possibly perversely, alongside that uncertainty the world is becoming increasingly dependant on aviation. At the same time increased globalisation and the changing axis of the world economy towards Asia mean that everyone, including Ireland, needs certain, affordable and easier access to safe skies. It is essential for Ireland as an island country both to have that kind of access and certainty itself and that it is available internationally to the people with whom we hope to trade and do business. I welcome the proposed incorporation of the Cape Town Convention into Irish law as we must welcome anything that brings certainty and predictability to such a high-stakes sector which is so subject to fluctuation, natural disaster and as we saw from the 9/11 attacks, to the evil machinations of Man.

As the Minister stated, the main objectives of the convention are to bring about efficient financing of aircraft and engines by promoting uniformity of contract through the protocol as well as predictability for those with a security interest in the asset concerned. This will bring a win-win situation. It means higher sales for manufacturers as financing becomes easier. It means easier access for emerging economies to such finance, as the level of risk for them — usually it is their Government — is reduced. It means reduced financing costs and enhanced access to different types and sources of funding for airlines. Moreover, younger fleets mean that greater fuel efficiencies are available to such airlines. In addition, this benefits passengers, in reduced air fares, improvements in an increased flow of services as well as more routes. It also increases safety for passengers because it means fleet replacement is made much easier, so one has a younger, and consequently a safer fleet.

It also brings benefits for Governments, in particular for developing countries, but also in developed countries where the national airline fleet purchases have been funded or backed by Government guarantees, as the greater degree of certainty about the enforcement of rights will bring lower costs for them. Even for Governments such as our own, which is contemplating privatisation, the risk reduction associated with the convention means that other cost-effective sources of finance have opened up to airlines that might previously have had — I use the word advisedly — the cushion of State-provided finance or guarantees.

Our own Irish airlines, Aer Lingus and Ryanair, are both expanding airlines that plan to expand their fleet and this legislation comes at the perfect time for them. Both will benefit significantly from the discounts likely to be offered to airlines of ratifying countries. I have read that one US bank is offering a 33% premium reduction for aircraft delivered before September 2005 for ratifying countries. This kind of incentive will be quite common for early participation in the protocol.

[Ms O. Mitchell.]

Ratification has a particular significance for Ireland in that the bid by Aviareto to operate the international register was successful. I am unsure whether the Minister is aware of the point, but a condition of the contract was that the winning bidder would ratify the convention. As the host country to the registry, other EU countries have been looking to Ireland to give the lead and I hope they will now quickly follow Ireland's example and transpose the convention into their own laws. This will ensure a flow of funds to the registry, which obviously needs funds to function properly.

As the Minister noted, the contract to operate the registry was won against stiff international competition and it is of no small significance to Ireland. It is quite a feather in the cap of this company and the stakeholders. Did the Minister state that it was a joint venture company? It is not an insignificant achievement and it puts Ireland on the world aviation map and puts us at the cutting edge of the financing sector of aviation. Hence, for Ireland and for international aviation, it is a very good day's work. I am happy to support this Bill on behalf of Fine Gael.

Ms Shortall: I welcome this Bill on behalf of the Labour Party and we are happy to facilitate its speedy passage this evening. The fact that work has been carried out so quickly on this Bill to enable the ratification of the protocol and convention is a positive development. We welcome the object of the convention in terms of facilitating the easier financing of aircraft purchase through assets based arrangements and do not wish to do anything to delay that process. There are undoubted benefits to Irish airlines in the speedy passage of this legislation and by signing up to the convention.

At a time when the future of airline travel is based on the low cost model, it is critical that the EU plays a part in facilitating the purchase of aircraft, which will enable the various airlines to continue to provide a low cost model to travellers and facilitate easy access to air travel. We can all remember the days when the prices of tickets, even to London, were outrageous. We very much welcome the developments which have taken place in the past 20 years or so. To the fore in that was Ryanair to which we all have much to be grateful in terms of the development of that market. It has certainly forced the hand of Aer Lingus in terms of wising up to the modern airline market, changing its cost base and developing attractive air traffic costs and fares attractive to the public. It was forced into that competitive situation which has been good and from which we have all benefited.

Why is the Minister not prepared to remain involved with Aer Lingus? Why has he taken such a hard line in terms of the future of the national airline? This type of asset-based financing is one of several options available to Aer Lingus in terms of replacing its fleet. Much has

been made by this Minister and his predecessor about the urgency with which Aer Lingus needs to access capital, yet nobody has managed to put a figure on it. We know from the chairman of Aer Lingus that it has had no difficulty in financing the replacement of its short-haul fleet. It could easily look after the replacement of its long-haul fleet as a State company. There are numerous options, including this one and long-term leasing arrangements. Aer Lingus would have no difficulty raising loans, for example, and there is always the option of State investment in the company.

I again put on record my grave concerns about what the Minister proposes to do in regard to the national airline. There are many key national strategic interests which the Minister and the Government, as representatives of the shareholder, should bear in mind in terms of the future of the national airline. I reiterate my concern about the direction the Minister is taking as there is no reason Aer Lingus cannot stay in State hands. A number of Government spokespersons, particularly the Minister's predecessor, are particularly disingenuous about the situation in Aer Lingus and the possibilities for the future. I presume we will come back to that when the Minister gets advice from those he proposes to employ to advise him following the taking of the decision. We will return to that matter later in the year.

To return to this Bill, I congratulate the Minister's officials who were involved in the preliminary work and design for this legislation and the international registry. Obviously very impressive work was carried out and the proof of that is the fact that Ireland has been unanimously selected as the winner of the competition organised to select the operator of the registry for the first five years. That is undoubtedly a feather in our cap in terms of aviation development. Great credit is due to SITA and the people in the Department who brought this about. We have been very successful in this regard and it will be an important catalyst in terms of Ireland developing a strong role in the financial aspects of the aviation industry.

As I mentioned, we are very happy to facilitate the speedy passage of this Bill. However, I hope the Minister will take on board the small number of amendments I tabled in good faith and which are intended to improve the Bill. I was disappointed last week when we dealt with the Air Navigation and Transport (Indemnities) Bill in that I thought the Minister was somewhat churlish in not accepting an amendment for which he accepted the need. It seemed he did not want to accept it to avoid the inconvenience of having to table an amendment and any slight delay. I hope the Minister will be generous and accept some of these amendments, the purpose of which is to improve this short Bill. I look forward to the Minister's generosity in that regard.

Minister for Transport (Mr. Cullen): I thank the Deputies for facilitating the Bill and for their

strong support for it. This is a great win for Ireland on the international stage and it amplifies once again the strength of the Irish financial services sector and the important role of Ireland and Dublin in international finance in general. I think that was a key element in the international competition which Ireland won against some pretty stiff competition, as the Deputies said. It was a surprise to some that Ireland won and there was much angst because we did.

The convention will reduce the financing costs for airlines but it certainly will not deal with any other issues in regard to companies seeking finance in terms of trying to lever on assets. One of the Deputies referred to one bank offering a 33% reduction in terms of rates. We know this is available. I will not, however, rehearse many of the arguments I could put to Deputy Shortall about Aer Lingus. I do not hold an ideological view on the company. If it were at all possible and if the company could have a realistic future in State hands, I would be the first to support that. No State airline has a future. That fact is accepted. I had discussions yesterday with trade unions on that.

I was travelling recently and I picked up a magazine — I think it was *The Economist*, although I am not absolutely certain — in which the international assessment was dismissive of what would be left in Europe in terms of airlines, irrespective of sales and so on. It was firmly of the view that the only four airlines left in Europe in a short period would be Lufthansa, British Airways, KLM and Air France. It did not see any other airline surviving.

Aer Lingus is unique in what it has achieved to date. We must capture what it has achieved and give it life into the future. The Deputy was right that it is not about the money. That is one of the issues. The issue is commercial access, working in the markets, decision-making processes etc. I am pleased with the way matters are proceeding and people on all sides are up for the challenge. I hope we can clarify some of the questions Deputies Olivia Mitchell and Shortall raised in respect of the future. We look forward to that. I thank the two Deputies for their support for the Bill.

Question put and agreed to.

**International Interests in Mobile Equipment
(Cape Town Convention) Bill 2005 [Seanad]:
Committee and Remaining Stages.**

NEW SECTION.

Ms Shortall: I move amendment No. 1:

In page 3, before section 1, but in Part 1, to insert the following new section:

“1. This Act may be cited as the Air Navigation and Transport (Cape Town Convention on International Interests in Mobile Equipment) Act 2005”.

I tabled this amendment for reasons of clarity. I received this Bill a while ago and when I read the Title I did not think it had anything to do with the Department of Transport. The Title is very confusing and would suggest that the Bill had something to do with mobile telephones. We suggest acceptance of this amendment to change the Short Title to “This Act may be cited as the Air Navigation and Transport (Cape Town Convention on International Interests in Mobile Equipment) Act 2005”. The existing Title is very misleading and we suggest a Title similar to the Air Navigation and Transport (International Conventions) Act 2004 be adopted. As the Title stands, an ordinary person would think it had something to do with mobile phones.

Mr. Cullen: It is not appropriate to link the Bill with the Air Navigation and Transport Act for two reasons. First, the convention is about financial matters rather than air services. Second, it is envisaged that the convention will apply to other non-aviation financial matters, including railway rolling stock and space assets, for which additional protocols are being prepared. That is why the convention refers to mobile equipment specifically, as the issue is much broader than that of air transport, the aspect with which I am dealing today. The Bill does not deal with railway rolling stock or space assets. Further legislation will be needed to apply protocols to such matters.

The Cape Town Convention was news to me but everyone in the airline business knows about it. The convention is not specific to air transport; it covers mobile assets right across the spectrum. It is also about financing, rather than services and so on which are dealt with in other Bills. I do not propose, therefore, to accept the amendment.

Ms Shortall: I will not press it. While I take the Minister’s point, for the sake of clarity, the Bill should refer to mobile assets rather than mobile equipment.

Amendment, by leave, withdrawn.

Section 1 agreed to.

Section 2 agreed to.

SECTION 3.

Acting Chairman (Mr. Sherlock): Amendment Nos. 2, 3 and 5 are related and may be discussed together.

Ms Shortall: I move amendment No. 2:

In page 3, subsection (1), line 28, to delete “opened for signature” and substitute

“done”.

“Done” is the word normally used and is used in both the convention and the protocol. I wonder, therefore, why we are using the strange term “op-

[Ms Shortall.]

ened for signature”. I would have thought it was more appropriate to use the word “done”.

Mr. Cullen: The wording is taken from the final Act of the diplomatic conference which states, “The said Convention and Protocol have been opened for signature at Cape Town this day”. As there is no time limit after which states may not accede to the convention, it is not clear when the convention and protocol could be said to be done. A contract can be said to be done when all relevant parties have signed it but in this case parties will continue to add their signatures to it. That is the reason we have inserted the phrase in the Bill.

Ms Shortall: I have not seen that done before.

Amendment, by leave, withdrawn.

Amendment No. 3 not moved.

Section 3 agreed to.

Sections 4 to 10, inclusive, agreed to.

SECTION 11.

Ms Shortall: I move amendment No. 4:

In page 6, line 21, to delete “A” and substitute the following:

“The Registrar shall be designated under section 40 of the Diplomatic Relations and Immunities Act 1967 and accordingly a”.

This deals with protection of the operations of the international registry. This section was queried in the Seanad and the response was not entirely satisfactory. The purpose of the amendment is to ensure the registrar would be able to function with all the proper protections and immunities available under the Diplomatic Relations and Immunities Act 1967 which I suggest should be extended to cover the registrar.

Mr. Cullen: It is not intended to give the registrar diplomatic status. The registrar is a company with a contract with the International Civil Aviation Organisation for the purpose of carrying out functions under the convention which specifically allows the registrar to be sued for negligence. The purpose of section 11 is to prevent a court from making an order at the request of one aggrieved party that would prevent the registrar from continuing to provide service for all others. In other words, if one airline company was involved in a dispute with the registrar and decided to sue, it would not be able to obtain an injunction to stop business being carried out with other airlines.

Amendment, by leave, withdrawn.

Section 11 agreed to.

Sections 12 to 15, inclusive, agreed to.

SECTION 16.

Question proposed: “That section 16 stand part of the Bill.”

Mr. Cullen: Section 16 which amends the Act dealing with the Montreal Convention is in response to a request for an amendment by Deputy Shortall. I am not hard all the time.

Ms Shortall: I am bowled over by the Minister’s generosity.

Mr. Cullen: I will try to take some credit. There was an acceptance at the time that the Act should be amended.

Question put and agreed to.

Schedules 1 and 2 agreed to.

Amendment No. 5 not moved.

Title agreed to.

Bill reported without amendment and received for final consideration.

Question proposed: “That the Bill do now pass.”

Ms O. Mitchell: I thank the Minister for bringing the legislation before us so speedily and am very relieved it has been passed before the House rises for the summer. I thank the officials for their briefings and work on an extremely complicated Bill.

Ms Shortall: I also congratulate the Minister and his officials.

Mr. Cullen: In keeping with the collegiate approach, I thank everyone for their help in getting the Bill through, including the officials. I am sure this will prove to have been a good day for the aviation sector.

Question put and agreed to.

Driver Testing and Standards Authority Bill 2004: Second Stage (Resumed).

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

Acting Chairman: Deputy Healy was in possession but is not in the House to resume his speech. I do not know who the next speaker is.

Dr. Devins: I will speak.

Acting Chairman: Ar aghaidh leat.

Dr. Devins: Go raibh maith agat.

Ms O. Mitchell: I am not sure who was in possession.

Acting Chairman: Deputy Healy was in possession.

Ms O. Mitchell: Does it move to the Government side now?

Acting Chairman: I presume so. As people were slow to offer, I called Deputy Devins.

Ms O. Mitchell: Go ahead.

Dr. Devins: I am delighted to have the opportunity to speak on the Bill designed to establish a driver testing and standards authority. I welcome the fact that the new authority will be based in Ballina where the headquarters of the existing driver testing service is located. While Ballina is not in my constituency, it is on its border and I am sure many in Sligo-Leitrim as well as Mayo will be delighted at the location of the new authority. The decision to locate such an important authority in the west of Ireland is another example of the Government's commitment to the retention and development of life outside Dublin.

Since the driving test was first introduced in 1964, more than 2.4 million tests have been carried out. Driving tests are conducted to ensure that each user of a motor vehicle has attained an appropriate level of competency, which is of critical importance at a time in which approximately one person is killed on our roads each day. It is essential that those who use motor vehicles are qualified to drive them. The test is the first step in the process.

The increase in the number of cars on the road has been matched by an increase in applications for tests. There are currently in excess of 120,000 applications for tests on file with the result that the waiting time is now approximately 38 weeks. While there has been some reduction in waiting times, 38 weeks is still far too long. I welcome the Minister's announcement that the Bill is a first step in a process to reduce waiting times still further. People should not have to wait for between 30 and 38 weeks to undergo a test which is why we must aim to ensure that applicants can be confident of taking tests within a couple of weeks of applying. It will be the duty of the new authority to ensure a proper service is available to members of the public within a reasonable time of applying for a test.

The issue of what constitutes a driving test has received a great deal of attention in the media. Before I consider the contents of the test, however, I will discuss preparation for it. It is currently the case that any person may operate as a driving instructor provided he or she has a full driving licence. As the Minister has already stated, driving instructors are not currently required to register, in which context, like many other Members, I have been approached by people working in the industry. It is ludicrous that there are no regulations in place to require driving instructors to establish their bona fides. Members of the public approach instructors to

learn to drive before undertaking the test, but in the industry to which they turn anyone can set up a business without there being a check on his or her qualifications.

I stress that most instructors are eminently qualified, having undergone training to reach the requisite level of competence and that a register exists on which more than three quarters of instructors are listed. The register has been compiled with funding from the Department of Transport and attained ISO 9001 accreditation. To become a registered person, it is necessary for an instructor to demonstrate that he or she has attained a certain level of proficiency in instruction. I suggest to the Minister that one of the first functions of the new authority should be to regularise the position of driving instructors to allow members of the public to have confidence that their tuition is being provided by a fully approved person. I welcome the Minister's commitment to allowing existing instructors who can show that they are bona fide operators to continue to teach before undergoing the appropriate competency tests.

To undergo a test a driver must be familiar with the driving of a car. As this can only be achieved through repeated practice and instruction, it is necessary to provide for provisional driving licences. Considerable media attention has focused on provisionally licensed drivers and their rate of involvement in fatal accidents. Some commentators have stated the holders of provisional licences are responsible for the deaths of at least 10% of those who die on Irish roads, while others have suggested the real figure may be as high as 20%. It is often forgotten in this debate that before an applicant is granted a provisional licence, he or she must undergo the theory test introduced in 2001. The test consists of computerised questions with multiple-choice answers.

It might be possible to include in the theory test a driving simulation similar to those that feature in many computer games to examine the ability of a test applicant before he or she obtains a provisional licence. A simulation test might prepare an applicant for the process of driving a car. Likewise, the requirement by a provisional licence holder to display the letter "P" should be rigorously enforced. This will ensure other motorists understand that an inexperienced driver is driving a car. However, at the end of the day, nothing beats the presence of an experienced instructor with a learner driver in a car.

While I recognise that new and more involved questions must be asked of drivers as to how the mechanics of the motor vehicle operates, the reality is that most, if not all, modern cars have a very comprehensive console which indicates if such things as oil or brakes need to be changed. A frequent requirement of drivers is to have the ability to change a tyre, yet this is not tested in a practical manner by the current test. I suggest that a more practical approach to new elements of the driving test might be of longer term

[Dr. Devins.]

benefit. I welcome the Bill and commend it to the House.

Mr. Hayes: I welcome the opportunity to say a few words on this very important Bill. Road safety is a key concern of everybody, as it should be. The carnage on our roads must be tackled urgently. Almost every year the number of road traffic fatalities increases. In 2004, 379 people were killed on our roads, an increase of 34 victims compared to the previous year. In the past decade, 5,000 people have lost their lives on our roads. Road traffic accidents leave their mark on families and communities. The community in which an accident takes place is also affected.

A substantial number of people have already lost their lives on our roads this year. In many cases, the reason for the accidents related to the condition of the roads. Poor surface is an urgent issue and the quality of national primary roads leaves much to be desired. Potholes, dangerous bends, temporary traffic lights, and gridlocked traffic, coming into small towns and villages gives the illusion that one could not possibly be on a main road in one of the wealthiest states in the world. It is shocking that road users are expected to tolerate these deplorable conditions.

Poor signage is also a serious problem. This week I received several complaints about drivers going in the wrong direction around a roundabout outside Cashel, which only opened late last year, because the signage is so confusing. Signs are supposed to help motorists not confuse them and lead them into potentially life threatening driving errors yet this is what often happens. It is incumbent on the Department of Transport to ensure road signage is plentiful, helpful and clear. Signage has not improved, particularly on smaller country roads. In fact, it has disimproved in recent years. This matter must be addressed urgently by whoever is responsible, local authorities or the Department of Transport.

It is obvious the Government will not tackle in a hurry the deplorable state of our roads. Therefore, it is critical that the drivers on our roads have sufficient skills to handle what generally amounts to bad driving conditions. As driver error is the main cause of most accidents we must move urgently to upskill our drivers. Young people in particular must be targeted in this context. We are all aware of the sense of jubilation with which young people drive cars. They are convinced they will be able to brake if necessary and they enjoy the thrills of travelling at high speeds. Tragically, reckless behaviour often has grave consequences.

The majority of people now choose to drive and it makes sense for aspects of driving to be addressed in second level schools. Driving theory and an adequate understanding of the cause of road accidents, and the consequences of speeding, drink driving and so forth should be included in second level education. Respect for vehicles, cars, motorbikes, trucks or tractors, is a lesson

that must be learned early. Young people do not understand how powerful those machines are and how they are capable of inflicting great damage and loss of life if not treated with the caution and respect they deserve. Such matters must be understood from the start not learned the hard way, as happens with so many young people and their families.

Teachers are the best people to communicate with young people on driving safety. Transition year would be an ideal time to teach young people about driving skills, its responsibilities and the consequences of careless driving. This would be an ideal opportunity for young people in rural and urban areas to learn this life skill. I often observe leaving certificate students driving to school in their parent's cars. Transition year would provide an ideal opportunity for young people to learn driving.

The long waiting lists for driving tests adds to the problem. It is possible to drive for up to five years on most roads in Ireland without having to sit a test. When a responsible young person chooses to sit a test he or she can be left waiting for up to a year in most cases. In Clonmel, for instance, the waiting period for a driving test is 53 weeks. The driving test centre in my constituency in Tipperary town is slightly better at 51 weeks. Constituents contact me every week of the year looking for their driving tests to be expedited, as in many cases it is required for their work. This is a deplorable situation. I commend the people involved in driving test centres for their courtesy at all times. The waiting time for driving tests must be improved.

Many people are put off sitting their driving test sooner rather than later because they have heard stories of friends and acquaintances who failed the test for simple reasons. A learner driver should only fail a test if he or she is deemed unfit to drive. The aim of the tester should not be to catch the learner driver out on a technicality. There is a clear need to ensure that all testers are trained to an appropriate standard and to implement common testing standards across the country. Ongoing supervision and quality control of driving testing is essential.

