



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 13 April 2000.

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DÁIL ÉIREANN

Déardaoin, 13 Aibreán 2000.
Thursday, 13 April 2000.

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

Paidir.
Prayer.

Requests to move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: Before the Order of Business I propose to deal with a number of related notices under Standing Order 31 from Deputies Jim Higgins, Gormley and McManus. I will call the Deputies in the order in which they submitted their notices to my office.

Mr. Higgins (Mayo): I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter which requires urgent consideration, namely, the revelations that a judge who was a witness in the recent Nevin murder trial had, at a private court session, approved an *ex parte* application for the transfer of a liquor licence to the person who had been charged with the murder of her husband, had done so without giving the necessary statutory notice to the Garda Síochána and had breached the constitutional undertaking given by him under Article 34.5.1 of the Constitution.

Mr. Gormley: I wish to have the business of the House suspended today under Standing Order 31 to debate the following issue of urgent public importance, namely, the role of Judge Donnchadh Ó Buachalla in the transfer of the Jack White's Inn pub licence into the sole name of Catherine Nevin two months after Mrs. Nevin had been charged with murder.

Ms McManus: I seek the adjournment of the Dáil to discuss the following important matter of public interest requiring urgent attention — the need for the Minister for Justice, Equality and Law Reform to make a full statement on the circumstances of the transfer of the licence for Jack White's Inn public house to Mrs. Catherine Nevin shortly after she had been charged with the murder of her husband, to outline if the Garda Síochána was aware of the application and if the Garda was represented, and the reasons the decision was not appealed by the authorities.

An Ceann Comhairle: Having considered the matters fully, I do not consider them to be contemplated by Standing Order 31. Therefore, I cannot grant leave to move the motions.

Order of Business.

The Taoiseach: It is proposed to take No. 2, Irish Nationality and Citizenship Bill, 1999 [Seanad] — Second Stage; No. 6, Patents (Amendment) Bill, 1999 — Order for Second Stage and Second Stage; and No. 16, motion report of the Oireachtas Joint Committee on European Affairs on EU institutional reform in the context of enlargement, to be taken not later than immediately following the announcement of matters on the adjournment under Standing Order 21 and the order shall not resume thereafter. It is also proposed, notwithstanding anything in Standing Orders, that the proceedings on No. 16, if not previously concluded, shall be brought to a conclusion at 4.45 p.m. and the following arrangements shall apply: the opening speech of the chairperson of the Oireachtas Joint Committee on European Affairs and of the main spokespersons for the Government and the Labour Party, who shall be called upon in that order, shall not exceed ten minutes in each case; the speech of each Member called upon shall not exceed five minutes and Members may share time.

An Ceann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with No. 16 agreed? Agreed.

Mr. Owen: There are legitimate concerns and questions to be asked about the revelations in an article in *Magill* magazine. When will the House be given a full explanation of the circumstances surrounding the transfer of this liquor licence? There appears to be some question as to whether there is a method of transferring a licence from one person to another. It also appears that the law was breached with regard to the requirement for 48 hours notice to be given before hearing a licensing case in the courts.

There are legitimate questions about the Judiciary and the role of the Garda in this matter. When will the Minister come to the House to explain the circumstances surrounding this case? It must be done today. As it is Thursday the House will not sit again until Tuesday and that is too long to let this serious matter fester and, perhaps, compromise the justice system.

An Ceann Comhairle: Before calling Deputy Quinn, it must be pointed out that members of the Judiciary, by virtue of the Constitution, may not be criticised or have their rulings referred to in the House except by way of substantive motion. Members should bear that in mind.

Mr. Owen: On a point of order, I recognise there are certain restrictions on comment we may

[Mrs. Owen.]

make regarding the actions of judges in cases, but we are concerned with a contradiction between what the gardaí and others have said. The Minister for Justice, Equality and Law Reform is responsible for the Garda Síochána and we need him to attend the House to answer questions about this case, as he demanded virtually every day when he was on this side of the House.

An Ceann Comhairle: This matter cannot be dealt with on the Order of Business. I repeat, under the Constitution, Members should be very careful in what they say.