The number of cars on our roads and the technical nature of our testing system often necessitate driving lessons from a qualified instructor. Lessons are normally sought when the long wait for a driving test is finally coming to an end rather than before an individual starts driving on the roads, which would be far more logical. The cost of driving lessons may contribute to this. Many young people struggle to afford steep insurance premiums and only fork out money for expensive driving lessons from a professional instructor when they really need to. This should not be the case. Driving lessons should be affordable, particularly for those driving for the first time. They should be the first resort of the learner driver rather than the last. The Department of Transport should examine seriously the possibility of introducing more affordable driving instruction

for younger drivers. The possibility of incorporating a requirement to take one or two affordable driving lessons into the conditions for receiving one's first provisional licence is worth considering.

Our speeding laws are almost laughable. As a regular traveller from County Tipperary to Dublin, I note that I am frequently overtaken by cars travelling well in excess of the speed limit. Many fail to slow down when passing through villages and towns. I often wonder how anybody living along routes such as that between Dublin and Cork manages to cross the road.

There are other anomalies to be considered. As I travelled to the Munster hurling final in Cork last Sunday, I was amazed by the number of motorists pulled over by gardaí. Motorists actually believe the road into Cork is a motorway. There is a dual carriageway with a wide strip in the middle and motorists are certainly confused. I know of one who was pulled over and told by a garda while travelling to the match on Sunday that the road was causing considerable confusion. Motorists do not know the correct speed limit and are driving according to a higher one.

The issue of speed limits needs to be addressed. Changes should be marked clearly. The next time the Minister of State is travelling to Cork, he should look——

Mr. Callely: I hope I will very soon.

Mr. Hayes: I also hope the Minister of State will and will enjoy his visit. If he does, he will readily understand what I am talking about. It presents a clear difficulty.

Mr. Callely: I offer my sympathies to Deputy Hayes and his county on what David and the boys did to them last Sunday.

Mr. Hayes: They were better on the day.

I ask the Minister of State to take into account what I have said, particularly in respect of transition year programmes and the training of drivers. My proposals should be implemented over a period. I welcome the legislation and was glad of the opportunity to say a few words on it.

Mr. Stanton: I am pleased to make a contribution on the Bill and that the Minister of State with responsibility for driving standards is present. It is probably one of the most important subjects we can discuss in the House. It is a matter of life and death and absolutely essential that we all work together to ensure regulations are in place to considerably improve the standard of driving.

The standard of driving in Ireland is appalling. People from other countries have said this to me and are flabbergasted at how bad it is. Very often young people are blamed — we are familiar with the statistics in this regard — but none of us is innocent of driving to a poor standard. For instance, many do not know how to negotiate a

roundabout properly. In addition, many of the makings on roundabouts are very confusing. When the Minister of State is in Cork, he might encounter some roundabouts which are such that one does not know where one is. Some are extremely dangerous. Road makings need to be very clear in this regard.

Colleagues have spoken about road signs and the need to ensure they are adequate and located such that motorists are adequately warned that there is a turn-off ahead. Often one finds a sign on or beyond a turn-off, which is crazy.

Let me address another matter concerning road safety and driving standards. It is very hard to drive along a country road if hedgerows are almost meeting at its centre. On the last occasion we spoke on a related Bill I asked the Minister of State to consider this matter, particularly in the light of the growth rate of hedgerows at this time of year. Pedestrians are forced to walk in the middle of the road. Cars are also forced to drive in the middle. I know issues arise regarding wild-life, for example, but it is most important that hedgerows are cut to ensure roads are visible, especially around towns and because we are encouraging people to walk and cycle.

I know many parents who will not let their children out on the roads in the countryside because they are too narrow and the hedgerows are growing out to the middle. Children are not allowed to cycle — rightly so — because it is too dangerous. Walkers also have major problems, especially around towns. The Minister of State should consider providing for one-way systems near towns whereby some roads could be designated for cyclists and walkers in consultation with the relevant local authorities. Perhaps he will talk to representatives from local authorities and consult local people to determine whether this would be possible but it should be considered.

We can talk all we like about driving standards and testing but if the roads are unsafe for various reasons, the best driver in the world can have an accident. If he or she goes around a corner and meets a pedestrian or an oncoming car at a point on the road where the briars are growing out to the middle, he or she has nowhere to go.

I have two young men at home who are starting to drive. Therefore, I have a vested interest in this matter. One is almost 20 years of age and the other is just over 17. Even the smallest of cars nowadays are high-powered and can travel at high speeds. When I drive with my lads, I repeatedly tell them to slow down and take it easy. I am thankful they are beginning to listen. Unfortunately, however, many young people do not listen and drive far too fast.

I am very concerned about the fad among young people of buying older cars and spending considerable time and money souping them up. If one drives around, especially in my area which is to be found not too far from that of the Acting Chairman, Deputy Sherlock, one will find doughnut shaped marks on the road. People seem to be driving at high speed and, on approaching cross-

[Mr. Stanton.]

roads, pulling the handbrake such that the car spins and the tyres produce black rings on the road in the shape of doughnuts. I do not know if the Minister of State who is very experienced and knowledgeable on most matters has ever seen them. It is very scary to see drivers engaging in this practice.

Certain drivers are attaching a device to the exhaust pipes of their cars to increase the noise levels. It is quite intimidating to hear such a car approaching, especially on a narrow road. The Minister and the Garda should investigate these noise emitters. They should be removed and not allowed to be used. They have no purpose, especially on a souped up car. The noise of cars should be kept below a certain level for everybody's sake.

It is not right that engines are placed in small cars which are more powerful than the original engines. I believe this is illegal, although I stand to be corrected. The traffic corps should start examining the engines of suspect cars to determine whether they have been souped up or changed or whether they are much more powerful than they should be. The purpose of the Bill is to provide for the establishment of the driver testing and standards authority, which will have primary responsibility for the delivery of the driver testing service. Other functions will include the testing and control of driving instructors and vehicles. It is important that instructors are properly trained and registered. They should be taught how to teach people to drive. As a former teacher, I recognise that teaching is a craft. Some of the current teachers are extremely good and others are not. Therefore I welcome the measure.

The Bill also covers outsourcing, the establishment of subsidiaries and participation in companies, as well as the making of a service agreement between the authority and the Minister, which will set out the functions and tasks to be carried out and performance targets. The Bill places a duty on the authority to promote, develop and improve driving standards and to conduct its business at all times in a cost effective and efficient manner, which is to be expected. The authority will receive policy direction from the Minister for Transport and produce an annual report. This is all fairly standard.

I welcome this Bill and the establishment of the authority, which will have some control over the driver testing system. It will also be charged with the development and improvement of driving standards, including the issuing of driving licences, testing of vehicles and regulation of driving instructors.

Unfortunately, except for sections 4 and 6, the Bill makes little provision for how all of this will be achieved. Everything else appears to be standard. Sections 4 and 6 are the meat of the Bill and deal with the issuing of driving licences, vehicle testing, regulation of driving instructors and the regulation of mechanically propelled vehicles. The Bill is vague on what it will do. The authority

will promote development and improvement of driving standards and, with regard to this, it may make such recommendations to the Minister as it considers appropriate.

We should seriously consider the introduction of advanced driving courses, which are crucially important. I spoke on this matter previously as a result of speaking to an experienced professional driver. He believed he was a good driver until he did an advanced driving course and discovered that he was not half as good as he thought. When professional people from the UK sat with him and taught him how to drive according to advanced standards he discovered his mistakes and the ways in which he could improve his driving. He was a professional driver and on the road every day but he welcomed the opportunity to do the course. Perhaps the Minister should enter into discussions with insurance companies so that anybody who does such a course gets some form of a reduction.

Mr. Callely: I am speaking to the insurance companies.

Mr. Stanton: I welcome that news and urge the Minister to use his influence, authority and position to get something done. He only has another year and a half before being turfed out of office.

Mr. Callely: I hope I am doing such a good job that Members will want me to remain.

(Interruptions).

Mr. Stanton: There is interference from Radio Luxembourg behind me. It is rare for people to be taught how to drive at night, on ice or in bad conditions, which is when most accidents occur. Driving instruction must incorporate driving at night and in the rain. At this time of the year, when days are long, young drivers in particular think everything is fine. However, it is a completely different situation in the winter, especially when the hour changes and dusk sets in earlier. It takes time to get used to that.

The Minister of State was a very good driver when he had to drive himself.

Mr. Callely: Thank you very much.

Mr. Stanton: He will probably need instruction when he is no longer in office.

Mr. Callely: Do not tell the gardaí.

Mr. Stanton: The Bill has been criticised by consultants Farrell Grant Sparks for its limited functional remit in its report to the Department. The report called for centralised responsibility for all aspects of road safety, including vehicle and driver testing enforcement and road planning, within a road safety authority. This wider remit would offer a more focussed approach to limiting the causes of road accidents.

I hope action will be taken to reduce long waiting lists. Currently, more than 100,000 provisional licence holders are waiting to sit the test. The average waiting time is ten months and in some parts of the country it is 14 months. The waiting time in Ireland is far longer than in other European countries. The average waiting time in Northern Ireland is four weeks. A longer waiting time means a larger proportion of provisional licence holders on the road and high insurance premiums for these drivers. With a pass rate of approximately 50%, many young drivers are unfairly penalised for holding provisional licences when they may be competent drivers. This matter must be dealt with and we should have shorter waiting times. A provisional licence holder should not drive on the roads unless accompanied by a fully licensed driver. This is not happening in practice as shown by the figures. Waiting times should be shorter and provisional licence holders should be accompanied at all times by a fully licensed driver.

Once their test is completed, people consider themselves fully-fledged qualified drivers and think they can put the boot down. The Minister of State should consider the possibility of a plate with a "P" indicating probation driver being placed on a car for a period of six months after the test. This would show that the driver has just completed the test and can drive on his or her own. However, the newly qualified driver would know that if he or she went over the speed limit he or she would get increased penalty points and this would keep him or her in line somewhat. It is important because newly-qualified drivers are inclined to put the boot down.

There is a need to incorporate driving instruction in secondary schools, particularly transition year. Some people have mentioned having an area of land close to the school, such as a non-public road, for use in training young people to handle cars. This is important in terms of controlling standards. Theory and road safety should form a module in transition year, which is the time to do it. Most schools have a transition year programme. I am slow to suggest that schools can solve every one of society's problems and that we should overload them. However, this would be a welcome measure.

Along with the issue of driving standards is the matter of driving under the influence of drugs. Perhaps the Minister of State could let us know of the type of tests that indicate whether a person has taken a banned substance, such as cannabis or ecstasy, and is now behind the wheel. How is that currently tested and is it effective? What statistics exist? I ask for the Minister of State to take this issue seriously and am very interested in his response. Otherwise he can communicate the information to me privately in writing.

The Minister of State is a very good man when it comes to raising public awareness for all types of issue. Perhaps he will do so with regard to the issue of drivers getting tired behind the wheel and falling asleep late at night. Other countries have

addressed this serious issue. There were a number of road accidents in my part of country recently, and it has been suggested that the driver fell asleep at the wheel, crashed the car and was killed. The Minister of State should raise awareness by way of television advertisements that tell people that if they feel drowsy while driving, they should not slap themselves to stay awake, turn on the radio or open the window. Rather they should pull over and put their head down, whether it is day or night. It can be very hard to stay awake in the early hours of the morning and the Minister of State should take this on board as a matter of urgency.

In many European countries not only does an individual have to pass a theory and written test, there is also a compulsory requirement to attend theory classes beforehand and undertake practical driving lessons with a qualified and registered instructor before a candidate can attempt a practical driving test. That should be built into this legislation; that a person would take, for example, ten lessons. Until a candidate passes a practical driving test it should not be legal for him or her to drive a car, except in the company of a professional driving instructor. The Government, in the national road safety strategy for 2004 to 2006, set a target of reducing road fatalities to less than 300 per annum. In 2004, 325 people lost their lives on the roads.

In addition to tackling speeding and drink driving, an effective means of reducing the number of fatalities on Irish roads is to engender a responsible attitude to driving in drivers from the beginning, by making a certain number of professional driving lessons mandatory before learner drivers are allowed to drive on the open road, even if accompanied by a licensed driver. Once these lessons have been successfully completed, learner drivers should be encouraged to apply for a driving test immediately. This would help to cut down on the number of provisional licenceholders on the road.

It has also been suggested that the size and power of cars driven by younger drivers should be controlled. Furthermore, perhaps the speed at which such cars can travel should also be controlled, so that they can only travel at a certain speed. It is possible to do this, I understand, by inserting a regulator into the engine of the car to control speed.

Unfortunately, figures from the National Roads Authority and the National Safety Council show that driver error was the cause of 81% of all crashes — both fatal and those resulting in injury — from 1997 to 2002. Male drivers aged between 18 and 24 represent the largest group of those drivers involved in crashes, at 24%. There are no figures, I understand — unless the Minister of State has them — to indicate how many of these drivers were provisional licenceholders. However, the NRA notes that, statistically, those aged between 17 and 24 are 7.7 times more likely to be involved in a fatal or serious injury collision. Given the age range, we should assume that a

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reasonable proportion of these drivers are provisional licenceholders or are, at least, less experienced drivers.

In Ireland, for every mile driven, a 17 year old male is seven times more likely to be involved in an accident than a middle aged man. Research carried out in the United Kingdom suggests that an 18 year old driver is three times as likely to be involved in an accident as a 48 year old. This trend is reflected in the road casualty statistics of the National Highway Traffic Safety Administration in the United States of America, which shows that the younger the age limit for driving, the higher the proportion of casualties in the relevant age bracket. A larger proportion of those aged 17 are hurt or killed than those aged 18 years.

As I said earlier, the National Safety Council notes that the primary cause of death in single vehicle accidents is speeding. Younger males are more likely to take risks when driving than older, more experienced men. I spoke earlier about the need for practical instruction through professional and fully qualified driving instructors to deal with that issue. The fact that anyone can offer driving lessons is ludicrous and is an area that needs urgent attention.

It is not only young drivers who drive dangerously. Older drivers also drive dangerously and I urge the Minister to introduce advanced driving courses to address that problem. It must be remembered that while we talk about road deaths, there are also road injuries, in some cases horrific in nature. There are young, chronically ill people in hospitals and nursing homes whose lives have been ruined. Families are tragically affected by a member being injured, possibly badly, for life. This is something that we must not forget — the number of people who are injured. Perhaps the Minister of State would consider making known how many people are badly injured each year on the roads and not just the number of people killed. I wish the Minister of State well with this legislation, which is very important.

Mr. F. McGrath: I welcome the opportunity to speak on the Driver Testing and Standards Authority Bill 2004. This is important legislation as there is a major public safety aspect to it and we have seen many deaths, injuries and horrific accidents on our roads recently. We all have to be vigilant and responsible when driving. Those in high office must obey the laws of the land on drinking and, particularly, driving when over the limit for alcohol. It is simply not acceptable for a former Minister to be involved in a drink-driving case, involving driving down the wrong side of a motorway. It is not acceptable nor is it understandable and the sympathy expressed in some quarters amazes me.

This is not a personal attack on anyone. It is about straight talking. If someone is out of order, involved in anti-social behaviour while drunk, he

or she should be told straight out that such behaviour is wrong, whether that person is a former Minister, a family friend or a neighbour. Drink driving is anti-social behaviour and it is not acceptable. Gross irresponsibility should never be an option. People who have been involved in drink driving, who have caused major destruction on our roads, should be very careful.

This is also not a case of kicking someone when he or she is down. It is about telling a person straight out that he or she was wrong, out of order and should grow up and accept responsibility. We all have a duty, as legislators, to lead by example and sitting on the fence on such a major public safety issue is simply not an option. This is not a case of taking the high moral ground. It is about trying to do the right thing across all sectors of society. It is a challenge for us all. Our citizens are demanding leadership and a change of hearts and minds. This debate must be part of that process on the question of road safety.

With regard to the detail of the legislation, we see that the purpose of the Bill is to provide for the establishment of the Driver Testing and Standards Authority, whose primary responsibility will be the delivery of the driver testing service. Other functions relating to the testing and control of drivers, driving instructors and vehicles will be transferred to the authority.

Recently we saw an horrific crash in County Meath and I express my sympathy to all the families involved. We need to be very conscious of safety and, in particular, safety on buses. All school buses should be inspected in a professional and objective manner and should be driven by competent and professional drivers. Some school buses provide examples of good practice regarding seat belts and other issues. I would also encourage the Minister of State to look at the idea that when a school bus stops, all traffic around it also stops to allow children to alight in a safe manner. This practice is already in operation in the United States and would save lives here.

A number of Deputies have mentioned learner drivers. Learner drivers get a bad press. The vast majority that I know — and it has been my experience over the past 20 years — are very careful drivers. Because they are only starting to drive, they are very safety conscious. In fact, many learner drivers are more safety conscious than some of the so-called qualified drivers. It is unfair to give learner drivers a bad press because the vast majority of them — I would say more than 90% — never had any accidents.

On the matter of school buses, a constituent of mine advised me recently that school buses are dangerous and that not enough inspections are carried out on them. I ask the Minister of State if this is correct. Regarding Bus Éireann, is there a competent examination of all buses, including their tyres, engines, brakes and fire safety facilities? Is there a system in place that will allow us to have maximum confidence regarding road safety and road worthiness? Another constituent of mine has

told me that mechanics are sometimes afraid to sign off on safety issues for buses and that senior managers often intervene to provide the sign-off. Is this correct? I do not know, but it is a serious issue that needs to be raised.

The role of education in road safety and driving is important. Education can assist everybody in pursuing road safety in a competent and professional way. Indeed, many of our primary schools do an excellent job in this regard. Road safety is already part of the school curriculum and many primary school children visit the traffic schools, do courses and watch videos on the subject. I commend the primary school teachers for their excellent work in this area.

Given that the Minister of State is in the House, I would also like to raise the issue of road safety as it relates to the Dublin Port Tunnel. There are issues in this regard about which we must be vigilant, particularly tunnels, fire safety and the collapse of roofs. We have seen damage done to over 205 homes recently. We have also heard complaints about the roofs and sections of the port tunnel. There are safety concerns regarding the tunnel. I raise these issues because they are relevant to the debate tonight.

Mr. Callely: I invited Deputy McGrath to come and visit the tunnel.

Mr. F. McGrath: I received the Minister of State's invitation, for which I thank him. I went to the tunnel last week and had a quick look, but I will take the Minister of State up on his offer.

I raise the question of road safety, school buses and the use of safety belts.

Debate adjourned.

Private Members' Business.

G8 Summit and Overseas Development Aid: Motion (Resumed).

The following motion was moved by Deputy Boyle on Tuesday, 28 June 2005:

- That Dáil Éireann, given the meeting of the leaders of the G8 countries being held in Edinburgh, Scotland and given subsequent meetings being held for the UN Millennium Summit in New York and meetings of the International Monetary Fund and the World Bank in September 2005 and the World Trade Organisation ministerial conference in December 2005, calls on the Government through its own policies to assist in making poverty history and to this end:
- reaffirms Ireland's policy of supporting 100% debt cancellation for heavily indebted poor countries, going beyond the inadequate, though welcome, proposal of the G8 group of nations to restrict such cancellation to a list of 18 countries; and
- that such debt cancellation should not be accompanied by damaging conditions which would erode the benefits of cancellation;
- that such cancellation should be funded out of additional moneys, supporting the views of non-governmental organisations that International Monetary Fund gold reserves be sold to help finance debt cancellation; and
- that developed nations move away from operating as both judge and plaintiff in relation to heavily indebted poor countries;
- recognises that debt cancellation is only part of what is needed to assist heavily indebted poor countries and that targeted and untied aid must continue to be given and significantly increased;
- resolves to agree a new target date in view of the Government's acknowledgement that it will not meet its commitment to reach 0.7 % of GNP to be devoted to overseas development aid by 2007;
- calls on the Taoiseach to reaffirm Ireland's commitment to this target at the forthcoming UN Millennium Summit;
- further recognises the importance of fair trade in bringing about international social justice;
- demands re-examination of subsidies given to producers in the developed world and the effect of such subsidies on their counterparts in less developed nations;
- calls on the Government to support a reappraisal of the European Union's economic partnership agreements with African, Caribbean and Pacific, ACP, countries in light of serious concerns that they would inhibit rather than promote the economic development of those countries;
- acknowledges the need to restrict the international trade in arms in order to assist conflict resolution and prevent the terrible cost in human lives and attendant economic costs of such trade;
- calls on the Government to strongly support the initiative being taken by the Government of Finland to bring about an arms trade treaty through the framework of the United Nations; and
- resolves that the Government, in the upcoming renegotiation of the Kyoto

agreement, support a fair distribution of carbon allocation on a *per capita* basis in view of the increasing convergence between the issues of environmental degradation and world poverty, as evidenced by the fact that the costs of climate change are being disproportionately borne by the world's poorest people.

Debate resumed on amendment No. 1:

To delete all words after "heavily indebted poor countries" in the second paragraph and substitute the following:

- welcomes the proposal of the G8 countries to finance 100% cancellation of multilateral debt owed by 18 of the world's poorest countries;
- expresses the strong hope that the G8 agreement will be funded out of additional moneys and not through diversion of existing funding;
- calls on the Government to continue Ireland's long-standing commitment to debt cancellation and urges it to support further initiatives to this end;
- recognises that debt cancellation is only part of what is needed to assist heavily indebted poor countries and that targeted and untied aid must continue to be given and significantly increased;
- welcomes the very substantial increases in Ireland's aid programme, which has grown from €96 million in 1994 to €545 million in 2005, which is channelled to some of the world's poorest countries and which has made Ireland the world's ninth largest aid donor on a *per capita* basis;
- welcomes the fact that the Government has already committed to expenditure of €1.8 billion on official development assistance over the years 2005-07;
- notes that Ireland, almost uniquely among donors, gives all of its aid untied;
- notes that the recent report by Action Aid entitled "Real Aid: An Agenda for Making Aid Work" found that Ireland has one of the highest quality aid programmes among western donors;
- notes that at the European Council of 16 and 17 June 2005 the Heads of State and Government, including Ireland, agreed that the EU member states which have not yet reached a level of 0.51% of GNP should reach that level by 2010; that they should achieve the 0.7% target by 2015, and that the ten new member states were set lower targets;

- notes that the Government is strongly committed to achieving the UN target of 0.7% for expenditure on ODA and that it will take a decision on this in advance of the UN Millennium Summit in September 2005;
- acknowledges the need for international agreements to control the international trade in arms in order to assist conflict resolution and prevent the terrible costs in human lives and attendant economic costs of such trade;
- calls on the Government to strongly support efforts to bring about an international arms trade treaty;
- acknowledges that the Government is committed to a strong rules-based WTO and multilateral trading system as being the best way to help developing countries to integrate into the global trading system and is working towards a successful outcome to the Doha development agenda negotiations and the sixth ministerial conference of the WTO in December 2005;
- confirms that as the negotiations on the economic partnership agreements move into a more critical phase, it will be important to have close monitoring and dialogue between the EU Commission and the Council to ensure that the development focus of EPAs remains a primary concern; and
- recognising the increasing convergence between issues of environmental degradation and world poverty, and in view of the fact that the adverse impacts of climate change are and will be disproportionately borne by the world's poorest people, supports the Government in the upcoming negotiations on global action to tackle climate change after 2012 in seeking a fair, equitable and inclusive agreement that will reduce the vulnerability of developing countries through reducing global emissions of greenhouse gases and through assisting developing countries to access the resources and expertise required to adapt to the adverse effects of climate change."

—(Minister for Foreign Affairs).

Ms O'Donnell: I wish to share time with Deputy Carey.

I welcome the opportunity to contribute to this timely debate. I note the Minister's lengthy, comprehensive and informative contribution to the House last night in which he addressed the motion and dealt with all of the cross-cutting issues which affect the global poor. I fully recognise the comprehensive nature of the motion tabled by the Green Party dealing as it does with

issues of aid, arms, trade and the environment, all topics to be addressed at the G8 summit. However in the time available to me I want to focus on Ireland's overseas development aid programme in the context of our foreign policy.

Like it or not — this may be uncomfortable for those on the Government side — Ireland's aid budget is the dominant issue for public discussion and has been for some time since it became clear that the Government had allowed the target date of 2007 to slip. As a former Minister of State with responsibility for this area of policy for five years and as the person who brought the proposal to Cabinet that Ireland should reach the UN target of 0.7% by 2007 and stood with the Taoiseach in New York as he announced it to the international community, I feel a particular responsibility and personal disappointment that, for reasons which have never been properly explained to the House, this policy decision has been reversed. Certainty was removed while our intentions were left open-ended. Worse still, in some quarters there has been a slow unravelling of the principle of reaching the UN target. This doubt will persist among citizens and in the House until a new date is set by the Government.

The policy decision that Ireland should reach the UN target by 2007 was no ordinary policy initiative made on the hoof or spun by way of a press release. There were extensive pre-Cabinet decision negotiations, arguments and preparations over a protracted period. The decision was in accordance with the then programme for Government of the two parties. Moreover and more importantly, it enjoyed the support of all parties in the House, the social partners, the churches, the trade unions and the business community.

Following the Cabinet decision, there was an extensive year long review involving stakeholders, representatives of international organisations, the Secretaries General of three Departments and other eminent persons to put in place a comprehensive blueprint to underpin the expansion of the programme. It was approved by the Cabinet. The issues examined included the geographical spread of the programme, capacity issues, staffing and resource issues, the mix of activities in our programme of renown, a review of our model of aid and a limited range of new policy matters, specifically a focus on HIV and AIDS in Africa.

We decided to deepen our engagement with Africa, increase the capacity of missionaries and NGOs which depend on our resources for their excellent work and carefully expand into other poor African countries on a gradual basis. East Timor was chosen as a new priority country. We also looked at developing a programme in Vietnam, Laos and Cambodia.

This was all laid out in the review of the aid programme mentioned. I say this not to be unhelpful but to make the point to colleagues that those who say the decision was unplanned or, in some way, premature are wide of the mark. All

the work was done and the decision was copper-fastened by a Cabinet decision and announced to the international community. It was planned; we took the decision in our senses and meant it at the time.

There is agreement to be found in the motion, as amended, which is to be welcomed. The motion calls on the Government to set a new target date and an important concession has been made in the amended motion. The Government has agreed that a new target will be set before the Taoiseach attends the Millennium Summit in New York in September. While this is a welcome development, there is a question as to what the timeframe will be.

The abandonment of the target date of 2007 has understandably met with genuine criticism. Whatever appraisal is made of Ireland's performance in the provision of ODA, it should be fair as the truth is important in these matters. It is fair to say, however, the Government has moved away from meeting the UN target by 2007. That is a fair and true statement but regrettable. However, I will not attempt to justify it, as others have done. I regard it as indefensible as a political decision and the Government has been rightly criticised, including by Members on this side of the House and members of the Joint Committee on Foreign Affairs. However, it is also fair to say Ireland's aid programme has increased by €387 million, from €158 million in 1997 to €545 million today. It is also true that Ireland remains a leader among nations of the world in terms of the size of its *per capita* contribution to overseas development aid.

Ireland's aid figures are certainly respectable and above the EU average and greater as a percentage of GNP than those of any of the G8 countries, as the Minister outlined to the House last night. Our focus on the least developed countries is commendable, as is our position on debt cancellation. The fact that all of Ireland's aid is untied is to our credit. This does not take away, however, from the political reality that a solemn commitment made by Ireland to the international community and the poor of the world has been reneged upon. The Taoiseach has stated we are not alone in this decision. The aid sector is littered with broken promises. Many promises and undertakings have been dishonoured by others. It should be remembered that the UN target was set over 30 years ago and remains unreachd by all but six countries. Ireland took the conscious decision to buck that trend as our way of marking the millennium. It was to be a testament to our humanitarian and civilised values as a nation. We cannot now seek cover by hiding with other defaulters.

The sad political reality is that aid budgets in every country are the most vulnerable to attack and plunder to meet competing domestic demands. That is precisely the reason I, when Minister of State, argued for and achieved a multi-annual financial package and an agreed schedule of incremental allocations to bring us to

[Ms O'Donnell.]

the year 2007, thus liberating the programme from the annual Estimates wrangle, in which the aid budget is pitched against other domestic priorities. Notwithstanding the agreed programme, slippage was allowed to happen and our aid programme is again enmeshed and competing with legitimate domestic funding priorities.

I welcome the fact that guaranteed increases have been agreed for a three period, amounting to a total accumulated budget of €1.8 billion. However, these must be seen as minimum increases and additional funds will have to be allocated if a credible advance towards the UN target is to be achieved by a newly set date.

As I said on a previous occasion in the House, the global poor do not march on parliaments; they are out of sight and out of mind. At times the squalor and hopelessness of their lives render them and their plight forgettable and difficult to consider. Thankfully, a new alliance is growing among our citizens, young and old, based on activism and idealism, as will be evident tomorrow. I welcome this as a solid contribution to Government policy from civil society.

Jeffrey Sachs said recently:

We cannot simply close our eyes and hope that Africa's problems will resolve themselves, because they will grow steadily worse if we continue to ignore them. That is not good for anybody, neither for Africans, nor for rich countries. Right now, Africa has 900 million people, most of them impoverished, but in one generation, that number will exceed 1.5 billion people struggling against disease, instability, hunger, and violence. So the problem will not go away on its own. We must help solve it.

Kofi Annan said in Dublin recently that coming to the aid of the global poor was not just about charity but about enlightened self-interest. We ignore the global poor at our peril, in a world that is increasingly inter-dependent.

My central point concerns the integrity of solemn commitments. Ireland gave a solemn commitment. We made that promise in our full senses to the international community. Making that commitment meant first winning that argument within Cabinet and this House and with the social partners and the NGOs. That is the central principle that underpins the commitment.

In the debate on this issue Members on all sides of the House must be resolute. We cannot reopen the argument on the principle of solidarity with poor countries and in meeting the commitment to reach the 0.7% target. We cannot begin to unstitch that. It was the right thing to do when the commitment was made and it is the right thing to do now.

I look forward to the announcement shortly by the Government of the new target. It is a critical point on which our partners in Africa, and in particular, our own people will judge our credibility and integrity.

Mr. Carey: I am pleased to speak on this motion. I compliment the members of the Green Party on tabling it. As I said to Deputy Eamon Ryan earlier, it is very much an omnibus motion but it gives us the opportunity to focus on key issues. Like Deputy O'Donnell, I too am a member of the Foreign Affairs committee and I too was one of those people who agreed, on a cross-party basis, to support our commitment to reach the 0.7% target by 2007. I am disappointed and take no pride in having to stand up here and say we have not achieved it. I am not critical of the Minister of State with responsibility for overseas development, Deputy Connor Lenihan, who is doing a fine job, or of the Minister for Foreign Affairs. It was a solemn commitment entered into for very good reasons. We should, in so far as we possibly can, honour that commitment at the earliest possible date. I am well aware of what commitments have been entered into at EU level but we can do better than that. I recognise that we are being lectured by the great and the good but we take our responsibilities seriously.

I have been in various locations with Members of this House. I was at the UNCTAD Conference in Sao Paulo — information on which I found among my papers this afternoon — with the Minister of State, Deputy Kitt, the Minister, Deputy Dermot Ahern, and others around this time last year where the issues of trade and development were addressed. I listened to people like President Museveni of Uganda talk about his vision for Uganda and Africa. I did not agree with everything he said but he set out his stall in a coherent and strong manner.

I have seen the work Development Co-Operation Ireland has done in Uganda, the work done on HIV-AIDS projects, the co-operation among Trinity College, St. James's Hospital and projects in Kampala and work on the malaria projects. I recognise the success of these projects in reducing child mortality. I saw projects on education, HIV-AIDS and health. I recall it being an emotional occasion when I saw hundreds of children walk down a mountainside in the Tigre area of Ethiopia last September on their way to school to sit, in the case of one school, in a class of 102 students but they would not have been going to school were it not for the support of Irish taxpayers, Development Co-operation Ireland and this Government. The fact that we have been able to contribute towards the training of their teachers and the development of their curriculum has made a great difference in Ethiopia.

During the course of my visit there I met a disparate and disjointed group of opposition politicians who were reluctant to meet us because there were afraid. However, I was pleased to see how well the opposition did in the recent elections in Ethiopia. I am concerned about the fallout, the oppression and the killing that has taken place. I have made the point to the Ethiopian authorities that our support of Ethiopia is not unconditional, but our support involves support for good governance. One point we made clear to

President Museveni last year was that we support the emergence of a strong opposition as well as a strong government party there. Developing countries must realise that there is a price to pay for agreeing to be supported by countries like Ireland. They must have a vibrant, critical opposition and a critical media.

Mr. Allen: Some people from that country are present in the Visitors' Gallery.

Mr. Carey: I am delighted they are here. In that respect, I fully support the motion and the Government's amendment to it.

I want to slightly shift the focus of the debate. I have a healthy scepticism of promises which cannot be kept. The Taoiseach, in all sincerity, meant to keep that promise on behalf of the Irish people. It is regrettable that circumstances have dictated otherwise. I hope everybody here on an all-party basis, the NGO sector and civil society will be able to encourage the Government to be as courageous as it possibly can in fulfilling its commitment to meet the 0.7% target at the earliest possible date — I mean a good deal earlier than 2015.

I want to focus on the issue of trade. We cannot have aid — we can but it will not work — without trade. I was interested to note that today the Minister of State, Deputy Ahern, in speaking at a function in Farnleigh mentioned that central to Ireland's approach and that of our EU partners is a commitment to respond positively to the concerns of developing countries. He said this is considered to be an essential part of the Doha development agenda and it is clear that there will be no successful conclusion of the negotiations unless it is shown that developing countries are being treated fairly.

Trade, aid and development is very much a coherent package. Ireland has a good record. It is a pity we are arguing among ourselves about how the implementation of aspects of this policy are to be furthered but I believe this will be resolved and we will be able to return to an agreed agenda on a way forward in supporting Africa, South America, Vietnam, East Timor and many others who have benefited from our support and we have benefited, in turn, from our involvement in communities in those countries.

Mr. Andrews: I have two proposals, the first of which concerns the economic partnership agreements. It has been widely acknowledged that there are serious dangers involved in arriving at these types of agreements. Through the European Affairs committee we were about to raise this matter with the Minister of State, Deputy Conor Lenihan. He raised it with the General Affairs and External Relations Council of the European Union to his credit. He explained that Members of this House were concerned about the manner in which those trade agreements are

being decided. It seems that the European Union is saying that its hands are tied by World Trade Organisation rules and this is the case. The World Trade Organisation requires that free trade agreements must have reciprocity. In other words, these countries must open their markets in the same way as we open our markets, and the Lomé agreements are in breach of the requirement of reciprocity. The waiver that the African, Caribbean and Pacific countries are currently enjoying will lapse at the end of 2007. My proposal is simply that the Irish Government should argue that free trade rules that apply to EPAs should be linked to the attainment of certain development indicators, in other words, that the stricter interpretation of reciprocity would not kick in until certain standards in regard to education, health and social welfare are achieved. This would require a change to rules in regard to the WHO or at the very least a ruling on an interpretation of existing rules. That would be a positive measure for the Irish Government to take in the context that everybody shares the same view.

The second proposal arises from a debate on alternative methods of funding the millennium development goals apart from traditional aid. One of the proposals the Minister, Deputy Cowen, rejected recently, and rightly so, was in regard to an air tax because it would distort domestic economies.

It is not my proposal, but the idea I would support is to tax the exports of armaments. One amazing statistic I saw recently was that since the Second World War 2% of wars have taken place in the developed world but 98% of armaments have come from there. That really says it all. Some 20% of armaments are required for the defence of countries. Everything else carries a moral question mark with it and a global tax on armament exports is something the Government should fight for, as an alternative and as an additional form of funding for the Millennium Development Goals.

Minister of State at the Department of the Taoiseach (Mr. Kitt): I welcome this debate. I thank the Green Party for allowing us to have the debate. As the House is aware I have been Minister of State with responsibility for ODA twice in my career, in 1993-1994 and in 2002-2004. I am especially pleased to be here in the company of another former Minister of State with responsibility in this area, Deputy O'Donnell and my colleague, the current Minister of State, Deputy Conor Lenihan, as well as Deputies in other parties who have played a major role in this area over many years.

I am proud to have played a role in the transformation of a Government programme which is the visible expression of our national solidarity with the poorest people on earth. Our national

[Mr. Kitt.]

ODA programme, Development Cooperation Ireland — the name was chosen when I was Minister responsible — has always had a very high reputation for its quality and effectiveness. Development Cooperation Ireland reflects precisely what we are all about, acting in our role as partners to the countries that we are bilaterally involved with, especially in Africa.

The massive increase in the programme's funding over the years 2000-05 has propelled Ireland into the league of major donors. During my time as the Minister of State responsible, one of my key objectives was to communicate to the public how the Government was transforming the programme, how much money was being spent and what the impact of this money was on our developing country partners. I am convinced that unless we bring the people with us, we will lose the battle. I am also convinced that this debate will help greatly in shaping the Government's policy. I say that in a generous way to our Opposition colleagues. Ideally, it would be great to have an agreement tonight. I do not believe that is possible, but that is why this debate is so important. It is a pity we do not have more debates of this type.

There has been an intense focus on development aid as an abstract statistical concept. We talk in percentages of gross national income, GNI, and statistical targets. I want the debate to focus more on both the volume of aid and innovations in policy. In 2000 when the Government set a timeframe for reaching the UN target our aid volume was €254 million. In 2005, ODA will reach €545 million. ODA has more than doubled in volume over the past five years.

In 2002, the UN and the World Bank called for a doubling of ODA by all donors to meet the Millennium Development Goals. We have doubled aid in five years. No other donor in the OECD area has increased aid volume at such a rate. The Government will continue to give substantial and sustained increases in ODA in the three years 2005-07. Over this period our aid volume will increase by a further €190 million.

The setting of a timeframe to meet the UN target in 2007 has galvanised the system. In effect, the aid budget is now ringfenced and is guaranteed substantial annual increases in volume. I acknowledge the role my colleague, Deputy O'Donnell, played in that initiative. That ODA enjoys a protected status in the budget reflects the Government's commitment to meeting the UN target. The Government has indicated it will set a new timeframe for meeting the UN target. This will ensure that aid volume will continue to increase in the coming years in a steady and sustained way until the target is met.

There are unique elements to our national aid programme which underpin its effectiveness. For a start we do not tie aid. Even donors that are

often quoted to us as models still tie significant portions of their aid programmes. I have seen that in many countries I have visited, especially in Africa, over the years. Our aid is concentrated in the poorest countries. We have had a disciplined and focused approach to ODA. Our programmes are mostly concentrated in sub Saharan Africa, and in regions of dire humanitarian emergency. We do not have a sprawling and unfocused programme where ODA is spread thinly among many recipients.

Our aid programme is enormously innovative in terms of its policy and its delivery. When I was Minister of State in 2002-04, the OECD conducted a peer review of our programme. The conclusion was that we had one of the most innovative and effective programmes of any donor. The OECD sees us as an international leader in promoting new approaches and in delivering effective aid. As we increase ODA up to the UN target, I want this debate to focus more and more on the content of the programme and on its effectiveness. The massive increase in aid volume allows Ireland to stake out an international leading role in new and exciting areas of development.

I will mention three that I strongly supported as the responsible Minister of State. It is not fully appreciated in this House that Ireland is one of the leading international donors in the area of HIV/AIDS. Our aid programme recognised the potential scale and impact of the AIDS epidemic well before many other donors. Ireland was one of the first donors to have a strong and coherent strategic approach to fighting the disease. In particular, it strongly supported research into an AIDS vaccine, one of the most innovative and exciting scientific research projects in the world today.

We need to bring our national expertise in information and communications technology to bear on our aid programme. The ICT industry has a strong record of developing new approaches to dealing with problems. As our national aid programme expands, I would like to see it develop a strong partnership with the ICT sector.

Ireland's ODA programme is now focusing more and more on the role of trade of the private sector in promoting the economic growth that is essential for long term development. I established the Private Sector Forum, a vehicle for encouraging dialogue between Development Cooperation Ireland and the Irish private sector. I would like to see Irish expertise in food technology, in pharmaceuticals, in construction and other key areas of the economy brought into a partnership with our aid programme.

Development Cooperation Ireland, in partnership with the Department of Enterprise, Trade and Employment has also done a great deal of work in the area of trade and development. As one of the most globalised economies in the

world, as an EU member state that strongly supports the CAP, and as a country deeply engaged in fighting poverty in sub-Saharan Africa, Ireland is uniquely placed to talk about issues of trade, agriculture and development.

I have been involved in trade and development issues for many years. I participated in the talks at WTO level at Seattle, Doha and Cancun and worked closely with my other ministerial colleagues. The debate about the CAP and Africa has been too simplistic. For a start, all of the countries we work with in Africa are net food importers. Under the EU's Everything But Arms Agreement, they already have guaranteed access, duty and quota free, for their exports to the EU market. The real issue for them is not the CAP. It is how to build up their domestic productive capacity to avail of the new market opportunities on the EU market. So many times I have witnessed this as I have travelled abroad in Africa and other places. In Sierra Leone fishermen who were trying to sell their products abroad, did not have the capacity and could not deal with all the regulations. It is so frustrating to see so much fine agricultural produce, as in Zambia and Malawi, for instance, which did not have the capacity to deal with all the bureaucracy and sell and market their products. There is so much work we can do in those areas and working closely with trade policies at EU level with agricultural Ministers, we can get into those areas in a more profound way. Any rational analysis will show that the total liberalisation of the world agricultural market will not benefit the poor of Africa. It will benefit Brazil, Australia and the US where economies of scale mean that food can be produced at costs far lower than in the EU or Africa.