Mr. Quinn: I respect and endorse your ruling, Sir. I do not question any judgment, but I question whether the proper procedures, set out in law by this House, were adhered to. The procedures involve the role and responsibility of the gardaí, for which the Minister for Justice, Equality and Law Reform is responsible. There is an issue of public disquiet here in the light of other recent events. On the Order of Business it is appropriate for the Taoiseach to indicate when the Government will make time available for a statement of accountability to be made to the House by the Minister.

The Taoiseach: I note your ruling, Sir. As I understand them, the allegations concern the exercise by a judge of the District Court of his judicial functions and decisions made by him in that capacity. I understand the judge concerned has issued a statement, so I do not want to jump to conclusions or say anything that might make others jump to conclusions on the basis of what are hotly contested allegations.

I understand that my colleague, the Minister for Justice, Equality and Law Reform, has requested the President of the District Court to investigate the matter and furnish a full report with all possible speed. He has also asked the Garda Commissioner for a report on the matter and he has asked the chief executive of the Courts Service to investigate the matter. On receipt of these reports the matter will be considered further. When the Minister has the reports, perhaps he will make a statement. I will not say anymore on this matter, but as soon as these reports are available, which will not be today, I am sure the Minister will say something further.

Mrs. Owen: I am very concerned that this matter will be allowed to fester until next week. From what the Taoiseach has said, it appears the reports may take three or four days, or longer, to compile. Will the Taoiseach ask the Minister for Justice, Equality and Law Reform to attend the House today and indicate if the terms of the Liquor Licensing Laws were obeyed? That would at least clarify whether the gardaí were given the 48 hours notice, which is required under the law

when any hearing is to be held. We want information today.

An Ceann Comhairle: The Deputy should refrain from criticising a decision of the court.

Mrs. Owen: I want to know if the mechanics of bringing the case to the court were in compliance with the law. I am not talking about the judgment, that will be the subject matter of the report from the President of the District Court. Did the gardaí get sufficient notice to be present in the court? That is the way in which cases are brought to court. If we had a statement on that it would at least prevent the good name of the gardaí from being questioned.

An Ceann Comhairle: We cannot pursue that matter now.

Mr. Quinn: The Taoiseach has missed the point if he believes this matter can be left in abeyance until next week. There is a sense of urgency with regard to the responsibility of the Minister for Justice, Equality and Law Reform and the Garda Síochána. We need to know this afternoon whether, among the many allegations, the gardaí did not appeal this judgment to a higher court on the basis that the person to whom the licence had been transferred was at that time charged with murder. The person responsible to this House is the Minister for Justice, Equality and Law Reform. The questions raised can, in essence, be answered before 3 o'clock this afternoon. If a subsequent statement is necessary next week, so be it, but to suggest, as the Taoiseach has, that reports will be prepared in due time and may be subject to a statement in the House by the Minister is unacceptable. Will the Taoiseach give an undertaking that a progress report will be made to the House by the Minister this afternoon?

The Taoiseach: Early this morning the Minister asked for three separate reports. He cannot say or do anymore until he receives them.

Mrs. Owen: He could telephone the Garda Commissioner.

Mr. Roche: Like Mr. Justice Lynch.

Mrs. Owen: The Deputy should be quiet. These issues are too serious for him to understand. He represents the Wicklow constituency and he should be worried.

Mr. Roche: I am not worried.

An Ceann Comhairle: Allow the Taoiseach to conclude.

The Taoiseach: Based on what you have said, Sir, regarding the separation of powers, which is always an important matter, and on the fact that the allegations concern the exercise by a judge of the District Court of his judicial functions and

decisions made by him in that capacity, procedures must be followed fully. There is little point in the Minister attending the House on the basis of a telephone call. He must get the reports he has requested, at which time he will have no difficulty making a statement, the format of which can be agreed.

An Ceann Comhairle: We must move on. There can be no further discussion. I have ruled on the matter.

Mrs. Owen: I cannot accept what the Taoiseach has said. He does not realise the seriousness of the matter from the point of view of the Garda Síochána and the Judiciary. He should not let the matter fester.