To listen to some Deputies one would think the Government had sat on its hands for the past five years. I want the figure of €545 million in ODA to be at the forefront of this debate. I want the figure of €1.8 billion in ODA over the next three years to be foremost in the public mind. These are ODA levels that were unimaginable just a few years ago. They are figures of which we should be proud. They have allowed us to create one of the most progressive and dynamic aid programmes in the world.

The real debate we should have is on how to ensure that as the programme increases towards €1 billion, we will use it effectively to fight poverty. I am convinced we will make progress on this issue as we approach the Millennium Summit in the UN in September. This debate needs to look at new ways of delivering aid, new partnerships between the aid programme and dynamic parts of the private sector and new approaches to fighting disease.

Mr. M. Higgins: I am pleased to be able to speak on this very fine motion proposed by the Green Party, an Comhaontas Glas. It is much

more than an omnibus motion. It is a linked motion with an integrated approach and one I fully support.

On behalf of the Labour Party, we are not suggesting the Government has sat on its hands. We are suggesting that the Government has broken its promise given before the United Nations and with appalling consequences. This debate is not an occasion for self-congratulation but one of deep shame. I appreciate the presence in the House of two previous Ministers of State with responsibility for development co-operation, Deputies O'Donnell and Kitt, for whom I have the greatest respect. The current Minister of State, Deputy Conor Lenihan, also honours us with his presence.

The context in which discussion of the motion takes place is that of the world millennium development goals, eight targets adopted by the United Nations General Assembly in 2000. The goals can be summarised as follows: the reduction by half of those living in poverty and hunger by 2015; the achievement of universal primary education; the elimination of gender disparity in primary and secondary education by 2005 and at all levels by 2015; the reduction of child mortality among under fives by two thirds; the reduction of the maternal mortality ratio by three quarters; the halting of the spread of HIV-AIDS, tuberculosis, measles and malaria; the ending of environmental degradation and the achievement of a sustainable environment, a most welcome feature of this motion; and the creation of a fair global partnership for development. The final millennium goal is seldom discussed by the media simply because it imposes obligations on the richest countries and those who possess great power in the area of trade.

En passant, I will make a few points on the contributions I have heard this evening. Anybody who suggests the economic partnership agreements, EPAs, as negotiated, are fair or rules based must not have read the text. I appreciate Deputy Andrews's interest in EPAs, which are much worse than the World Trade Organisation. For example, they re-introduce the Singapore issues, which were dropped between Doha and the resumption of the talks next December. Put simply, they are unequal bullying arrangements applied to African countries by Europe.

Professor Jeffrey Sachs, a person to whom many speakers justifiably referred, has summarised the impact of the eight millennium goals were they to be achieved between 2005 and 2015. I will speak as plainly as I can on this issue. If the goals were achieved, 500 million people would be lifted out of extreme poverty, 300 million people would no longer suffer from hunger, 350 million fewer people would lack access to clean water, 650 million people would have greater access to sanitation, 30 million children who would otherwise have died would be alive and the lives of 2

[Mr. M. Higgins.]

million women who would have died in childbirth would be saved.

The achievement of the millennium development goals constitutes the greatest moral challenge of our time. Politically, it offers the best possible basis for a secure and responsible world. Socially and culturally, it vindicates the right of different societies to exist and flourish, tell their own stories, access their own memory and imagine their own future. Economically, it makes possible the emergence of new and exciting models of connection between the economy, society and culture. Ecologically, the achievement of the goals in the context of sustainable development would constitute a contribution to the planet as a whole that would stand as a contrast to the desolation visited on our common inheritance by irresponsible despoliation and abuse of resources in what is sometimes incorrectly referred to as the developed world.

The achievement of the millennium goals will require a new partnership between the developed and developing world. It has implications for trade, aid, debt relief, reform of the international financial institutions and politics at every level.

En passant, I will put another question to the Minister of State *du jour*, Deputy Conor Lenihan, and his predecessor, Deputy Kitt. If they want reform of the international financial institutions, will they agree that officials from Development Co-operation Ireland will be nominated to serve in the advisory section of the International Monetary Fund and World Bank alongside officials from the Central Bank and Department of Finance? It would be interesting to have a straight answer to this straight question. Equally, if we were ever serious about achieving the target of allocating 0.7% of GDP to development co-operation, why was the Cassidy report on manpower requirements of DCI not implemented?

Before I deal with the sanctimonious notion that it may not have been possible to spend all the money envisaged under the 0.7% commitment, was it ever intended to spend it? Are staff changes and recruitment indicative of any serious intent?

As Professor Sachs puts it in his report to the UN Secretary General entitled, *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals*:

Fortunately the costs of achieving the Goals are entirely affordable and well within the promises of 0.7 per cent of GDP made at Monterrey and Johannesburg. The required doubling of annual official development assistance to \$135 billion in 2006, rising to \$195 billion by 2015, pales beside the wealth of high-income countries — and the world's military budget of \$900 billion a year.

I am glad reference was made to militarisation. In 2004, the United States budget for military expenditure was \$450 billion dollars, while its expenditure on the tied aid it provides, which amounts to 0.15% of GDP, was \$15 billion. The cost to date of the Iraq war is more than \$180 billion.

To return to Professor Sachs report, he states that “the increased development assistance for the Goals will only amount to one half of one per cent of rich countries’ combined income.” We should recall that those affected have been made many promises previously, including the new international economic order of the late 1970s which, I recall clearly, made an appeal to self-interest but was quickly cast aside as a single hegemonic neo-liberal model established itself in the developed world and became an imposed instrument by the international financial institutions on the developing world.

Previous speakers referred to trust. It is important we do not break our word again. We gave a commitment to a world in which 2 billion people live in poverty, 30,000 children die every day, 500,000 mothers died last year during pregnancy, 3 million children died from AIDS last year, 120 million children have no access to primary education and 1 billion people have no access to sanitation, with all the medical consequences of this.

We do not need to be reminded of these terrible and entirely avoidable statistics, or perhaps we do at a time when our Government is breaking its promise to the poorest of the poor. A UNICEF report in 1989 calculated that the additional financial resources required to meet the most essential of human needs by the 2000 would be between \$30 billion and \$50 billion dollars per annum, approximately one twentieth of military expenditure in that year.

We were here before — in 1989 — when we looked forward to 2000. In that year, primary health care could have been made available at a cost of around \$5 per person, primary education or adult literacy could have been provided at cost of \$25 per person and basic sanitation of piped water would have cost \$6 per person per annum. The opportunity of responding at the end of the 1980s, like the opportunity of creating a new economic order at the end of the 1970s, was lost. Trust is, therefore, crucial as we face into the challenge we have accepted of achieving the world millennium development goals by 2015.

The worst aspects of the Government's failure thus far to meet the commitments solemnly given to the United Nations General Assembly in September 2000 is the betrayal of trust involved and the bad example it gives not only to fellow members of the European Union but to the entire international community. We no longer compare ourselves to countries such as Norway which has raised its commitment to 1% of GDP. Instead,

the Taoiseach this morning compared himself to President Bush. There is a moral message in this development.

Ireland was held up as an example to others when the Taoiseach stated unequivocally that we would reach the UN target of 0.7% in 2007. Our commitment was particularly appreciated in continents such as Africa, which so desperately need untied aid and genuine assistance with their task of development, and the votes of African countries followed. Now, Ireland will be remembered as the country that became too rich to keep its promise to the poorest of the world. No other logical construction can be put on the Taoiseach's comments today other than that if Ireland had entered a recession, he would have been able to keep his promise. Unfortunately, however, as a result of Ireland becoming rich, he cannot keep it.

The world we have made, and that we are now in the process of remaking, is increasing its military expenditure and reducing its expenditure on aid. In 1995, global military expenditure was \$864 billion while the estimated global expenditure on the treatment of AIDS, TB and malaria was \$15 billion. Between 1945 and 1995, 23 million people, military and civilian, died due to war. In the same period, 150 million died due to AIDS, TB and malaria. These matters can be addressed now.

Today and every day, 3,000 people die from malaria, three out of four of them children. Every year 1.5 million die from TB and 8 million are infected. Those are just some of the features our commitment was to address when it was given in September 2000. They have not changed. We have changed in our commitment. The world to which our commitment was addressed has got worse.

Next year there will be a review of where all countries stand in the achievement of these goals. The special representative appointed by Kofi Annan, Secretary General of the United Nations, to canvass for achievement of these goals is a former Development Minister, Eveline Herfkens. She has expressed her grave disappointment at Ireland's announcement that it will not meet its commitment. Those who had welcomed Ireland's commitment will see the breach of trust and the bad example it gives as little more than a betrayal.

Already there is a shortfall on the commitments made towards fulfilling the Millennium Development Goals. The AIDS/HIV action programme has a shortfall of more than 50%. As the directors of a number of non-governmental organisations have pointed out, more than 8,000 people die from AIDS every day and, in that context, our Government's decision is "a shameful breach of faith with the world's poorest people", as Mr. Hans Zomer of Dóchas said when speaking for a group that represents 34 development organisations.

The Government announced its commitment in September 2000. It was a commitment that it repeated as late as the 58th General Assembly of the United Nations in 2003. It included the commitment in its Government programme. It negotiated with the trade union movement on the basis of the commitment with the assumption that the mid-term point would be 0.45%. The Government never reached that, and now its achievement in 2005 is at most 0.41%, including the additional €10 million being spent on tsunami relief. At the present rate it would not reach its 0.7% commitment until 2028.

I wonder if the Government realises the support here for honouring our commitments on aid, for being a leader in the case for fair trade, implementing a meaningful cancellation of debt and being courageous in supporting such initiatives as the Tobin tax. There is every evidence that the public have a morally more advanced position than the Government on each of these.

Tonight we are not just discussing aid, but an integrated approach in a comprehensive motion that includes debt, trade, reform of the international financial institutions and ecological responsibility. We should remember that in some of the poorest countries, debt service exceeds the combined health and education budget with consequent loss of life for, among others, children. If developing countries increased their share of world exports at 1999 prices by 5% it would be worth \$350 billion, seven times total aid. A 1% export increase would reduce world poverty by 12%. What we do in aid, even if it is untied, and I acknowledge that, is but a portion of what an unequal world of trade and a pernicious world of debt is robbing from the developing world.

The present round of debt cancellation is an extremely welcome first step to lighten the burden on many African countries. We must ensure that issues of debt, trade and aid are taken together when considering strategies for the development of the world's poorest countries. Beyond these basic steps there are other crucial development issues.

So far the G8 and its major contributors have been silent on reform of the international financial institutions, as have we. The conditions imposed by the International Monetary Fund and the World Bank can impede the benefits of debt relief and increased aid. Zambia is a good example — the price of debt relief there under the limited heavily indebted poor countries debt initiatives was the privatisation of the Zambian National Commercial Bank in which many small people have deposits. Under public pressure the Zambian Government withdrew from its proposal. The cost was \$1 billion in debt write-offs and the Government has had to reintroduce the proposal and there will be a bid for the bank from a consortium located in South Africa.

[Mr. M. Higgins.]

The development debate is now very much narrower than it was when I first began speaking about it in these Houses in the 1970s. An example is the failure in recent times to address the issue of appropriate technology transfer. If models based on indigenous or appropriate technology that were labour intensive had been chosen — and many of the countries towards which these were addressed by way of assistance were 70% rural in nature — they would have had a better effect in encouraging participation and would have been preferable to forms of technology transfer at the top end which suited multinationals, donor governments and receiving elites who did not use them for the benefit of the countries involved.

Such models have been rejected at times in favour of models of capital intensive technology. If a different model of technology of transfer had been used, countries would be further along in developing food security, getting clean water and sanitation and the basic infrastructure needed for agricultural production and innovation in the production of such products as might in time make it to the export market.

The opportunity must be taken to massively increase the expenditure on education and health and use the relief of debt cancellation for such purposes. More importantly still, it must include participation, advocacy and empowerment measures. The nonsense must stop of thinking that they are not part of the development agenda, we must end this sneering undercurrent that advocacy is somehow less than other direct food relief.

As for trade, which will be a litmus test for the major global economies, we must never forget that a 1% increase in trade by developing countries would reduce poverty by 12%.

While the elimination of corruption is important and the reform of governance necessary, it is surely more positive to concentrate on strategies and opportunities for the development of civil society that will come from the social expenditure made possible by debt cancellation. The Labour Party's decision to lodge the commitment on overseas development aid in legislation is but a first step in an integrated approach such as that outlined in the motion towards tackling the issue.

I would like to dispose of the suggestion that we would not be able to spend this additional aid effectively. When Trócaire made its submission to the Joint Oireachtas Committee on Foreign Affairs in November 2004, it said:

In the context of achieving the Millennium Development Goals, the World Bank and IMF have estimated that at least \$30 billion could be absorbed by poor countries immediately, rising to over \$50 billion per year in the medium term. The World Bank and IMF have

found that an immediate doubling of aid could be used effectively in Ethiopia.

Another myth is that debt relief or increased aid has not been used well. In Benin, 43% of HIPC debt relief, achieved with severe conditions, went to education in 2002, allowing the recruitment of teachers for empty posts in rural areas. A total of 54% went to health, of which a fifth was used to recruit health staff for rural clinics, and the remainder was allocated to implementing HIV/AIDS and anti-malarial programmes. In Mali a monthly stipend is provided to more than 5,000 community teachers using HIPC relief. In Niger a special programme that focuses on rural education, health, food security and water systems has been fully financed through HIPC. In Malawi, HIPC resources have been used to train 3,600 new teachers a year. In Burkina Faso, 39% of HIPC relief has been spent on education, 33% on health and 28% on rural roads.

The poorest of the world need an integrated, sustained commitment across all of the issues of debt, trade and aid. We could have spent the money; they needed it. The Government's White Paper, which is being travelled around the country, must deal with all of these issues across the relevant Departments such as Foreign Affairs, Finance and Enterprise, Trade and Employment. A White Paper that descends to being an internal document in Foreign Affairs would be of limited value.

The people of Ireland, and those who support this motion, do not want to be remembered as the country that became too rich to meet its solemn commitment to the poorest of the poor in the world at the time of greatest need, when good example and leadership required that we do otherwise. We want something other than that. It is important, even now, to call on the Government to announce, as soon as possible, its commitment not just to the 0.7% target but to the changes required across the relevant Departments and international financial institutions that will give us the integrated reform the motion proposes.

Mr. Gregory: I wish to share time with Deputies Harkin, Cowley, Joe Higgins, Connolly and Morgan.

Acting Chairman (Mr. O'Shea): Is that agreed? Agreed.

Mr. Gregory: Tugaim tacaíocht iomlán do gach uile chuid den tairiscint seo de chuid Pháirtí an Chomhaontais Ghlas. I support the Green Party's motion in its entirety as I regard it as presented in measured and reasonable terms. I find it interesting to note the Fine Gael Party, like the Government is not prepared to accept it in all its provisions. It is essential at this stage, following the G8 proposal to restrict debt cancellation to

18 countries, that the Government should openly reaffirm Ireland's policy of 100% debt cancellation for all heavily-indebted poorer countries.

Mr. C. Lenihan: Hear, hear.

Mr. Gregory: Equally, the renegeing of the solemn promise given by the Taoiseach, Deputy Bertie Ahern, at the UN to meet the 0.7% GNP target, sullied the good name of Ireland in a most unnecessary and reprehensible way. If for no other reason than to restore Ireland's honourable good name, the Government must reaffirm Ireland's commitment to this target at the forthcoming UN millennium summit. I accept that the overseas development aid contribution of €1.8 billion between 2005 and 2007 will mark a significant increase in Ireland's aid programme. We could indeed be proud of it, if it were not for the commitment given, which now appears to be an act of hypocrisy and opportunism at a time when a seat on the security council was the motivating factor and not justice for the world's poorest countries.

I am not interested in the posing of mega-rich rock stars telling us what we must do with the tax we pay, when they themselves do not pay their own fair share of tax for anything, whether for our hospitals or aid to Africa.

Ms O'Donnell: That is not true.

Mr. Gregory: Ireland must honour the commitment of the 0.7% target sooner than 2015, the date given by the Minister for Foreign Affairs, Deputy Dermot Ahern, this morning. International social justice is to a significant degree dependent on fair trade. A real test to our commitment to achieving justice for the less developed countries is to review, a reasonable term, all subsidies given to producers in the developed affluent world. We must re-examine the effect of those subsidies on the less developed world.

Ms Harkin: In 2000 the Millennium Declaration adopted by world leaders represented a declaration of solidarity with all those in the Third World. The overall goal was to lift 300 million people out of extreme poverty and to save 30 million children who would otherwise die before their fifth birthday. To achieve these goals, Ireland made a commitment of devoting 0.7% of GNP to overseas development aid by 2007.

In 2003, we reached 0.41% which put us ahead of Australia at 0.25%, Greece at 0.21%, Italy at 0.26% and the US at 0.14%. However, we were still behind other countries like Belgium at 0.61%, Luxemburg at 0.8%, the Netherlands at 0.81% and Norway at 0.92%. These statistics disprove the Taoiseach's claim that Ireland is up there with the best in Europe. While we are not at the bottom, we are certainly not near the top.

Our levels are less than half of the highest in Europe.

We need to live up to our commitments to those who depend on us for their very survival. We have renegeed on our promises. As a nation we cannot hold our heads up and do this. As the second richest country in Europe, we should be leading the way along with Norway, Sweden and the Netherlands. Instead, we are defaulting on our commitments. For a nation that has a proud history of sending missionaries and aid workers to Third World countries, in poor and hard times, we now have a binding obligation to keep our promises in good times. The Minister of State at the Department of Taoiseach, Deputy Kitt, said there was an impression we are not doing anything. We are, but it is not enough. Just two years ago the Taoiseach told the World Bank that the need for increased overseas development aid was more evident than ever and that Ireland would reach out to those less fortunate than ourselves. That time has now come.

We need to revisit the proposals from the EU Commissioner for Agriculture and Rural Development on the new sugar regime. While we know the effects of these proposals on Ireland, they can be offset by compensation payments. However, for countries like Ghana these proposals are a disaster. It already has a preferential trade agreement on sugar with the EU. However, the new proposals will cut 60% in prices and devastate Ghana's sugar industry. Last week I listened to the President of Ghana say that while the recently announced debt relief was welcomed, the proposed sugar regime would instantly wipe out the benefit of the cancellation three times over.

I commend this motion to the House and I congratulate the Green Party on putting forward such a timely and comprehensive motion which reminds us of our solemn commitments to the poorest of the poor.

Dr. Cowley: I congratulate the Green Party for putting forward this composite motion, spelling out clearly the deficiencies in what we are doing for our poorer brethren of the world. We must have a conscience about this matter because Ireland was a country where entire families were wiped out by TB and it was ravaged by famine and emigration in which so much of our population was decimated. These days, few people die of TB and malaria in the developed world. However, for the developing countries this is a different story where they are the largest killers. These are conditions about which something can be done.

In the past in Ireland, TB was related to poor living conditions, basic sanitation and housing. This is the prevalent situation in the Third World. Knowing about it gives us a responsibility to tackle the issue. While some efforts are made, much more could be done. Targets have been set

[Dr. Cowley.]

and every speaker has outlined the need to reach the 0.7% of GNP target to be devoted to overseas development aid by 2007. However, this commitment was broken. It is an indictment of where we stand as a country and a society. It behoves us to get on the right track with our responsibility to developing countries.

AIDS is not just a health problem but a massive threat to the entire global community. Some 7,000 people die of AIDS and over 40,000 are being infected with HIV every day.

8 o'clock These are major figures and 95% of these people are from developing countries. This tells the entire story. There are entire communities of AIDS orphans. These situations arise because their parents infected with HIV have not had the basic drugs to ensure a longer life. Speaking of longer life, an examination of the life expectancies in developing countries is telling. If we had the life expectancies of these countries, very few, if any Members would be here. For instance, life expectancy at birth in Mozambique is 41 compared with 77 in Ireland. Infant mortality at birth in Mozambique is 137 per 1,000. One can go through a list of other countries such as Lesotho where life expectancy is 35 and Zambia, where it is 32. These figures tell their own story. I wonder what we can do about them.

Mr. J. Higgins: The Government amendment to the Green Party motion is replete with hypocrisy. It acknowledges the need for international agreements to control the international trade in arms, to assist conflict resolution and to prevent the terrible cost to human lives and economically. The same Government has allowed our island to be a military aircraft carrier for the biggest imperialist superpower and arms merchant in the world to launch a murderous invasion of Iraq in support of a transparent lie that has killed and maimed tens of thousands of innocent people. It supports logistically the ongoing occupation of Iraq by this imperialist superpower. We cannot take this Government seriously in its commitment to the poor of the world after that.

The billions of humanity and the hundreds of millions of children who live in poverty, have no clean water and suffer disease and homelessness want to see poverty made history. However, that will not be achieved by well-meaning millionaire rock stars and artists cooing to the alleged gentler side of international establishment politicians who are the main spear carriers for the major multinational corporations which rob those poor countries with trade agreements and by other means, just as brutally as their forebears did with cannonballs and sailing ships in a past era.

These are the same multinational corporations such as Shell which sent five decent Mayo residents to jail today. The courts have turned logic on its head to facilitate Shell, sending residents to

jail to stop them from opposing works for which no consent has been given by the Minister for Communications, Marine and Natural Resources and with no qualified risk assessment yet put into the public domain.

Dr. Cowley: Hear, hear.

Mr. J. Higgins: International capitalism is at the root of world poverty. Exploitation and poverty is an inevitable tool of international capitalism and if that system is not changed, we will be here in 20 years' time with the same poverty and the same horror.

Mr. Gregory: Hear, hear.

Mr. J. Higgins: I will be in Edinburgh to protest the policies of the G8, but unless we sweep away this rotten system where investment and production are simply to satisfy the greed of a tiny but wealthy and powerful corporate minority and replace it with a system where production investment is for the good of humanity, poverty will always be there.

Mr. Connolly: I welcome the opportunity to speak on this important motion and I compliment the Green Party on tabling it. We live in an age of unprecedented wealth and prosperity and yet inhumane things happen. We are in a position whereby 30,000 children die every day and 800 million go to bed hungry. These statistics are not satisfactory and aid has a critical role to play in achieving these goals. However, it is not a magic bullet or a cure-all for all ills. Experience has shown that where aid is deployed efficiently as part of a wider development strategy, it makes a lasting difference in helping people to lift themselves out of poverty.

However, approximately two thirds of the money currently on aid could be described as phantom aid in that it is not available for poverty reduction in developing countries. I am concerned about recent examples of this phenomenon. The value of such aid is deflated by excessive administrative costs, extravagant spending on overpriced technical assistance from consultants, double accounting of debt relief and tying aid to trade from donors' own firms. I am concerned about such practices.

How much of Ireland's contribution could be classified as phantom aid which has been devalued by an administrative bureaucracy and other costs, such as monthly salaries of \$6,000 and \$7,000 and upwards? I have seen situations where administrators on such salaries have operated amidst rank poverty. It is gross and some form of example should be set. The World Health Organisation has people on such salaries in developing countries and it is immoral.

I would like to see developed countries sponsoring, if one can use that term, individual coun-

tries. For example, Ireland could be the lead country in Ghana in terms of the aid sent there rather than giving small amounts of aid to every African country in the hope that the problem goes away. If each developed country were to adopt an under-developed country and provide the core people there, one would not have the same cost in administrators in X number of countries throughout Africa. This concept should be tackled and examined — efforts could be made to develop it as the G8 summit meets — because considerable sums of money are eaten up by administrators and it is not sensible to have such duplication of effort. One would be in a better situation to judge whether one was receiving value for money and one could report back on progress to one's own people.

Currently, the main argument is whether we are giving 0.7% of gross national product in aid. I am unsure as to whether it should be the biggest issue. We should consider how the money is spent and if there is a point to what we give. Is it hitting the target and getting results?

Mr. Morgan: The debt burden on developing countries is a symptom of the disease at the core of the international financial institutions, namely the International Monetary Fund and the World Bank. The role of these two anti-democratic bodies in world politics must be challenged. My party demands the overhaul, reform and democratisation of the IMF and the World Bank. These institutions and the interests they represent are responsible for the debt crisis. Every action they take is designed to benefit developed states at the expense of developing states. They were designed for this purpose and they are structured in a way which subjugates the interests of the developing countries to that of the powerfully developed states, in particular, the USA.

These institutions have played a major role in the growth of inequality in the world. The voting rights within both these bodies are stacked in favour of developed states and completely against developing countries. The selection procedure for the IMF and World Bank leaders are totally undemocratic as the presidency of the World Bank is always reserved for a North American. Voting rights within the IMF are based on the entry fee or share bought by a country when it joins. This share is calculated according to its economic and geopolitical importance. The number of voting rights to which each country is entitled is based on its share value. It is unacceptable that the USA has a blocking minority vote.

Many developing states burdened by debt are within their rights under international law to refuse to pay these debts on the basis that the debt is odious, that is, where a despotic power contracts a debt not according to the needs and interests of the state. The notion of odious debt

was invoked in Cuba in 1898, Costa Rica in 1922, Namibia in 1995 and Mozambique in 1999. When the notion is successfully invoked, the state debt becomes the personal debt of those responsible during the dictatorship and cannot engage the financial resources of the state. The fact that it is open to developing countries to pursue such a course must be highlighted and promoted by Governments concerned with the issue of debt burden on developing countries. This State should actively encourage such states to invoke the notion of odious debt where possible. People must understand the reason certain states will be opposed to the abolition of world debt. It is because to them, it would amount to giving up a tool of control and subjugation, giving up the method by which they carry out the economic colonisation of developing states. It is the method by which they force their liberal economic agenda on a large part of the world with disastrous consequences in terms of poverty, hunger and disease.

Citizens of developing countries are disempowered as economic policy is decided by the IMF and the World Bank. This is done by way of the structural adjustment programmes which are imposed on indebted countries and which have dramatically aggravated the problems facing those states. Their central aim is to impose economic policies approved by Washington upon developing countries. Unfortunately, as is usual, we do not have enough time for this important debate. Debt cancellation must be accompanied by the ending of structural adjustment programmes and the thorough reform of the international financial systems as nothing less will end this scourge which plagues so many people in so many states around the globe at this time.

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I thank all the Deputies who contributed tonight and last night. I read the transcripts of last night's debate. Unfortunately, I could not be here as I was attending a conference in New York. I came back this morning to be present at this debate.

Mr. Gormley: Did the Minister of State make any promises?

Mr. C. Lenihan: I made no promises. I was very happy with the contributions and was particularly struck by Deputy Andrews's suggestion on the arms trade. Deputy Michael D. Higgins spoke about the shameful situation in that we live in a world where the arms trade garners and takes up so much human resources in terms of money spent while so little is spent on development aid generally throughout the world. Both Deputies expressed very fine sentiments in the debate.

Deputy Gregory was right and I take the opportunity to reaffirm Ireland's official position that we are happy with the G8 decision but that

[Mr. C. Lenihan.]

we are in favour of 100% debt cancellation for all heavily indebted nations. Only 18 nations will benefit from the G8 summit decision and we would like the other 20 nations to benefit as well. We would like to see debt write-off for all countries in similarly distressed situations.

Deputy Connolly made a very interesting point about aid effectiveness. As we increase the volume of overseas development aid, or official development assistance to the developing world, we must guarantee our aid is given in an efficient and timely fashion. Last March, as Minister of State representing Ireland, I was proud to promote this agenda strongly at the OECD in Paris. We are now laying down timeframes on aid effectiveness. I was one of the first in Europe to call for this particular measure and I am glad the OECD has adopted it. It has adopted a series of indicators and it will adopt more by September in a bid to be present, so to speak, at the millennium summit in New York in September. We must have a timetable for action on aid effectiveness as well because it is not only about increasing volume amounts.

I am glad to say that while in New York in the past day or two, I met Mark Malloch Brown, the head of the UNDP and chief of staff for Kofi Annan. He again paid generous tribute to the Irish aid programme for its effectiveness and what we contributed and continue to contribute on an ongoing basis. It is another signal that we are doing something right on this issue. He also made the point, which I have made in this House previously, that my senior Minister, Deputy Dermot Ahern, would not have been appointed as an envoy under the UN system to look at the reforms needed in September had we not been playing our part very generously in respect of overseas aid.

I point Deputies to the fact the Action Aid survey recently rated the Irish aid programme the best in the world in terms of the quality of the programme and the way it delivers. That reaffirms an earlier assessment by the OECD. We played a strong part in the recent European commitment to bring an extra €20 billion into play in terms of development and setting an interim target of 2010 and a final target of 2015 for the European countries. The development ministers made that absolute commitment and it was followed up at the Council of EU leaders which the Taoiseach attended. That absolute commitment was made by all 15 of the original member states.

The G8 package is welcome but I point out that we need to see the details of it. Far too often in the past what seemed to be very generous G8-style debt relief measures by the Bretton Woods institutions turned out to be far from generous when the details were considered. I urge people to be somewhat cautious about this particular announcement. We must see the details which, as

far as Irish official policy is concerned, must include additionality for the countries involved. There must not be debt relief, which is given with the one hand, but with less amounts in terms of volume aid flowing from those institutions, whether IDA or otherwise.

Mr. Gormley: On a point of order, will the Minister of State be in a position to—

An Ceann Comhairle: That is not a point of order. I ask Deputy Gormley to resume his seat.

Mr. Gormley: The Minister of State has indicated he will take a question.

An Ceann Comhairle: The Minister of State has 40 seconds remaining. The Deputy's party will have an opportunity to reply.

Mr. Gormley: Will the Minister of State indicate when we will meet the 0.7% of GNP?

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

Mr. C. Lenihan: My senior Minister made it quite clear last night, as I will do again, that the Government is placing this matter under active consideration. There have been substantial discussions at Cabinet level on this matter and between myself, Taoiseach, the Minister for Finance and my senior Minister, Deputy Dermot Ahern. As the Taoiseach indicated this morning on radio and as my senior Minister did last night, we will be in a position to put a timeframe in place ahead of the millennium summit in September. That is an absolute commitment by this Government.

I am very proud of the motion the Green Party has tabled, which we welcome. I do not believe there is a substantial difference between the motion and our amendment.

Mr. Eamon Ryan: The amendment has been watered down.

Mr. C. Lenihan: We share many of the sentiments. Two Deputies made very disparaging comments about Bono and Bob Geldof during the debate this evening. I do not share those sentiments. Notwithstanding their obvious celebrity, they are doing an idealistic job and are acting from motives of idealism and I reject the criticism of them.

Mr. Cuffe: I wish to talk about solemn commitments, climate change and fairness. Since the foundation of this State, Ireland has had an excellent reputation in assisting developing regions of the world. In the fields of education and health care, the Irish, initially through the religious orders and in more recent times through the aid

agencies, have earned an enviable reputation in assisting the less well-off of the world. That reputation is in danger of being squandered. In a time of unprecedented economic prosperity, it is shameful that reputation is being tarnished.

It was tarnished by our Taoiseach renegeing on the solemn commitment he made on 3 September 2002 when he stated that the decline in overseas development aid in the 1990s was shameful, indefensible and inconsistent with the commitments given at Rio. The Taoiseach reiterated Ireland's absolute commitment to achieving by 2007 the UN target of spending 0.7% of GNP on overseas development assistance. That is what the Taoiseach said but it will not be delivered. That has damaged Ireland's reputation in the United Nations, with developing countries and in the international diplomatic sphere. It is not good enough to renege on that commitment.

In terms of climate change, Ireland did well under Kyoto and was given very generous allowances. However, it will still be an uphill struggle to achieve them. We were allowed a 13% increase from 1990 until the 2008 to 2012 period. We are already double the increase we were given and it will be very difficult to achieve the original target within the period. We are close to the bottom of the league in terms of distance from targets.

The Minister for the Environment, Heritage and Local Government, Deputy Roche, and the Minister for Transport, Deputy Cullen, must switch tack but that is a good news story because it will mean improvements in the quality of life, better bus services, towns and cities designed around people rather than cars, rural bus services, better long distance rail services, a shift in energy policy to wind turbines, tidal turbines, biomass and away from sugar into ethanol. I am not convinced the Government is making that switch and that its heart is in it. There must be a significant change in that regard.

It will be difficult and expensive to buy our way out of climate change but it will not be a matter of life and death. For people in developing countries, climate change is already a matter of life and death. In those countries, famine, disease and poverty, in many instances caused by climate change, are already killing people. Subsistence farmers cannot wait for the rain to come the next year and, as a result, they die. The richest countries in the world are causing climate change. We are causing it — the G8 and those countries that have wealth. From a moral perspective, it is crucial that Ireland plays its part and that we assist those countries to the best of our ability. It is not good enough to talk about what will be chopped in Ireland in order for us to fulfil our commitment. It is imperative for the Minister of State to make the commitment to increasing our development aid. Tens of thousands of children

are dying every day in the developing world because he has not made that commitment.

The European Commission has already made strong commitments on climate change. It has made a commitment of 15-30% reductions by 2020 and 50-80% reductions by 2050. It is crazy that Ministers here are continuing as if nothing will ever change. It is crucial that Ireland plays its part and it is about fairness, about contraction and convergence. It is about ensuring that people in developing countries are given the same kind of allowances we will be given. We must ratchet down emissions. If it does not happen on the Minister of State's watch, it will be much more difficult to have reductions in climate change in the future. We must make that commitment and it is not good enough to water down our motion. It is not good enough to avoid the science and to avoid the facts.

Climate change is a science and the Minister of State must give a commitment that he will make those changes. We must look at what increase in global temperatures is acceptable and we must deal with that. We must set a target and work backwards from that. Ireland does not even have an up to date climate change strategy. It is years out of date and we have not seen any commitment to revising that within an appropriate timescale. I want the Minister of State to make a commitment to achieve what we have put down in our motion. I do not want him to do it in a wishy-washy Fianna Fáil way, but in a scientific way with a commitment that our Taoiseach gave three years ago. I think that is fair, it is equitable and it should be delivered.

Mr. Sargent: Ba mhaith liom buíochas a gabháil ar son an Comhaontais Glais do Theachtaí Neamhspleácha agus do na páirtithe go léir a thugann tacaíocht don rúin. Listening to the strong criticism of the Government from Deputy O'Donnell, I expect the Progressive Democrats will also support the motion.

I thank the individual NGOs, many of which are here in the Public Gallery, church groups and people who have influence, who are making a difference and working to make poverty history. It is welcome that the Government is prepared to come part of the way along the road to supporting our motion, but it is very disappointing that it is not prepared to support the motion in its entirety. Instead, the Government has amputated the bulk of our motion and for the sake of showing superiority of numbers, is forcing a vote on a watered down amendment.

This motion is a call to action. It is a call to action for justice, upon which the Green Party would act if in Government. This Government has demonstrated willingness to respond when called upon by another country. After 11 September 2001, when thousands died as a result of two planes smashing into the twin towers in

[Mr. Sargent.]

New York, another plane smashing into the Pentagon and another crashing in Pennsylvania, all at the hands of hijackers, the Government unquestioningly acceded to the wishes of the US Government for an increase in refuelling and overflights of high-tech killing machines. If four airplanes crash causing less than four thousand deaths in one day, bringing about so much focus, prayers and even a toleration and complicit co-operation with an illegal and bloody invasion of Iraq, what would be the response of the Government if an equivalent of 300 jumbo jets crashed every day? The equivalent of 300 jumbo jets crashing every day is 40 million people per annum, which is the estimated total who die from hunger and hunger related diseases, as well as AIDS. Half of the passengers on these virtual airplanes are children. If the Dáil was to respond to world hunger and poverty in anything like the way it responded to the attacks on 11 September 2001, we would work on this issue every day of every week until avoidable hunger and disease was ended.

Our motion sets out a template for this work, including debt cancellation, trade justice, restricting the arms trade, climate change and — the Minister of State does not need reminding — the commitment to increase overseas development aid to 0.7% of GNP by 2007, as was promised. Debt cancellation requires cutting a deal with the debt holders. For the Government, this is the biggest peace process of all. I ask the Taoiseach to bring it on. As someone who claims to be a negotiator, let us see how serious he is when it comes to dealing with world poverty.

Trade justice is denied to most post-colonial poor countries. The world trading system is corrupt and unjust and free trade is compounding these problems. It is time to change the rules. For example, 25 million coffee producers face ruin as the price of coffee has fallen 50% in the past three years. Farmers are selling at heavy losses. Vietnamese farmers get only 60% of production costs. Is it any wonder desperate farmers turn to producing heroin and cocaine and exporting misery to the west? The west created that misery for those farmers in the first place by impoverishing them. In the poorest 48 countries, three products

— tea, sugar and copper — constitute 75% of all trade. Between 1997 and 2001, the price index of each fell by more than 50%.

As a start, let the Government state that it will do what it must do to levy the Tobin tax on international financial transactions. Ireland has a role to stress that famine is not an option and that selling arms to the poor is not an option. That goes for Shannon Airport as much as the comfortable suggestion of taxing the arms trade, which will hardly affect Ireland. By an accident of history and the work of people like Frank Aiken, Seán McBride, Mary Robinson, John O'Shea and Bob Geldof, Bono and others, Ireland has some moral authority to set the agenda. Does the Government have the courage to say that we must live more simply so that others can simply live? This month, the Royal Society of Scientists in the UK, along with the authors of the report, "Africa — Up in Smoke", warned the G8 leaders that unless deeper cuts in emissions of CO₂ gases take place and unless funding goes to environmental regeneration such as re-forestation, we will not see an end to poverty.

Does the Government have any residual integrity left to keep its word? The wrist bands that many of us are wearing remind the Minister of State to keep his word. The commitment to increase overseas development aid to 0.7% of GNP by 2007 is the promise that has been broken. Before travelling to New York for the UN Millennium Summit in September, we ask that the Minister of State and the Taoiseach bring this House back from the recess to state clearly the date for the implementation of that promise. They could at least restore some of the lost integrity and trust that has damaged this Government irreparably.

The poor have given the rich cheap tea, cheap coffee, raw materials and oil over the years. In turn, we ask the Government to support the motion in the spirit of consensus building to create international solidarity between the Irish people and the poor. It is only with leadership from countries like Ireland as a post-colonial nation that poverty will be made history. I ask Members, please, to support the motion.

Amendment put.

The Dáil divided: Tá, 72; Níl, 59.

Tá

Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Browne, John.
Callanan, Joe.
Callely, Ivor.

Carey, Pat.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
Dempsey, Noel.
Dempsey, Tony.

Tá—continued

Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Fox, Mildred.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 Martin, Micheál.
 McEllistram, Thomas.
 McGuinness, John.

Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Keeffe, Batt.
 O'Keeffe, Ned.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Walsh, Joe.
 Woods, Michael.

Níl

Allen, Bernard.
 Boyle, Dan.
 Breen, James.
 Breen, Pat.
 Broughan, Thomas P.
 Burton, Joan.
 Connaughton, Paul.
 Connolly, Paudge.
 Costello, Joe.
 Coveney, Simon.
 Cowley, Jerry.
 Crawford, Seymour.
 Cuffe, Ciarán.
 Deasy, John.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 Enright, Olwyn.
 Gilmore, Eamon.
 Gogarty, Paul.
 Gormley, John.
 Gregory, Tony.
 Harkin, Marian.
 Hayes, Tom.
 Higgins, Joe.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Lynch, Kathleen.
 McCormack, Pdraic.
 McGrath, Finian.

McGrath, Paul.
 McHugh, Paddy.
 McManus, Liz.
 Moynihan-Cronin, Breeda.
 Murphy, Catherine.
 Murphy, Gerard.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Penrose, Willie.
 Perry, John.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Eamon.
 Ryan, Seán.
 Sargent, Trevor.
 Sherlock, Joe.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Twomey, Liam.
 Upton, Mary.
 Wall, Jack.

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

Amendment declared carried.

Motion, as amended, put and declared carried.

**Driver Testing and Standards Authority Bill
 2004: Second Stage (Resumed).**

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

Mr. F. McGrath: The debate on this Bill is important because we are dealing with issues of

public safety, particularly in the transport and vehicle sector. There is an onus on every legislator and politician to ensure school buses are safe for school pupils and students. The number of Bus Éireann buses with seat belts is 1,539, while 1,493 buses are without seat belts. These figures, which are the most current and accurate figures available, relate to a survey undertaken by Bus Éireann in October 2004. Given that 1,493 buses do not have seat belts, it is evident that we have a major problem. We must face up to this

[Mr. F. McGrath.]

matter. I appeal to the Minister to ensure these buses are brought up to date and provided with proper seat belts. We have already seen the negative impact of this and the many accidents that have occurred.

On a positive note, there are many examples of good practice in providing safety on buses for schoolchildren. My experience is of the services dealing with St. Michael's House, particularly on the north side of Dublin. I witness daily how children with disabilities are supervised in a very professional manner when they are collected from their homes. I commend the staff of St. Michael's House and especially the people involved in the bus company that provides this excellent service. Not only have they safe, up-to-date and modern buses for the children, there are also excellent staff on board the buses. Children are properly supervised before the bus moves off and seat belts are put on them. The staff are most progressive and thoughtful. Thousands of families appreciate that very much. We must examine seriously the issue of buses which still do not have seat belts. If it is not acceptable in a private car, it cannot be acceptable for a school bus service.

Regarding the broader issue of standards and driver testing, it is important that the preparation for testing is professionally done. We must accept that this will be a major issue in coming years as motorways become more common. Motorways are generally safe and have reduced accident levels. It is important that more care is taken on minor roads, particularly in rural areas where many tragic accidents occur. Motorists have a responsibility to be careful and fair to other road users.

Many cyclists can be irresponsible at times. There is a duty on them to act responsibly. When driving into the Dáil, we regularly see cyclists clipping our cars, breaking lights and generally behaving badly. We should not be afraid to say this although it might not be politically correct. The reality is that many cyclists do not adhere to the rules of the road and this should be made plain to them. Motorists have major concerns in this regard. Some people consider that cyclists should undergo a test on road safety because there are many bad ones. Jumping lights, clipping cars and driving on footpaths are not safety options. Pedestrians, cyclists and motorists should be responsible. It is very important that we bear a certain amount of personal responsibility.