An Ceann Comhairle: The Deputy should resume her seat. I have given ample latitude and have made a ruling. Private Notice Questions have been submitted. If they are appropriate as regards questions on administration they will be——

Mrs. Owen: They will be disallowed in the same way as the matters raised here.

An Ceann Comhairle: The Deputy should not anticipate the decisions of the Ceann Comhairle.

Mrs. Owen: Are you giving guarantees?

An Ceann Comhairle: I am not giving any guarantee. We should move on. I call Deputy Quinn on a separate matter.

Mr. Quinn: Last week I raised with the Chief Whip in the House an outrageous statement made by the Taxing Master — Deputy Rabbitte raised a similar question some weeks previously.

An Ceann Comhairle: There is a parliamentary question on this matter today.

Mr. Quinn: I wish to inform the Taoiseach of the undertaking he gave me yesterday to have the text of the correspondence, or a note to that effect, placed in the Oireachtas Library. According to the Order Paper that has not yet been done. Is he aware of that and when will the relevant documentation be placed in the Oireachtas Library?

The Taoiseach: Yesterday I said they were in the Oireachtas Library and I said I would check that to make sure. On checking I was informed that they were in the Library and that they were being placed in the Deputy's pigeonhole yesterday.

Mr. Quinn: I did not get them.

The Taoiseach: I will check for the third time. I have no argument with the Deputy.

Mr. Quinn: I did not see them.

An Ceann Comhairle: That concludes the Order of Business. Deputy Rabbitte has a quick question on the Order of Business.

Mr. Rabbitte: No, Sir, it is not quick, it is at my normal pace. Will the Taoiseach indicate when the trade union recognition Bill will be introduced to the House?

The Taoiseach: It will be introduced in June.

Mr. Finucane: With regard to the adventure activities safety Bill, which was expected in the middle of this year, will the Taoiseach give an assurance that it will be ready for the summer recess? It is very important safety legislation.

The Taoiseach: The heads of the Bill are not yet available, but I understand it will be ready later this year. It will not be ready by the summer.

Mr. Finucane: Despite a commitment in March 1999 when we introduced our Private Members' Bill, it will not be ready by the summer.

Message from Select Committee.

An Ceann Comhairle: The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the Criminal Justice (United Nations Convention Against Torture) Bill, 1998, and has made amendments thereto.

Irish Nationality and Citizenship Bill, 1999 [Seanad]: Second Stage.

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I move: "That the Bill be now read a Second Time."

When I introduced this Bill in the Seanad on 8 December last, it was at a time when the processes and institutions established by the Good Friday Agreement were beginning to show their potential to bring positive changes and opportunities to the lives of all on this island. The Government had just made the necessary declaration under Article 29.7.3° of the Constitution bringing the new Articles 2 and 3 of the Constitution into effect and a devolved power-sharing government was in place in Northern Ireland demonstrating how diverse and conflicting views can work together in a democratic and accountable forum. While subsequent events may not have developed as we would have wished, there cannot be any doubt that all responsible political leaders, both North and South and in the United Kingdom, remain committed to achieving the aims of the Good Friday Agreement.

The Agreement is a remarkable achievement, expressing positive new relationships for the people of Ireland and mapping a peaceful political path to the future and away from the violence and misery that has blighted so many lives for far too long. I assure the House that the Government

[Mr. O'Donoghue.]

remains committed to overcoming any obstacle on the road to the implementation of the Agreement.

The Bill owes its genesis primarily to the changes to Articles 2 and 3 of the Constitution and the Good Friday Agreement. Existing citizenship law, as contained in the Irish Nationality and Citizenship Act, 1956, was drafted against the backdrop of the former Articles 2 and 3 of the Constitution. It contains a definition of "Ireland" based on the former Article 2 definition and, at section 7, quotes the opening words of the former Article 3. The territorial definition of Ireland is not reproduced in the new Article 2, and the language used in that Article refers to the people of "the island of Ireland, which includes its islands and seas".