The purpose of the Bill is to provide for the assignment of additional related functions to the driver testing and standards authority; the performance by the authority of its functions by means of outsourcing, the establishment of subsidiaries and participation in companies; the making of a "service agreement" between the Minister and the authority which will set the functions and tasks to be carried out and the performance

standards to be met by the authority in the discharge of its functions; the placing of a duty on the authority to promote the development and improvement of driving standards and a duty to conduct its business at all times in a cost-effective and efficient manner.

The Bill also proposes a policy direction by the Minister to the authority. I welcome the section that achieves this because it is very important. The Minister must provide leadership on this issue. I urge the Minister of State to do so in respect of public safety because leadership must come from the top.

Mr. Callely: I am always happy to show leadership.

Mr. F. McGrath: The purpose of the Bill is also to provide for the appointment of a board of directors and a chief executive officer. I hope this will be achieved in a very professional and objective manner. The Bill will also provide for the auditing of the authority's accounts by the Comptroller and Auditor General, and the production of an annual report to the Minister by the authority. I welcome these provisions because they are very positive and secure.

Section 13 provides that the Minister shall designate a member of the board to be chairperson for a term of office of five years. This is a fair provision. It allows the chairman time to settle into the job and, subsequently, to get on with the job. At all times, the chairperson will have a very responsible and key role.

Section 16 provides for the transfer of staff from the Department of Transport to the authority and for the appointment of staff to the authority. The section provides that the terms and conditions of employment of staff transferred from the Department of Transport shall not be less favourable than those already enjoyed by the staff and that scales of pay to which such staff were entitled shall continue to apply, unless agreed otherwise with a recognised trade union or staff association. This section also provides that the number of persons and the grades of staff of the authority shall be determined by the board with the consent of the Minister with the agreement of the Minister for Finance. This section must be considered seriously. We must have the full support of the staff and they must be committed and dedicated. I welcome the provision that the terms and conditions of employment of staff transferred from the Department of Transport shall not be less favourable than those already enjoyed by the staff of the authority.

I also welcome the fact negotiations must be held with a recognised union or staff association as staff interests must be looked after. As a former active trade unionist, I believe this is very important because there is a decline in trade union membership, particularly in sections of the

private sector. I recently had the experience of dealing with a company the staff of which were not members of a trade union and who suffered the consequent negative effects. In this regard, section 16 is relevant and a reminder to us all that we should ensure the trade union movement and recognised staff associations are given a positive role in respect of the driver testing and standards authority.

Section 28 provides that the authority will make an annual report to the Minister in such form as he or she may direct not later than six months after the end of each financial year and for the annual report to be laid by the Minister before the Houses of the Oireachtas. This section is very important because it is about accountability and people facing up to their responsibilities and ensuring they will provide a professional and quality service. We have noted examples recently where standards in the public service have not been up to scratch. It is important that an annual report be made to the Minister not later than six months after the end of each financial year and that it be laid before the Houses of the Oireachtas. This will ensure Members will have the opportunity to debate it and make recommendations. Ultimately, Members are trying to improve road safety and driver testing standards.

It is very important that we consider the Bill in great detail in respect of public safety, including driver safety and the safety of cyclists. As I stated, we have a responsibility to ensure that high public safety standards are set, particularly in respect of the safety of children. Drink driving is no longer an option for the vast majority of motorists. We have made progress in this regard but we must face up to the reality that there is a small minority of drivers who are not adhering to the standards. We must accept responsibility for this, as must the individuals concerned. We must ensure they are guided in the right direction, otherwise there will be major negative consequences on our roads, particularly a decline in safety standards.

The Bill contains some very important constructive elements, which I welcome. We must have standards and a strong emphasis on public safety, including driver safety. It is particularly sad to hear about the high number of people who are injured while driving. Sometimes their accidents do not make the newspapers. One usually hears about the tragic deaths. When the issue of injuries becomes topical, it is usually dropped as a topic in newspapers within a matter of days. Every year, many people are seriously injured and disabled and suffer very badly because of accidents.

The elements of the Bill I have outlined are all very important. It is important that we ensure school transport services are afforded the maximum support and that funding is not an issue in their provision. We must ensure that respon-

sible, careful and professional people are involved in the transport industry. In fairness to many of them, there are examples of good quality drivers in the State. However, we must be constantly vigilant to ensure the safety of passengers, particularly young people.

We should reward good driving practice, be it that of personnel in the private sector or public sector. A reward system should apply to excellent drivers who have served for years without having been in an accident or the subject of a complaint. If somebody who has been driving for Bus Éireann for 30 years has an excellent road safety record and a commitment to the safety of children, he or she should be recognised and rewarded. Any progressive Minister would consider this proposal because it is very important.

A constituent of mine feels there is a number of loopholes regarding the way mechanics and engineers examine school buses. Given that the constituent has made this allegation, the onus is on me to put on the Dáil record the fact that people are concerned that some of the buses on the road might not necessarily be of the highest standard. I urge the Minister to address this.

I welcome the Bill. This debate is very important because the question of public safety, including driver safety, is very important.

Debate adjourned.

Personal Statement by Member.

Mr. J. Higgins: On 15 June I stated in the Dáil that the multinational corporation General Electric was involved in a legal manoeuvre to compel the Industrial Development Authority to pay millions of euro for land belonging properly to the Irish people, and that General Electric used these proceeds to finance pressurised redundancies at a company called Diamond Innovations. I am reliably informed that the company in Clonsilla Industrial Estate responsible for the legal scam at the expense of the taxpayer was not GE or Diamond Innovations. I made the initial statement in good faith on foot of information supplied. However, that was incorrect and the statement that GE or Diamond Innovations was involved was also incorrect. I wish to express my regret in that regard.

Driver Testing and Standards Authority Bill 2004: Second Stage (Resumed).

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

Mr. Cassidy: I wish to share time with Deputy McGuinness. I will be brief as much ground has been covered. I am Chairman of the Oireachtas Committee on Enterprise and Small Business and we have been carrying out work with regard to the insurance industry. It is of the utmost import-

[Mr. Cassidy.]

ance that this Bill passes through all Stages before the summer recess. Some 350,000 drivers are still waiting to obtain full licences. People have waited long over their time in terms of what they require.

I compliment the Minister and Government on bringing this legislation before the House. Four Bills were promised to deal with insurance. The

Personal Injuries Assessment Board
9 o'clock was established and the Civil Liability and Courts Act, which dealt with fraudulence, came before the House. Those who make fraudulent claims will be punished and fined and made to pay the entire costs for any claim found to be fraudulent. This is the last of the four promised health and safety Bills and I congratulate the Taoiseach and Government on what they are doing.

There are between 60,000 and 70,000 uninsured vehicles in Ireland at this time which is unacceptable. Some 375,000 drivers are without full licences. A significant tightening up is required. I am calling for the speedy establishment of the traffic corps which we witnessed first hand in New York where it has proved very successful. The monitoring of the penalty points system has been lax since the first six months of its introduction. It was initially a great success, but people know it is not being monitored in the way they expected and are adding another 5 and ten miles to their speed. As a result of its traffic corps, crime in certain parts of New York fell by 30% because criminals had to get from A to B.

These are some of the points we have picked up and gained experienced of in the course of our insurance inquiry and I bring them to the attention of the Minister of State. I wish the Bill a speedy passage.

Mr. McGuinness: I compliment Deputy Cassidy on his chairmanship of the committee of which I was a member in 1997 during my first term in the Dáil. I realise the valuable work undertaken by the committee and the impact it has in encouraging new legislation that will help those seeking licenses and insurance as well as the business sector. This legislation is also to be welcomed.

The issue raised by the Deputy regarding insurance is one on which the committee has worked extremely hard. I am aware of the work it does and continues to do and it is yielding results. Fleet insurance is beginning to show signs of decreasing, in some cases by up to 20%, provided one fulfils certain employer obligations. I confess my interest in this regard. It is essential that the committee continues to highlight problems within the insurance industry, maintains pressure with regard to the need for change in legislation and ensures that insurance companies are answerable to the committee and appear to have a role in the context of their dealings with fleet and individual insurance and the way in which standards are set and maintained. I commend Deputy Cassidy on his work in this regard.

Deputy Finian McGrath spoke about the school bus system. I express my sympathies to all concerned in the tragic accident. Much can be learned from that event and we must learn as we go along. The school bus fleet leaves much to be desired in terms of safety and the average age of vehicles. We must examine best practice in other countries and immediately apply it here. If investment is needed, which it undoubtedly is, then the State should not fall short in making the money available to the operators or those involved in ensuring the safe transport of children from home to school. Whatever is required to attain that level of safety, whether it is carers or seatbelts, should be provided and adhered to. I encourage the Minister of State to pass on the message of this debate to the relevant Minister. There is unanimity in the House in terms of what needs to be done with the school bus service.

The service also needs to be modernised and made more flexible in the context of the families who will occasionally require it. Too much bureaucracy is attached to the implementation of school bus routes in this country and there is too little application of common sense with regard to the route and standards which need to be adhered to. I join Deputy Finian McGrath in asking for action in this area sooner rather than later. Money should not stop the modernisation of the school bus fleet.

When discussing the legislation, we must also highlight the need for special funds for urban areas. Too many local authorities, county and borough councils and corporations must deal with the increase of planning applications, the construction of new roads and the implementation of safety measures within a very confined budget. At the same time, they must provide the necessary road signage, which is currently deplorable. It is very difficult to follow road signs, of which there is a lack in certain areas. It is unhelpful to tourists and to those who cautiously move along the roads and motorways, looking for exits and points of destination. I would encourage greater investment in general signposting and the proper mapping out of urban centres in terms of signage, as well as safety and cautionary signs. Little funding is made available to local authorities in this regard. We must recognise the shortcomings of road networking in urban centres and provide funding. People drive on these roads, subject to the signs, and this also applies to those sitting tests.

The country has experienced considerable growth in prosperity and each household now has two or three cars. Public transport is very poor in rural Ireland in terms of connectivity with urban centres and inter-urban routes. It needs to be developed and this slow process is being embarked upon. However, it should be delivered with greater efficiency.

Young people need other forms of transport and many are queuing up to take their driving test. Many rely on it to get a job and employers are often forced to supply the would-be driver

with a letter stating that they have a job subject to passing the test.

It highlights the frustration, particularly of young people seeking employment, and of many others who are relying on a system which is creaking under pressure to deliver tests.

The legislation is timely. I hope it has an efficient passage through this House and that the parts of the Bill aimed at delivering driving tests to those that are waiting on the list — Deputy Cassidy gave a figure of 370,000 — will result in such people getting their tests earlier, from people who are qualified and who understand what is required on our roads and motorways. The waiting times in some areas, particularly in Carlow-Kilkenny, are simply unacceptable. The fact that in some cases and on some days people have to travel from Dublin to Kilkenny to carry out those tests is also an indication of how the system is creaking and in need of reform.

Having looked at the waiting lists that exist and the number of accidents occurring on our roads, there is a need for testers to be fully qualified and up-to-speed with changes in terms of European standards and what is required on Irish roads. There is also a need for concentration relating to the instruction being undertaken by those waiting on the lists. I know many young people who are anxious to have some off-road learning, to have a site, perhaps a private one, available to them where they could begin their driving instruction at a cost effective and affordable price. Their future employment prospects rely on the cost being affordable. Otherwise, we will find more and more people taking a chance, going out on the roads uninsured and without a licence. There are far too many uninsured people and some have no licence either. We need to understand why they are there, rather than simply going after them and catching them, ensure they are brought back within the system, are encouraged by an affordable testing system to take instruction and a test and qualify and obtain the appropriate insurance. Unfortunately, as the Joint Committee on Enterprise and Small Business, chaired by Deputy Cassidy, has highlighted time and again, the type of insurance required is simply out of reach of many people, particularly the young.

In the context of the provisions of this Bill, I am glad that under section 9 it will be open to the authority to engage in the publication and production of materials relating to the promotion of better driving standards. I am told by those that provide driving instruction that they have to go to the United Kingdom to get the most up-to-date information on signage and instruction for those taking a test or driving on public roads. The Irish equivalent of such information is simply non-existent or else is so out of date that it is not relevant. A number of Irish driving instructors have been purchasing material from the authorities in the United Kingdom and adapting it to Irish needs and the standards that are set here.

Likewise, under section 12, I am glad the numbers appointed to the board of the authority

will be not less than six and not more than 11. Those appointed to the board should have a relevance to the authority and should have certain qualifications to assist them in serving on the board. That is very relevant in the context of road safety, quality of instructors and so on. Perhaps the bodies that represent driving instructors or the consumer should be represented on the board of the authority.

I have argued on many pieces of legislation about accountability to this House. I am pleased that under section 27 there is an obligation on the board that is appointed to account to the Comptroller and Auditor General. Far too often in legislation passed in this House we have ignored the responsibility we have, as legislators to take the financial accounts of the bodies that we appoint, to peruse them, comment on and analyse them and to make recommendations. As vice-chairman of the Committee of Public Accounts, I am glad to say we are taking a far more rigorous view of bodies and are ensuring straight talking regarding those bodies, or quangos, that are accountable to the House. On a regular basis we invite such entities to appear before us and ensure they answer the appropriate questions, including those put to members of the committee by the general public. This is a good example of legislation that includes provisions which recognise the need for greater accountability in the context of how we do our business as legislators.

There is a need to look at the heavy goods vehicles and how they are licensed. I am glad the Minister for Transport in his recent communications — he has many of them relating to Members of the House — has outlined the agreement he has made with the Irish Road Haulage Association. I know he has had many meetings with that organisation, that various issues of relevance were discussed and agreements were reached. I see the association having a major role to play with regard to safety on our roads. I know sites are being looked at in the context of providing instruction and testing for heavy goods vehicles and I hope that Kilkenny will be a real player in that regard. There is a need to ensure counties outside those with the main cities have a role to play in the context of instruction and testing for heavy goods vehicles.

We have seen many reports, on “Prime Time” and elsewhere, on the road haulage area. I came from that industry and was a driver of a heavy goods vehicle in my earlier life. Drivers of such vehicles can contribute both positively and negatively but with a small amount of work with their representative body, they could have an enormously positive contribution to make. I urge the Minister to continue his work with that body to ensure we have a greater degree of safety relative to the type of vehicles that are on the road and the type of testing that is conducted. The ongoing participation of the representative body, either with the new authority or directly with the Minister, is absolutely essential.

[Mr. McGuinness.]

The National Car Test has concerned me for quite some time, particularly the length of time it takes to organise a test, as is also the case with the tests for heavy goods vehicles. We should get to a point with this legislation and the conduct of our business with both the private motorists and haulage companies where we are able to deliver a test almost immediately with no waiting time. It was brought to my attention recently that taxis often have to wait an unreasonable length of time to have even a new vehicle tested. That is very unfair and should be dealt with immediately. The cost for the yearly test for a taxi is unacceptably high. Taxi drivers are delivering a service and trying to make ends meet but the regulation and the bureaucracy that surrounds the system has grown to a point where it is inefficient and not cost effective. It needs to be adjusted to take account of the demands of the marketplace.

If we are making changes in this area, we should begin by showing the Irish Road Haulage Association and the taxi drivers' representative bodies that we are serious about our business, understand their difficulties and are able to adjust the system to create one that is more efficient, cost effective and will address their problems. That is a challenge for the Minister and if he rises to it and works at it he will achieve a lot for all of those involved in the industry, resulting in a greater awareness of safety and of the positive contribution road hauliers and taxi drivers can make in the context of making our roads safe and the industry more efficient.

Minister of State at the Department of Transport (Mr. Callely): I thank Deputies for their positive contributions to the debate. I acknowledge the general welcome afforded to the Bill by Members of the House.

In the course of the debate, Deputies raised issues, some of which directly relate to the Bill and others to road safety in general. The purpose of the Bill is to establish the Driver Testing and Standards Authority whose primary responsibility will be the delivery of the driver testing service. However, I can confirm to the House that consultants engaged by my Department have recommended that the DTSA be given a broader remit to make it a more viable organisation and enable it to better contribute to issues of road safety. I agree with a number of speakers who suggested considering options for a wider road safety remit for the DTSA. This may present an enhanced prospect for integrating and improving road safety functions. I have had numerous meetings with the insurance industry and am confident it would welcome the prospect of integrating and improving road safety functions.

I am advised that the establishment of a separate public sector body to deliver the driving testing service and take responsibility for other functions more appropriate to an executive agency than to a Department is also an opportunity for the assignment of other functions relating to gen-

eral road safety to the authority. It is proposed that the Bill be amended to include enabling provisions which will allow for the transfer to the authority of additional functions with a bearing on road safety. The functions include the promotion of road safety awareness. The Bill already provides that the authority will have a general duty to promote the development and improvement of driving standards. In this context it is appropriate that road safety education and promotion be transferred to the authority.

The feasibility of transferring the Department's responsibility for functions relating to vehicle standards, much of which derives from EU legislation, is also being considered. It is suggested that some of the detail and technical aspects of this work might be appropriate to transfer to the authority.

It may also be appropriate that aspects of road safety research be transferred to the authority which will effectively have a significant input into road safety through driver training and testing and vehicle testing. Areas relating to road haulage may be appropriate to the authority, as referred to by a previous speaker, my good friend and colleague, Deputy McGuinness. Given the likely remit of the authority, we should consider a change of name for the authority and this was referred to by a number of speakers in the debate tonight, including another good friend of mine on the Opposition benches, Deputy Stanton.

Many Deputies observed that the Bill does not make specific provisions as to the manner in which the authority will carry out its functions. The Bill defines the functions of the authority and provides for an organisational structure within which the authority will operate. It sets out the responsibilities of the chief executive officer who will report to the board and provide that the authority will be empowered to engage in certain commercial activities and to borrow money. Crucially it requires the authority to carry out its functions to certain standards as determined by the Minister of the day. It will be a matter for the chief executive officer and the board to determine how best to carry out the functions assigned to the authority.

Deputy Ryan made a specific reference to the creation of a board to oversee the work of the authority. Section 12 of the Bill sets out specific criteria for the selection of membership of the board, as referred to by Deputy McGuinness. Given the range of functions to be discharged by the authority, the board will have a significant responsibility for giving direction and support to the CEO and staff of the authority. I congratulate Mr. Noel Brett who has been appointed as chief executive officer of the authority and wish him well in his role.

Deputies called for reform of the driver licensing system and the registration of driving instructors. The strategy for road safety 2004-2006 states that driver licensing regulations will be amended to discourage long-term reliance on provisional

licences. A range of measures to achieve this goal is under consideration in my Department.

The issue of the accountability of the new authority to the Oireachtas was also raised. The chief executive officer will be responsible for the propriety of the authority's accounts and the economic and efficient use of its resources and will be accountable to any committee of the Houses of the Oireachtas set up to examine its affairs. The Bill provides that the chief executive officer shall have regard to any recommendations of such committee relevant to the authority's functions.

Many of the contributions from Deputies focused on the driving test and the means by which it could be improved. I concur with those seeking enhancement and improvement of the test. The test follows an EU standard and it is similar to the test in the North and in the United Kingdom. It is interesting to note that testing on motorways or night-time testing is not a feature of the test in these islands. Despite this, the UK has a relatively good road safety record when compared with other EU countries.

The purpose of the test is to assess whether a person has reached a certain standard of driving competence. Deputy Stanton stated that passing the test does not mean a person is an excellent driver and ready to take on any situation and this point struck a chord with me. The process of developing further driving skills and experience is ongoing over years.

The issue of variations in the pass rate at different test centres was raised. This is a fact of life and is also the case in other countries. Various reasons have been advanced, such as demographic factors and standards of instruction. The Bill gives the authority the responsibility for the regulation of driving instruction. This will require those in the industry to meet predetermined standards which will cover not only their own ability to drive but will also ensure that those meeting the standard will have the necessary instructional skills to deliver the message to the novice driver. The registration process will benefit driving instructors. Persons taking lessons will have greater confidence in the quality of instruction given and this will lead to better and safer drivers.

Deputy Shortall and others raised a specific issue concerning the treatment of existing driving instructors. All instructors must demonstrate that they have reached the required standard in the interests of ensuring an appropriate standard of instruction applies throughout the country. During the period of transition when all new instructors will be required to undergo appropriate tests, existing instructors who can show they are bona fide instructors will be allowed to continue instructing before undergoing the appropriate competency tests. The length of the transition period and the manner in which the competency of existing instructors is assessed during that period will be considered in the context of the drafting of regulations to require instructors to be registered to give instruction for reward and the establishment of the authority.

Deputy Olivia Mitchell referred to motorcycle accidents and I agree with her that this is an area of concern. Motorcycle riders are especially vulnerable on the roads. The road safety strategy 2004-2006 proposes an implementation of a programme of compulsory initial practical training for motorcyclists. Work is ongoing with financial support being given to the Irish Rider Training Association to facilitate the development of a network of motorcycle instructors which is an essential prerequisite for any programme of compulsory training.