In amending the Citizenship Acts, this Bill takes on board that language by providing in section 2 that the expression "the island of Ireland" is to be construed as including its islands and seas, and by making other changes throughout the Citizenship Acts, replacing references to Ireland with references to the island of Ireland or to the State, as appropriate in the context of each occurrence. At a minimum, the new legislation must reflect the letter and substance of these changes to the Constitution. However, the Bill goes beyond mere drafting amendments to reflect the more fundamental changes contained in new Article 2 of the Constitution and the Agreement itself. The new Article 2 of the Constitution states that "[i]t is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland."

The British-Irish Agreement, which itself forms part of the Good Friday Agreement, contains an important provision in relation to citizenship at paragraph (vi) of Article 1 by which the Irish and British Governments recognise:

the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.

To ensure that our citizenship law reflects the new constitutional position and respects the right of those born in Northern Ireland to regard themselves as Irish or British or both, as they so choose, I have not confined myself to making mere drafting changes in the Citizenship Acts. Rather, I have undertaken an extensive re-examination of the law as it relates to Irish citizenship deriving from birth in the island of Ireland to ensure that both those interlocking parameters will be met by our statute law.

The most significant change which has resulted from this is that Irish law will no longer make the overt declaration contained in section 6 of the 1956 Act that "every person born in Ireland is an Irish citizen from birth." Instead, the Bill starts out from the premise that every person born in the island of Ireland is entitled to be an Irish citizen. This entitlement in the new section 6(1) of the 1956 Act inserted by section 3 of the Bill is a new concept in Irish citizenship law. This new concept is dictated by the new Article 2 of the Constitution, and reflects the entitlement and birthright set out there for every person born in the island of Ireland to be "part of the Irish nation". By taking this approach, we ensure respect for the position of those who do not wish to exercise that entitlement. At the same time, those who wish to assert their Irish citizenship are free to do so.

The remaining subsections of the new section 6 go on to deal with the exercise of the entitlement to Irish citizenship arising out of birth on the island of Ireland. Sections 6(2) and 6(3) are essentially evidential provisions. The effect of section 6(2)(a) is that a person born in the island of Ireland who does an act which only an Irish citizen is entitled to do thereby demonstrates that the entitlement to Irish citizenship is being exercised. Such an act might be, for instance, applying for an Irish passport or applying to have one's name entered on the register of electors as eligible to vote in presidential elections. However, the fact that a person born on the island has not done any such act cannot be taken to mean that the person is not an Irish citizen or is a citizen of any other country.

An example I used on Second Stage in the Seanad may help to illustrate how this works. If I am born in Belfast, I am entitled to be an Irish citizen. The new provision says so but does not say definitively whether I am an Irish citizen. If I obtain a UK passport, I am still entitled to be an Irish citizen, and the provision is still silent as to whether I am an Irish citizen. I may or may not be and it is my entitlement to perceive myself as British or Irish or both. I can still apply for an Irish passport and, as soon as I do, the law will recognise that I am exercising my entitlement to be an Irish citizen. Furthermore, if I apply for an Irish passport, all I have to do is to produce the birth certificate which shows that I was born in the island of Ireland, in this example, in Belfast.

This contrasts with the procedural requirement for those born in Northern Ireland under the current section 7(1) of the 1956 Act, a requirement which does not apply to those born in the State. That requirement is that a person born in the North wishing to assert Irish citizenship must either make a declaration of Irish citizenship or else show, usually by producing the birth certificates of parents and grandparents, that that person is an Irish citizen. This anomalous provision, expressed to be "pending the reunification of the national territory", in the words of the former Article 3 of the Constitution, has been regarded

by those in the North who see themselves as Irish citizens as discriminating between them and Irish citizens born in the State. Section 3 gets rid of that procedure as well as the now outdated quotation from the old Article 3.

That the new provision is silent as to whether the entitlement to Irish citizenship is being exercised in the case of any person born in the island of Ireland could be regarded as giving rise to uncertainty as to the citizenship status of any person. A feature of citizenship provisions in many countries throughout the world, and one reflected in a number of international instruments on the subject of nationality and citizenship, is the importance of avoiding situations where a person might be deemed to be stateless. To deal with that concern and reduce the scope for potential uncertainty, the new section 6(3) provides that any person born in the island of Ireland who is not entitled to citizenship of another country is an Irish citizen from birth. That is not to say that a person born in the island of Ireland who has an entitlement to citizenship of another country is not entitled to Irish citizenship. This subsection simply puts the matter out of the realm of uncertainty for those who have no such other entitlement. As with section 6(2), this is primarily an evidential provision.