I do not believe there is a need for compulsory training as the instructors are available. I hope more motorcyclists will avail of the existing programmes. As a motorcyclist myself I was recently approached by a noted well-known media personality who, like me, is back motorbiking following a period of years off the bike. He brought to my attention the motorbike course run by Fingal County Council on which I congratulate the council. The Garda Síochána also organises an excellent training course and commercial instructors are also available. Motorcyclists should be encouraged to avail of these courses. A working group has also been established to examine the standards that must apply to such training and how such training might be delivered.

Deputies referred to long waiting times for driving tests. I accept the point that there should be little or no waiting period for a motorist who is ready to take the test to be called for it. That is the service I would like to see in place. My officials in consultation with the Department of Finance agreed a package of measures to reduce the numbers on waiting lists by up to 80,000 by the end of next year. Engagement with unions about the implementation of these measures has commenced. The measures include an additional productivity incentive in the form of a bonus scheme for testers, the details of which have to be finalised in consultation with the staff, the recruitment of additional driver testers as well as outsourcing a block of tests to an outside body. An outsourcing option is necessary to make significant inroads into the backlog of tests within a reasonable timeframe. The outsourcing arrangements will include provisions to ensure that a consistent and high standard of test is delivered. There is no question of allowing standards to slip.

I wish to clarify the number of driving testers employed. There are 117 testers, six of whom were formerly retired. The number is one fewer than at this time last year and compares to 66 testers in 1998. In addition to the testing corps, there is a chief tester and ten supervisory testers.

I was asked about the gender balance among driving testers. Eight of the 117 testers are female. I encourage females to apply for the position of driving tester and there is no barrier to prevent females from joining the driving tester service. When these figures become known, we might be able to encourage more females to join this service.

[Mr. Callely.]

Deputy Ring asked whether staff from my Department joining the DTSA would retain their Civil Service status. The proposal is to transfer members of staff to the authority with a guarantee that their existing terms and conditions will be protected. I am concerned that the retention of Civil Service status and the consequent alignment of the grading structure in the new authority with Civil Service structures might prove to be overly restrictive on the authority in carrying out its functions, which may require a more flexible staffing structure to apply. Nonetheless, I recognise that staff have genuine concerns that I am prepared to consider with a view to alleviating them in the most effective way possible without compromising the ability of the DTSA to deliver a quality service. I intend the process of setting up the DTSA to be open and transparent and to go forward in the spirit of partnership with all the staff associations.

I do not accept Deputy Ring's characterisation of the legislation and the setting up of the DTSA as a money making racket. Safety on our roads is an extremely important issue and this Bill is a serious attempt to tackle it.

During the debate many Deputies referred to the accident rate among young people. There is no doubt that young people, particularly young males, are over-represented in accident statistics. There are the consequences that young people can under-estimate danger while driving and over-estimate their driving ability and skills. Novice drivers do not have the same level of automatic driving skills as experienced drivers and such skills take time to develop.

A national analysis of young driver accidents in 2000 carried out by the National Roads Authority highlights the scope of the problem. In 2000, the fatality rate was much higher for those aged 18 to 24 than for any other age cohort. The death rate in the age group 18 to 24 years was more than ten times higher for males than for females. This is also reflected in the difficulties facing young people in obtaining motor insurance at a reasonable premium. The most frequent occurring error for young drivers involved in two-vehicle collisions is exceeding the safe speed limit.

There is a perception that provisional licence drivers are more involved in accidents but there is no substantial evidence to support this view. Of the 232,820 drivers who incurred penalty points as of 30 April 2005, only 6% were provisional licence holders. The formation of good attitudes to driving is of particular importance. Accordingly, young people are the target of much effort to promote road safety in Ireland and in other countries.

Deputy Stanton mentioned that two of his children are coming into the league of young motorists and I am in the same class as the Deputy in that respect. I note the responsible attitude to driving not only among my children but among their friends. I have the height of admiration for young motorists today. They seem to be far more

responsible than the previous generation in many aspects related to motoring, in terms of—

Mr. Stanton: I fully agree with the Minister of State.

Mr. Callely: —in terms of speed, the consumption of alcohol and everything else that goes to ensure road safety and good driving. I take this opportunity to congratulate our young people on their responsible attitude in the manner in which they go about their driving. I hope the insurance companies will acknowledge that and accommodate them by offering them more appropriate renewal premiums. In response to such a request the insurance companies will point out that they must examine the statistics and that when there is an improvement in that respect they might be able to accommodate that request. I hope that working together we will be able to continue to make the types of developments we have witnessed such as the one to which I referred regarding the responsible attitude of young motorists.

The National Safety Council has developed a number of educational programmes for pupils of primary and secondary schools. The Garda Síochána has a great programme in place involving a limited number of personnel. The Garda Commissioner might consider increasing the number of gardaí involved in that safety programme. There are great programmes available to schools. The National Safety Council focuses on younger road users. A strategy of its safety awareness campaign is that it is very much directed at the young driver.

A number of Deputies referred to a captive audience among secondary school pupils in transition year in terms of participating in such programmes. I support the view that this opportunity should be explored in greater detail.

A noted driver with a successful track record in motoring, particularly in rallying driving, and a good friend of mine, Rosemary Smith, has been promoting a programme for some time that would be of enormous benefit if targeted at transition year students. A difficulty in introducing such a programme, as pointed out by a number of Deputies, would be the manner in which it could be rolled out nationally. While we can examine that, there are other steps we could take to explore opportunities, particularly in co-operation with the National Safety Council, the Garda Síochána and the Department of Education and Science, in regard to the curriculum and opportunity presented in transition year.

Deputy Stanton referred to the opportunity presented in this area during transition year and he referred to substance abuse. He referred to two other points to which I wish to refer, one being the impact of tiredness on motorists. I clearly signal that tiredness can kill, a point to which Deputy Stanton alluded. I encourage local authorities to place a warning sign to this effect — as I have witnessed in some counties but more particularly overseas — in their catchment areas.

Records show that tiredness can kill. Deputy Stanton also referred to pedestrians and cyclists. I encourage local authorities to favourably examine pedestrian and cycling strategies as these are important factors if we are to encourage people to walk and to cycle, a point to which the Deputy alluded.

Deputy Cassidy raised the issue of the cost of motor insurance. I am pleased to inform the House that I have had one to one meetings with the chief executive of each insurance company operating in Ireland and I have also had a round table meeting on this issue. I am progressing in such interaction with the insurance companies to address a number of issues to which Deputy Cassidy referred.

Deputy McGuinness referred to the Garda traffic corps, school bus transport and signage. Good progress has been made in regard to the Garda traffic corps. I do not know the exact number of personnel who were in the Garda traffic corps but it was approximately 300 and we are increasing that number to just shy of 500. We have a target to increase the number of personnel to 1,200. We have put a management structure in place in this regard including an Assistant Commissioner, an inspector and so on. We have also begun to improve the supports that are available by way of vehicles as well as through information technology and so forth. The establishment of the traffic corps is under way and it is to be hoped we will see the benefits.

School bus transport has always been a matter of major concern. I again sympathise with those involved in the Kentstown tragedy. That has put a particular focus on school bus transport. I am pleased to inform the House that my Department, along with the Department of Education and Science and others, is determined to be as proactive as possible to ensure that the best international standards prevail in school bus transport. I must be cautious as we are awaiting the reports of the investigation arising out of the Kentstown incident and I hope these will be available as soon as possible.

I refer to two other issues raised by Deputy McGuinness. One is signage. I support the view that directional and safety signage are important and can be of great additional benefit. We are talking about very small money in this regard, so it is not a financial issue.

Mr. Neville: The situation is dire in rural areas.

Mr. Callyey: It should not be and let somebody point the finger to me if this is a financial issue, because we will resolve it.

Mr. Neville: My county council area in Limerick is a disaster for tourists, even for locals, in terms of directing people. The situation is abominable.

Mr. Callyey: The cost of a simple sign is very small in real terms. I am happy to work with any

Member of the House if there is an issue with local authorities in terms of directional, safety or other road signage that is required.

Mr. Neville: Will the Minister of State mind if I take this up with Limerick County Council on his behalf?

Mr. Callyey: I will be happy to meet any council in that regard.

Mr. Neville: The Minister of State does not have to meet the council. He just has to take up the issue with it.

Mr. Callyey: I ask every Member to encourage local authorities to ensure that appropriate signage is in place. I will certainly encourage, support and assist Deputy Neville in whatever way I can with his local authority.

Mr. Neville: I thank the Minister of State.

Mr. Callyey: I pay tribute not just to Dublin Bus for which I have the height of respect because it is going about its business and developing its services in a proactive manner — it was mentioned by Deputy McGuinness in the context of suburban services — but also to Bus Éireann and its new acting chief executive, Mr. Tim Hayes, for the manner in which the company has developed services throughout the country and ensured that the social requirements of villages and parishes are accommodated. That will continue.

I say to all the Members that have made specific points that I do not have the time or opportunity to reply. The Leas-Cheann Comhairle is about to call me to order regarding the time I have available.

An Leas-Cheann Comhairle: The Minister of State has unlimited time.

Mr. Callyey: I will wrap up by saying that if it is acceptable to the House, I will ask my officials to contact directly those Deputies who sought a specific response to issues raised during this debate. It might be more helpful and productive for the House to go about our business in that fashion.

I thank my officials and the Deputies for engaging in such a good constructive debate on all the issues raised. I am pleased to commend the Bill to the House.

Question put and agreed to.

Driver Testing and Standards Authority Bill 2004: Referral to Select Committee.

Minister of State at the Department of Transport (Mr. Callyey): I move:

That the Bill be referred to the Select Committee on Transport, in accordance with Stand-

[Mr. Callely.]

ing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Health and Social Care Professionals Bill 2004
[Seanad]: **Second Stage (Resumed).**

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

Dr. Devins: I thank the Leas-Cheann Comhairle for allowing me the time speak on this important legislation, namely, the Health and Social Care Professionals Bill 2004. This legislation comes to the House from the Seanad where it was passed recently.

There has been much discussion both within the House and outside on health matters. The provision for the health service costs approximately €11 billion in the current year and I strongly believe that the service patients receive must be of the highest order. For that to happen it is essential that the staff delivering the service are well-trained in the first instance and, in the second, they are subject to a continuous statutory process of regulation during their professional lives. Members of the public must have faith in the professionals who treat them. They must be assured that they are suitably trained and fit to practice to the highest standards. If this does not occur, the public might have some doubts about the persons treating them being suitably qualified. That is the purpose of regulation — to ensure that members of the public know they are receiving a service from people who are competent and properly qualified to deliver it. That is why this Bill is important and timely.

At present only a handful of health care staff are subject to statutory regulation. These include nurses, dentists, doctors, opticians and pharmacists. However, many other professionals supply valuable services in health. This Bill aims to regulate 12 different health care professions: chiropractors, chemical biochemists, dieticians, medical scientists, occupational therapists, orthoptists, physiotherapists, psychologists, radiographers, social care workers, social workers and speech and language therapists. All these groups provide a vital and valuable role in the provision of health care. I strongly believe that the system of regulation, which must be done on a statutory basis, will ensure that members of the public will have people supplying their care that are competent and fit to do so.

I have no doubt that the 12 professions I have mentioned which are the subject of this Bill, provide excellent services and that their members are properly trained to do so. However, once the Bill becomes law, the protection afforded to the public will be greatly enhanced. In practice each profession will be regulated by a registration board comprising 13 members, six of which will be members of the respective profession, while

the other seven — a majority — are from outside the profession and nominated by the Minister for Health and Children.

It is important that the seven nominated people include a member or members of the public so that the views of the users of the particular health service are represented. Only in this way may transparency be achieved. Once transparency and openness is present, trust will be delivered. For too long within health care and outside it, professions have operated within their own narrow structures of governance. By bringing in outside viewpoints, a greater degree of understanding of how a profession operates is achieved. The end result is of benefit both to the patient and the particular profession in question. This has already happened in medicine and I have no doubt that the Medical Council is now a much stronger and more effective body as a result of the contributions of its non-medical members. The views of the consumers of each service will be heard and acted upon, thereby ensuring that the profession as a whole is strengthened.

I also welcome the establishment of the overall health and social care professionals council, which will have 25 members, one each from the 12 disciplines I have mentioned, with the remaining 13 coming from outside. This council will ensure consistency and uniformity of practice among the 12 registration boards under its control. When a complaint is received by the council, I hope it will be dealt with in a logical manner. It will be reviewed first by a preliminary procedure committee which will decide if the complaint is sufficiently serious to warrant further action. In this way, frivolous complaints can be dealt with expeditiously, while genuine complaints will be more thoroughly investigated. In the interests of fairness and transparency, genuine complaints should be dealt with quickly and without delay. Having a complainant wait for years to have his or her case heard is wrong and would act as a deterrent to openness and transparency.

I also welcome the fact that most complaints will be heard in public. If it is believed that the case has been caused by a practitioner's ill health, either physical or emotional, it will be heard in private by a specific health committee. The list of sanctions which may be imposed on a practitioner if he or she is found guilty of misconduct is comprehensive and ranges from censure to erasure of the practitioner's name from the relevant register. By having such a wide ranging complaints procedure, members of the public can have confidence that the highest standards of behaviour from their respective practitioners are maintained.

I refer to Part 7, encompassing sections 78 to 80, inclusive, which deal with the protection of titles. It is important that there is no confusion among members of the public regarding the use of a title to describe a particular profession. Before I was elected to the House, I worked as a general practitioner and had contact in my work with members of all the professions I mentioned

and which are the subject of the Bill. At all times, I was very impressed by the high standard of the professional work I encountered. All the professions, in their own respective ways, play a vital role in the workings and delivery of the health service.

However, a degree of confusion surrounds one profession, namely, with regard to the titles of physiotherapy and physical therapy. All over the world these titles are interchangeable, especially in the United Kingdom, Northern Ireland and the United States. I understand the professional qualifications and requirements are the same for both titles in 92 countries. Indeed, the world representative body is known as the World Confederation of Physical Therapists and has consultant status with the United Nations and an official relationship with the World Health Organisation.

Physiotherapy in Ireland is a four year degree course awarded by four universities, namely, Trinity College Dublin, University College Dublin, the College of Surgeons and the University of Limerick. Courses have been in existence for more than 100 years and the first school of physiotherapy was founded in 1905, exactly 100 years ago.

If physiotherapists all over the world are known as physical therapists, surely the same should apply here. Consumers, that is patients, should have a clear understanding of the qualifications and training of each professional they attend. The same position should apply in Ireland as applies all over the world. Perhaps this issue will be addressed when the Bill is referred to committee but there must be no confusion and no chance of confusion in the minds of members of the general public as to the qualifications of the profession they attend.

I wish to refer to a comment made by a previous speaker in regard to the workings of the Joint Committee on Health and Children, of which Deputy Neville is a prominent member. The speaker referred to the committee's recent prolonged deliberations on the Travers report. From the start of the joint committee's hearings on the report, it was obvious that certain members were determined to ensure there would be a political killing.

Mr. Neville: Rubbish.

Dr. Devins: Despite the long hours of evidence members of the committee heard, the Opposition failed completely to achieve its narrow political aim.

Mr. Neville: I refer the Deputy to the professional views the former Ombudsman expressed on the matter.

Dr. Devins: To cite the Joint Committee on Health and Children as an example of groups trying to protect their own, as has been done in the House, is to miss completely the point of the hours of deliberations we undertook but all of

this will emerge in due course. I commend the Bill to the House.

Mr. Neville: In response to Deputy Devins, it was very disappointing that the views of the Opposition were not accommodated in the report of the Joint Committee on Health and Children, as they have been in many committee reports on issues about which opinion has been diverse. In fairness to the former Chairman of the Joint Committee on Health and Children, Deputy Batt O'Keeffe, diverse opinions were accommodated under his chairmanship. Another committee of which I was a member, the All-Party Committee on the Constitution, also accommodated highly diverse opinions on the issue of property rights.

I welcome this opportunity to contribute to the Health and Social Care Professionals Bill 2004, which provides for the establishment of a system of statutory registration for certain health and social care professionals. In the brief time left to me, I ask the Minister of State to assist me with regard to information I sought from his senior Minister by means of parliamentary questions. The information requested is usually provided within four days of tabling a parliamentary question. On 10 May, I asked the Minister to provide data on the budget for suicide research and prevention in 2005. I have tabled a similar question each year for many years and usually receive a reply within four days.

It is important to have this information as it enables me to participate in debate on suicide prevention and research. On tabling the question on 10 May, the Minister, instead of issuing a response, referred it to the newly established Health Service Executive. Seven weeks later, I still await the information requested. It is frustrating that I was provided the information in previous years within four days, which allowed me to participate in debate on the issue of suicide and exchange views with Ministers on the matter. As the recess approaches, I do not have the facility to elicit the information as the Minister would refer any further parliamentary questions to the Health Service Executive again. Will the Minister of State please—

Mr. S. Power: Recess or no recess, it is not acceptable that the Deputy should have to wait so long. I will make inquiries on his behalf tomorrow and get back to him immediately.

Mr. Neville: I appreciate the Minister of State's undertaking. I ask him to consider another issue about which there is no point submitting a parliamentary question because it, too, would be referred to the Health Service Executive. In May each year the Fine Gael Party tables a parliamentary question to the Minister for Health and Children requesting statistics on deaths by suicide and various subcategories such as gender and age group for the previous two years. On submitting a similar question last week, I was informed the

10 o'clock

[Mr. Neville.]

information was not available. I do not understand the reason statistics on the various categories of death by suicide are not available from the Central Statistics Office given that it was available in May of previous years. I appreciate a different Department may be responsible but, again, the absence of these statistics stymie debate on the issue of suicide.

I welcome an opportunity to discuss the Bill and appreciate the tolerance of the Leas-Cheann Comhairle in allowing me to ask the Minister of State for assistance in the matters I have outlined. Sometimes the reason doctors refuse to make a complaint against a colleague is not to cover up issues but because genuine protection is not afforded to doctors who are concerned about certain practices and wish to make a complaint. The Dr. Michael Neary case is a good example of how colleagues and other professionals may become concerned about the consequences of making a complaint.

Debate adjourned.

Adjournment Debate.

Ombudsman for Children.

Mr. Neville: I welcome the opportunity to raise on the Adjournment the first report of the Ombudsman for Children, which was published yesterday. As someone who campaigned with former Deputy Austin Currie for an Ombudsman for Children, the publication of her first report is an important event and I congratulate Emily Logan and her staff on their work in establishing the office. The first year was difficult because there was no office or support but Ms Logan has now established a presence in this area. In future we will look forward to reports that will have a significant impact on children's rights.

We must look at the limitations and exclusions in her role that she has raised, particularly the limitations that apply to children in certain places of detention, the Garda Síochána, the administration of asylum, immigration, naturalisation and citizenship law, provision for the exercise of ministerial veto on investigation and the Defence Forces. Central to the office's concern is that these limitations will remove from its investigatory remit some of the most vulnerable children and young people in the State.

The Ombudsman for Children Act provides that the Ombudsman for Children should promote the rights and welfare of children. The ombudsman considers it an obligation to promote the rights of all children equally. To exclude any group or class of children from the reach of the Ombudsman for Children's investigatory powers by virtue of immigration status or detention in place not covered by the Act is to go against the

primary objective of the Ombudsman for Children Act — the establishment of an ombudsman to promote the rights and welfare of children.

The exclusion of certain groups of children from the investigatory remit goes against the letter and spirit of the UN Convention on the Rights of the Child, which states that children's rights institutions should proactively reach out to all groups of children, in particular the most vulnerable and disadvantaged, such as children in care or detention, refugee or migrant children and other groups. Institutions should have the right of access in conditions of privacy to children in all forms of alternative care or other places.

In its present form, the Ombudsman for Children falls short of the level of protection offered to children in other countries. This is demonstrated by comparison with the situation in Northern Ireland and in Scotland. The Commission for Children and Young People in Northern Ireland contains no specific exclusions on asylum, immigration, naturalisation or citizenship nor on the administration of prisons or other places of detention or of the custody of children. In Scotland the Commission for Children and Young People provides that the commissioner may investigate any service provider for young people or children in regard to the extent the service provider has regard to the rights, interests and views of children and young people in making decisions that affect them.

Under the Good Friday Agreement, the Irish and British Governments are committed to providing parity of protection to the rights of all people on the island. The State has fallen short of the level of protection offered to children in Northern Ireland. The Office of the Ombudsman for Children will seek to resolve this situation and will ask the Minister to look at amendments to the Ombudsman for Children Act 2002. I put the need to amend the Act to the Minister to deal with the Ombudsman for Children's concerns.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I will take the adjournment on behalf of my colleague, Deputy Brian Lenihan, Minister of State with special responsibility for children. I thank the Deputy for raising this matter as it provides me with an opportunity to outline to this House an update on this matter.

The Ombudsman for Children recently issued her first annual report. The Ombudsman for Children was appointed in December 2003 and the office was formally established in April 2004 with a staffing complement of nine. The report covers the period from April 2004 to April 2005.