The current statutory provision — section 6(1) of the 1956 Act — provides, with certain exceptions, that any person born in the island of Ireland is an Irish citizen.

11 o'clock

The new provisions regarding citizenship by birth in the island of Ireland in the proposed section 6 of the 1956 Act will not operate to deprive anyone who, by operation of the 1956 Act as it stands, is already an Irish citizen. However, Article 2 of the Constitution declares the entitlement of everyone born in the island of Ireland, without exception, to be part of the Irish nation. It is necessary for this legislation, therefore, to ensure that the exceptions in the 1956 Act which would be inconsistent with Article 2 are removed, and that is achieved by the new section 6(4). The exceptions at present relate to the children born here of foreign diplomats and to children born to non-national parents in a foreign aircraft or vessel in Irish airspace or waters. Such children are not Irish citizens under current law.

Subsection (4) of the new section 6 provides a means whereby persons born in either of those circumstances can exercise their right to be Irish citizens by making a declaration to that effect, or having it made on their behalf if they are under age.

Where the person born in the island of Ireland has made a declaration of alienage under section 21 of the 1956 Act renouncing Irish citizenship, that person will not, of course, be regarded as an Irish citizen. Even then, however, there remains the constitutional entitlement and birthright to be part of the Irish nation, an entitlement which cannot be renounced. Accordingly, subsection (5) of the new section 6 provides that a person who had made a declaration of alienage can resume Irish

citizenship by making a declaration to that effect. Citizenship in that case dates from the date of the declaration.

The present sections 6 and 7 of the 1956 Act deal with citizenship by birth in Ireland and by descent in an intertwined way. As a matter of drafting style, we have chosen at section 3 of the Bill to separate the two strands of citizenship so that the new section 6 deals with citizenship by birth on the island of Ireland alone, and the new section 7 is a restatement of the existing law on citizenship by descent. One feature of interest in the new section 7 is the clarifying provision at subsection (2) which ensures that the fact that a person born in Ireland may not have done an act demonstrating that the entitlement to Irish citizenship was being taken up does not of itself act to prevent the transmission of Irish citizenship to the next generation.

The new sections 6 and 7 of the 1956 Act at section 3 of the Bill are designed to have effect as on and from 2 December 1999, the day on which the Government marked the coming into full effect of the Good Friday Agreement by making the declaration which brought the new Articles 2 and 3 of the Constitution into effect. The commencement date is spelt out at section 9(3) of the Bill.

The new Articles 2 and 3 dictated that there be consequential changes in the Citizenship Acts. In devising the necessary changes, I took the opportunity to undertake a thorough review of the law on citizenship by birth in the island of Ireland and the fruits of that review are set out at sections 2 and 3 of the Bill. The approach I have taken to that question is inclusive, proactive and considerate of the full spectrum of views in this island, regarding an individual's own identification with one state or another or both.

I have also taken the opportunity provided by the Bill to look more closely at other aspects of the Irish Nationality and Citizenship Acts. In particular, I am proposing substantive changes in relation to the acquisition of Irish citizenship by non-nationals who marry Irish citizens and also to make provisions setting out clearly those periods of residence which qualify for naturalisation purposes. I have also made a number of technical changes which I will detail briefly later.

The current law governing citizenship based on marriage to an Irish citizen is set out in section 8 of the Irish Nationality and Citizenship Act, 1956, as inserted by section 3 of the Irish Nationality and Citizenship Act, 1986. The original provision in the Act of 1956 permitted a woman who married an Irishman other than one who was a naturalised Irish citizen to obtain Irish citizenship even before the marriage took place by making a declaration. This facility did not apply to male non-nationals who married Irish women. The amendment contained in the Act of 1986, which represents the law as it now stands, removed the sex discrimination by enabling husbands as well as wives of Irish citizens other than those who were naturalised to make declarations of post-

[Mr. O'Donoghue.]

nuptial citizenship. A number of restrictions were also introduced at that time in an effort to limit the scope for abuse of this process. First, a declaration cannot be made until three years has elapsed since the marriage. Second, it is necessary for the marriage to be lawful and subsisting; and finally, the parties must be living together as husband and wife, with an affidavit provided by the Irish citizen to that effect.

Unfortunately, the 1986 Act provisions still leave considerable scope for abuses. These abuses involve marriages undertaken for the sole purpose of obtaining an Irish passport where in many cases the parties may not have met until the day of the ceremony. It is believed that many of these sham ceremonies have criminal involvement, are well planned with considerable sums of money changing hands and sometimes involve the exploitation of Irish citizens in vulnerable situations.

An Irish passport is a valuable acquisition which gives access not only to the territory and economy of Ireland but also to that of the European Union. There is considerable incentive to obtain access to the opportunities available here and in Europe by fair means or foul. That there is abuse is not in doubt and is confirmed by the experiences of our embassies abroad which handled many of these applications. The Bill puts forward a fair and appropriate alternative to post-nuptial declarations of citizenship which it is intended will greatly curtail the scope for abuse.

My examination of existing citizenship law in this and other jurisdictions has led me to the view, shared by the Government, that we should move to a system which involves a period of residence by the spouse on the island of Ireland. Such a system is in line with most of our European neighbours, for example, Greece, Denmark and Estonia, who have a requirement of residence for a minimum period as an absolute precondition to naturalisation, whether the applicant for naturalisation is married to a national of the country, and also apply other conditions, such as good character, intention to remain in the State and language competence.

Canada is a common law jurisdiction with a similar absolute requirement. Some countries have such absolute requirements, but with a shorter minimum residence period for spouses of nationals than for other applicants for naturalisation, for example France, Germany and the United Kingdom. The USA is a common law jurisdiction with similar more favourable residence requirements for spouses. A small number of European states, namely, Austria, Belgium and Italy permits the naturalisation of a spouse after a certain period of marriage without regard to residence in the state in question, but reduce the marriage period required if the spouse is resident in the state.

Ireland is one of a small number of Council of Europe states, together with Turkey, Cyprus and Portugal, where the only consideration for natu-

ralisation of a spouse is marriage for a greater or lesser period. Accordingly, sections 4 and 5 of the Bill repeal the provisions dealing with post-nuptial declarations of citizenship and replace them with a special system of naturalisation for the non-national spouses of Irish citizens. This system is modelled on the normal requirements for naturalisation, which are set out at section 15 of the 1956 Act, but has special, more favourable residence conditions. It also includes provisions adapted from the present post-nuptial citizenship arrangements.

The normal naturalisation process requires residence in the State for a total of five out of the previous nine years, of which the most recent year's residence must be continuous; the applicant must also have an intention to continue to reside in the State after naturalisation. The revised system will, instead, require the shorter residence period of three out of the previous five years, once again with continuous residence during the most recent year, and that period of residence is not confined to the State but can be anywhere in the island of Ireland. An applicant spouse must have the intention to continue to reside in the island of Ireland after naturalisation.

This revised system will be available to a non-national spouse who is in a valid subsisting marriage to an Irish citizen for at least three years where the couple are living together as husband and wife as applies in the present system of post-nuptial declarations of marriage. The usual conditions for naturalisation regarding age, good conduct and so forth will apply in these cases as they do to other applicants for naturalisation. There is discretion to waive the residence and duration of marriage conditions in special circumstances where the liberty or bodily integrity of the non-national spouse would otherwise be at risk.

I might add that for non-national spouses who have married Irish citizens in the recent past or who do so between now and the passing of this Bill, there is a built-in three year period of grace at section 4(2), within which post-nuptial declarations of citizenship can continue to be made.

Where abuses are taking place it is our duty to eliminate, as far as possible, the potential for those abuses. My concern is to ensure that Irish citizenship is not demeaned by people who would seek to abuse the post-nuptial declaration process to acquire an Irish passport. At the same time, I wish to have in place a system which is fair to non-national spouses and offers them an appropriate method of acquiring Irish citizenship. By treating spouses of Irish nationals more favourably within the naturalisation process, we recognise their special position while protecting the integrity of our citizenship laws. I believe that my proposals are balanced and fair and are in line with similar provisions in the law of many of our European neighbours and of other democratic jurisdictions throughout the world.