The role of the Office of the Ombudsman for Children is twofold: to promote the rights and welfare of children and to investigate complaints.

On the investigation of complaints, the office has a wide remit that includes public bodies,

schools and voluntary hospitals. This remit exceeds that of the Office of the Ombudsman, which has sought a similar wide-ranging remit for several years. During the period under review, 177 complaints were received which, for an office in its infancy, must be seen as substantial. The majority of complaints — 51% — related to education, 16% related to health and just over one quarter concerned child protection, social welfare entitlements, civil proceedings, asylum and immigration.

Actions excluded from the remit of the Ombudsman for Children are broadly similar to those of the Office of the Ombudsman. In the annual report the Ombudsman for Children addresses a number of areas in which her powers of investigation are limited. These include children in certain places of detention, the Garda Síochána, administration of the law relating to naturalisation, immigration, citizenship and asylum, the Defence Forces and provision for a ministerial veto in investigations. These limitations are in place as a result of independent bodies having investigation powers, such as the visiting committees for prisons and places of detention and the plans for a Defence Forces ombudsman.

The ministerial veto also exists in the Act establishing the Office of the Ombudsman and has never been used. The provision is in place to protect both the Minister and the Ombudsman for Children. It ensures that the Minister is accountable to the Oireachtas by avoiding any interference in the role of the Minister. It also protects the Ombudsman for Children as such a request must be in writing and it would be expected that the Ombudsman for Children would include this in any report to the Oireachtas, thus ensuring transparency.

As can be seen from the report, the establishment of the Office of the Ombudsman for Children has been very successful. The Ombudsman for Children adds a central plank to promoting children's rights and welfare, along with investigating complaints relating to issues affecting children. It is a major step forward in implementing the national children's strategy, particularly the first goal, which is concerned with giving children a voice.

I am pleased to report that the National Children's Office has made excellent progress in ensuring the development of structures to give children a voice and recently published national guidelines with the NGO sector on participation by children and young people.

Migrant Workers.

Mr. M. Higgins: I wish to raise the need for protection under the social welfare scheme of workers, particularly migrant workers, such as those affected by the abandonment of a public contract for the refurbishment of Eyre Square in Galway for Galway City Council and earlier the

workers who are at risk following the collapse of a firm in Portumna; the increasing vulnerability of migrant workers affected by sudden closures in the construction industry, often on public contracts, without notice; breaches of statutory regulations and general absence of protection; the need for a hardship fund to address their immediate needs and such statutory changes as will meet their basic rights. In the service industry foreign workers are being exploited, particularly in terms of accommodation. They are charged for anything they consume on the employers' premises, even for glasses of water. Will the Minister of State inform the House what is the situation with regard to the number of hours foreign workers work each week? Who is on the inspectorate? How many reports has it carried out and have any of them been published?

Migrant workers are the among most vulnerable in society. Events this week bear this out. The group of workers laid off as a result of the actions undertaken by Kingston Construction Limited are now in a most invidious position. These workers were employed by a company engaged by Galway City Council. It has now moved to secure the site, it having been abandoned by the company. However, it is beyond comprehension that public money could be spent in this fashion. The city council engaged a company that did not comply with a registered agreement as it relates to pension rights as well as rates of pay. It is incumbent on State bodies to ensure that tenders for work which are accepted are compliant with the relevant registered agreement. A proper system of checks and balances must be implemented to ensure workers are protected. In the event of the kind of incidents that occurred in Galway city and county recently, it is worth noting that many workers, particularly migrant workers such as those affected by the abandonment of a public contract, are increasingly vulnerable. Such workers affected by sudden closures without notice in the construction industry are suffering breaches of statutory regulations and a general absence of protection.

When what happened in Galway arises, what immediate provisions are there for such workers, especially non-Irish workers, made redundant in this manner? What recourse do these people have? What arrangements are in place for those workers from within the EU, those from outside the EU and those from the new member states of the EU but who are in a minority in their state and do not enjoy full citizenship rights? There have been reports of people from some Baltic states not receiving the full benefits and protection of EU membership. Beyond these questions, there is a clear and urgent need for a hardship fund to address the immediate needs of workers, such as those in Galway who lost their jobs. There is now a pressing requirement for statutory changes that will meet their basic rights. Where

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accommodation has been booked and organised by the putative employers, in the event of the contract being broken, as in this case, in what position do such employees find themselves? Is it possible for them to apply for rent allowance?

The Government must act to protect the least powerful in society. Migrant workers are some of those with the least clout in Ireland. This has been seen as a result of Kingston Construction Limited's action and the previous company to which I referred. I call on the Minister of State to answer the questions I have raised and to indicate such actions he proposes to take in this regard.

Mr. Killeen: I welcome this opportunity to address the House on the day when the Minister for Enterprise, Trade and Employment, Deputy Martin, published the Employment Permits Bill 2005. The Bill contains a variety of provisions designed to deal with concerns expressed about the protections available to immigrant workers from outside the European Union employed in Ireland.

Protections set out for workers under the provisions of all employment rights legislation are equally applicable to all workers, whether a person be Irish or a foreign national. For the avoidance of doubt, section 20 of the Protection of Employees (Part-Time) Work Act 2001 provides that all employee protection legislation on the Statute Book applies to workers posted to work in Ireland.

The employment rights information unit in the Department of Enterprise, Trade and Employment is active in supplying information on employment rights to employees. Last year, 150,000 inquiries were dealt with by this unit. Officials have given several talks on employment rights to a range migrant worker groups. Information on employment rights is available in leaflet form from the Department and is also available on the Department's website.

In matters of investigation and enforcement the labour inspectorate of the Department makes no distinction between Irish and migrant workers whether they are from inside or outside the European Union as regards the provision of information and enforcement activity. With regard to the labour inspectorate, it is appropriate that since January of this year steps have been taken which mean the complement of Inspectors will have almost doubled from 17 officers to 31 once current recruitment activities are completed. I expect this to happen soon.

Apart from the increases in resources there is further significant activity on the employment rights front. Arising out of Sustaining Progress, work is under way to address issues identified in the report of the review group on the employment rights bodies and in the discussion document which focused on the mandate and resourc-

ing of the labour inspectorate. A restatement or consolidation of employment rights legislation forms part of this agenda. This work will lead to the establishment of better streamlined procedures for complaint resolution for employees together with more effective investigation and enforcement to deal with the detection and, where appropriate, the prosecution of breaches found. All workers, including migrant workers, will benefit from these improvements.

These are the positive initiatives that are under way to improve the legislative environment in the context of employment rights and to address breaches of statutory regulations. While I understand this is not the situation in the case in question, there is provision for the protection of workers' entitlements where their employer has gone into liquidation or receivership. The insolvency payments scheme, which is administered by the Department of Enterprise, Trade and Employment, enables employees to claim, either through the liquidator or receiver, arrears of pay, holiday pay, pay *in lieu* of statutory notice and various other pay related entitlements that may be owed to them by their employer. The scheme operates under the Protection of Employees (Employers' Insolvency) Act 1984, and payments are made from the social insurance fund. Where a payment has been made to an employee under the scheme, the Minister for Enterprise and Employment becomes a creditor against the employer in place of the employee.

Mr. M. Higgins: What do they do in the short term?

Mr. Killeen: Where workers are dismissed by reason of redundancy, the Redundancy Payments Acts require, subject to certain conditions, that employers make statutory payments to these workers amounting to two weeks' pay for each year of service up to a ceiling of €600 per week, plus a bonus week. Any person who is laid off by his or her employer is entitled to unemployment benefit or assistance provided he or she satisfies the normal qualifying conditions for receipt of payment. In the case of unemployment assistance, these conditions include the requirement to be habitually resident in the State.

Mr. M. Higgins: That includes all the Poles—

An Ceann Comhairle: Allow the Minister of State speak without interruption.

Mr. Killeen: In the case of a non-EEA national who becomes unemployed but who has been granted permission to remain in the State until a particular date by a Garda registration officer on foot of a work permit, he or she is considered to be legally resident in the State up to the expiry date on the visa, even if he or she has lost his or her employment prior to that date. Subject to

satisfying all the statutory conditions for entitlement to payment, a non-EEA national who is legally resident in the State under these circumstances may receive payment of unemployment benefit or assistance up to but not beyond the expiry date on the visa. The supplementary welfare allowance scheme is the safety net within the overall social welfare system in that, subject to qualifying conditions, it provides assistance to any person in the State whose means are insufficient to meet their needs and those of their dependants.

The Employment Permits Bill clearly sets out in legislation the procedures relating to the application, grant and refusal of work permits. It allows for the introduction a green card type system for highly skilled migrant workers, and for the means to establish the number of employment permits in total and by sector and to identify the skills and employment categories in respect of which employment permits may be granted. It will grant the work permit to the employee rather than the employer. However, for reasons of traceability and the enforcement of employees' rights, the practice of the employer applying for the permit will continue. The employment permit will contain a statement of the rights and entitlements of the migrant worker, including that the employee may change employment through the application for another work permit by a new employer. This will provide migrant workers with greater freedom and flexibility.

The Bill prohibits employers from deducting recruitment expenses from remuneration and from retaining workers' personal documents. It introduces significant penalties for breaches of the legislation, comprising fines to a maximum of €50,000 or terms of imprisonment not exceeding five years. These provisions give additional protections to migrant workers beyond those already in existing employment rights legislation.

Commercial Payments Directive.

Mr. Sargent: Ba mhaith liom buíochas a ghabháil leis an gCeann Comhairle as ucht cead a thabhairt dom an cheist thábhachtach seo a ardú anocht. Over the last month I have received deputations from representatives of ten small and medium-sized indigenous companies operating in the construction sector. They alerted me to a particular scam that is widespread and straightforward.

A construction company, in this case Glenman Corporation of County Galway, won a Government contract to build council housing in Fortunestown, south County Dublin and in Ballymun, Dublin city. It hired sub-contractors to do most of its work. When the work was completed and the sub-contractors presented invoices, in one case for €374,000 and €254,000 in another, some contrived fault was found in the docu-

mentation or the work. They were told they would not be paid. When the subcontractors threatened legal proceedings, they were told it would take three years to get to court and by then they would be bankrupt. Instead, they were made an offer of approximately half of what they were owed to take or leave.

It is a clever scam because it uses the laws drafted by this House in good faith against the very people for whom laws are drafted to protect — the most vulnerable. We all know, sometimes from bitter experience, that the law favours the rich and that justice delayed is justice denied. A small contractor will have little choice but to risk going into further debt if he or she decides to take on a larger contractor. The scam also works because we have no effective prompt payments legislation. I remind the House that payment delayed is also payment denied. However, the legislation only governs public bodies and does not cover the private business sector.

Yesterday, before I raised this matter in the House while some hauliers protested outside the gates of Leinster House, I was only aware of ten companies which faced this difficulty. Today, following coverage in the national newspapers, several more have come forward to state that they also face financial ruin at the hands of Glenman Corporation. A plant hire company is owed €180,000, a site security company is owed €10,000 and a haulage company is owed €206,000. This is Government money not reaching people who work on Government projects. I spoke to one man who owes €400,000 to the people he hired to carry out this work. His apartment has been ransacked — we suspect by the creditors — his wife and children have been obliged to move out of the family home and he has not slept in his family home for four weeks because he fears for his life.

Another woman who recently started a cleaning firm has been obliged to move out of Dublin to Wicklow. Her two vans have been repossessed and she is living in fear of her life, not because she has done anything wrong, but because she has been let down by our courts and our legislation.

This story will grow bigger as time passes and more people come forward. I believe the scandal is bigger than the Gama one with which we are familiar. I appeal to the House to recognise that the long-term prosperity of this country depends to an enormous extent on small to medium-sized indigenous companies. As a country, we will come to ruin if we do not legally and effectively protect sole traders and small and medium-sized companies. This does not mean grants, State loans or other funding, nor does it mean tax breaks. Legally, small companies are entitled to protection.

I appeal to this House to reform the prompt payment legislation to include all business transactions, to reform legal structures to make it

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affordable and accessible to all sectors of society and to make it quick and effective. Most of all however, I appeal that we examine the way in which we award Government contracts so that unscrupulous companies no longer have the power effectively to drive small companies to ruin.

Mr. Killeen: Gabhaim buíochas leis an Teachta an t-ábhar tábhachtach seo a chur os ár gcomhair anocht. I understand that the company in question has contracts with Ballymun Regeneration Limited, South Dublin County Council and Dublin City Council for the construction of a number of local authority housing schemes. The schemes for Ballymun Regeneration Limited involved are Sillogue, phase 3B, where 58 units are due for completion in December 2005 at a budget cost of €8.8 million, and Poppintree, phase 5B, where 90 units are due for completion at the end of the year at a cost of €15.1 million. The scheme for South Dublin County Council involved is Fortunestown with 112 units and a community facility at a cost of €20.3 million, and the involved scheme for Dublin City Council is Poplar Row, phase 2, with 69 new units and 56 units refurbished at a cost of €17.177 million.

I am advised by the Department of the Environment, Heritage and Local Government that neither they nor the local authorities concerned had any prior knowledge or difficulties with the payment of suppliers or sub-contractors by the company referred to. Having checked the matter with the local authorities, they have indicated that all claims owed to the company concerned are fully up to date. In the light of recent reports, Ballymun Regeneration Limited has sought to contact with the company to ascertain the extent to which suppliers and sub-contractors working on the regeneration project are owed money, the amount involved, if any, and its proposals to address the matter. While the issue of payment of suppliers or sub-contractors is a matter for the companies involved in the first instance, the local authorities will maintain a watching brief to see if and how this matter is resolved.

The Deputy has also referred to the general issue of prompt payment of bills by public and private sector organisations and I am happy to clarify the legal position in that respect. In general, this area is governed by the provisions of the European Communities (Late Payment in Commercial Transactions) Regulations 2002, which came into force as SI 388 of 2002. These regulations, which gave effect to a European Union directive on late payment in commercial transactions, came into effect in Ireland on 7 August 2002 and apply to commercial transactions in both the public and private sectors.

The regulations provide essentially that penalty interest will become payable if payments for

transactions between undertakings are not met within 30 days, unless otherwise specified in a contract or agreement. A payment is regarded as late when 30 days have elapsed unless an alternative payment period is specified in an agreed contract. In the case of an agreed contract, payment is regarded as late if the payment period exceeds the date or end of the period for payment specified in the contract. Where the contract does not specify a payment period, a default payment period of 30 days will apply. This 30-day payment period begins on the date of receipt by the purchaser of an invoice for payment or the date of receipt of the goods or services where the date of receipt of the invoice is uncertain or the purchaser receives the invoice before the delivery of the goods or services in question. In cases where the parties have agreed a procedure for acceptance or verification of the goods or services, the 30-day payment period starts after this process has been completed.

The interest rate specified in the regulations for late payment is the European Central Bank, ECB, rate plus seven percentage points. However parties to a contract may, if they wish, agree an alternative interest rate. Compensation may be claimed for the recovery costs of the debt, if such costs arise, and the basis on which this may be done is also laid down in the regulations.

Mr. Sargent: That is easier said than done.

Probation and Welfare Service.

Mr. Carey: Ba mhaith liom buíochas a ghabháil leis an gCeann Comhairle as ucht cead a thabhairt domsa an ábhar seo a thabhairt roimh an Dáil. Since 2001, the Village Project has served the Finglas and Ballymun area by providing assessment services. It was set up under the auspices of the probation and welfare service of the Department of Justice, Equality and Law Reform. The detrimental effects which the proposed change to this service will have on young people in my constituency must be addressed.

As the Minister of State is aware, the Village Project was established in 2001 by the probation and welfare service. It was a pilot project to provide assessments for children between the ages of 12 and 16 years from the Finglas and Ballymun areas who were referred by the courts. It was set up as a response to the identified need for a community-based assessment service that provided an alternative to the residential centres in existence. The project was originally a co-operative venture between the Department of Education and Science and the probation and welfare service and was funded under the children at risk fund until April 2004.

Since its inception, the project has been extremely successful. A total of 84 young people have undergone assessment up to May 2005. To date, 82 young people have completed their

assessments and of this number, a total of 79 have returned to either mainstream schools, alternative educational settings or are in employment. The financial efficacy of the project is apparent when one considers that in 2002, it cost up to €250,000 to detain a young person in a residential placement while it cost €320,000 to assess 20 young people in the Village Project centre.

In April 2004 there was a change in policy and practice. Funding and responsibility for the project were transferred wholly to the Department of Justice, Equality and Law Reform and placed under the auspices of the probation and welfare service. Although the service had availed of the services of the project since 2001, it adopted this new responsibility with a view to the project fulfilling its role under the Children Act 2001. The probation and welfare service has the responsibility of establishing and developing day centres under the Act with a view to conducting assessments with the community of children aged between 16 and 17 who are on remand. It indicated its desire for the Village Project specifically to fulfil this role in this area.

Before I continue, I wish to provide an outline of the referrals to the project. A total of 19 young people attended the Village Project as a consequence of criminal justice matters and five of the 19 are in detention schools or institutions for young offenders. The remainder continue to be under the supervision of the probation and welfare service and most of them maintain some level of contact with the Village Project. All the young people who attended the project because of criminal justice matters are male.

In addition, between 2004 and 2005, five mini-assessments have been conducted on behalf of the probation and welfare service. These consisted of a psycho-educational assessment as well as or instead of an offending risk assessment and were conducted with young people from outside the Dublin 9 and Dublin 11 areas or for whom a full assessment was not required. Ongoing contact with the majority of probation and welfare referrals has been prevalent with many of these young people visiting the project on a weekly basis. Additionally, contact has been maintained with these young people who are in detention via telephone contact and-or visits to either detention schools or young offenders institutions.

Although the probation and welfare service had availed of the services of the project since 2001, it recently adopted the new responsibility under the Children Act. The probation and welfare service has the responsibility of developing and establishing day centres under the Act with a view to conducting assessments of children aged between 16 and 17 years. I am aware that up to 11 of those centres are proposed countrywide.

The implications of the change in direction will have a detrimental effect on the current services provided by the centre. It is now apparent that

for the project to continue while simultaneously meeting the funding obligations of its exclusive funding source, that is, the probation and welfare service, it must change its core objectives and, consequently, the type of service it provides.

Given these new circumstances, the board of the Village Project has had to make the difficult decision no longer to accept new referrals for assessment from the courts from Monday, 20 June. Rather, the project must now focus on the development of its role as a day centre and deliver services purely to the clients of the probation and welfare service. This will mean that young people from 12 to 16 years of age will no longer be able to avail of the service. Educational welfare officers, schools and projects will have nowhere to refer children for comprehensive assessments. The positive changes brought about by this project will not continue to develop and further detention of this younger age group could be the result.

I request the Minister to review the situation and ensure the Village Project can continue to meet the needs of the community in which it operates. As I stated, many 12 to 16 year olds and their families have benefited greatly from the service and it would be a travesty if changes to funding sources dictated that this successful scheme was not allowed to continue into the future. I recognise the need of 16 and 17 year olds will be addressed with these changes but this should not be to the detriment of services for younger people.

There is much concern among education practitioners, in particular, in the area. In the course of correspondence from the chairperson of the project to the chief executive officer of the National Education Welfare Board, it was indicated that the likelihood of alternative assessment arrangements being available in the short term was unlikely. It was suggested, therefore, that the board would engage in consultations with the probation and welfare service to see how a modification of the decision could be made.

Mr. Killeen: Gabhaim buíochas leis an Teachta agus tugaim freagra thar cheann an Aire.

The probation and welfare service operates under the aegis of the Department of Justice, Equality and Law Reform. It has approximately 430 staff and an annual budget of approximately €45 million. It provides assessments on offenders to the courts and is responsible for the proposal and implementation of community sanctions. It also provides a probation service to prisons. The service funds and works in association with 75 voluntary bodies or projects in the provision of relevant services. The objective of the service is to reduce reoffending and protect the public.

The Village Project was established in 2001 as a pilot project to provide assessments for children between the ages of 12 and 16 years referred by

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the courts from the Finglas and Ballymun areas. The project was a co-operative venture between the Department of Education and Science and the probation and welfare service. Initially, it was funded under the children at risk fund in the Department of Education and Science. Following a request from the Department of Education and Science, the Department of Justice, Equality and Law Reform commenced funding the project on 1 January 2004. Since 1 January 2004, 21 males and 12 females have been assessed.

The probation and welfare service has the responsibility of establishing and developing day centres under the Children Act 2001 with a view to conducting assessments of juveniles who are on remand within the community and it has indicated its desire for the project to fulfil this role. It may also provide an assessment service to

referrals from other relevant State and community-based services when resources allow.

The Village Project's board of directors has been considering the implications of this change of direction for a number of months and now accepts that for the viability of the project and to meet funding obligations, it must change its core objectives and, consequently, the type of service it provides. To meet the needs of the probation and welfare service client group and to replicate the requirements of the day centre order as outlined in the Children Act 2001, the Village Project will require some considerable modification. The project is now focusing on the development of its role as a day centre and delivering services to the clients of the probation and welfare service.

The Dáil adjourned at 10.40 p.m. until 10.30 a.m. on Thursday, 30 June 2005.