I have also taken the opportunity presented by this Bill to clarify what periods of residence in the State are reckonable for naturalisation purposes.

It has been the general practice of successive Ministers for Justice, when considering the question of compliance with the residence requirement in the context of individual applications for naturalisation, to leave out of the reckoning periods of residence in the State which are undocumented and thus, technically, illegal or where the permission given to the applicant to remain in the State is for a temporary purpose. Exceptions to this general rule have, from time to time, been made in particular cases. The Citizenship Acts do not define or qualify the concept of residence in the State, and this has led to uncertainty. I am, in section 6 of the Bill, clarifying the law in this area so that applicants for naturalisation will have advance knowledge of what considerations are going to be taken into account when their naturalisation applications are being considered.

The effect of this new provision is that in respect of an application for naturalisation from a national of a European economic area state, which includes EU member states and Norway, Liechtenstein and Iceland, no period will reckon for naturalisation purposes where for that period the person did not hold a residence permit or residence document issued under regulations governing their rights of residence in the State. The position for non-European economic area nationals is that any period of residence where the person was supposed to have permission to remain, but did not have such permission, will not count towards meeting the requirements of residence in the State.

In addition, periods of permission to remain given for certain temporary purposes will not reckon for naturalisation purposes. These periods are for study, including a course of study which involves an element of work experience, and temporary permission to enter and stay in the State while awaiting a decision on an asylum claim.

It is right that a person seeking naturalisation should have his or her period of residence calculated on the basis of properly documented permission to remain and that periods of temporary stay should not qualify for this purpose. Exceptions can continue to be made by the Minister through the use of the discretion given to him or her to waive the conditions for naturalisation, or any of them, already provided in section 16 of the 1956 Act, as inserted by the 1986 Act.

Section 7 makes technical changes to the provisions governing the maintenance of foreign births entry books and the foreign births register. At present, all diplomatic and consular missions are required to maintain a foreign births entry book. There is scope for error in the very small consular posts which are rarely called upon to make such entries, sometimes years apart. For practical reasons, it is simpler that in such cases the entries can be made directly in the central foreign births register maintained by the Department of Foreign Affairs. The proposal is that, in the interests of efficiency, the Minister for Foreign Affairs will have the flexibility to designate which posts should maintain such books. In

addition, the section provides for the making of regulations permitting the correction or deletion of erroneous entries in the foreign births entry books or in the register, with provisions for advance notice to appropriate persons of proposed changes.

Various other drafting changes are being made throughout the Citizenship Acts, including the change from the term "alien" to the more modern expression "non-national". This is the term also used in the Immigration Act, 1999.

The Bill is detailed and complex legislation which fundamentally restates the basis of citizenship by birth on the island of Ireland in line with new Article 2 of the Constitution. Any person born anywhere on the island of Ireland is entitled to be an Irish citizen. As far as any person born in the North of Ireland is concerned, the Bill enables him or her to exercise that entitlement as a matter of personal choice, whether that person also chooses to be a citizen of the United Kingdom or of any other country by whose laws he or she is a citizen.

This Bill brings about a generous and encompassing change which will serve to promote good relations among the peoples of these islands as we continue to work for a peaceful resolution of our differences. The further changes I am proposing to the Citizenship Acts will protect our citizenship from abuse and maintain its dignity and respect. I commend the Bill to the House.

Mr. Flanagan: The Fine Gael Party will be supporting this legislation which, as the Minister has said, is a direct consequence of the Good Friday Agreement. However, the Minister has also indicated that he availed of the opportunity to go considerably further than the statement of intent contained in the agreement with reference to the deletion of Articles 2 and 3 of the Constitution. In view of what the Minister has said, I am somewhat concerned with sections 5 and 6 of the Bill. My concern arises primarily from a suspicion that the Minister has not availed of the opportunity or, indeed, his duty to consult widely with groups and individuals concerning these changes. It may have been less than wise of him to introduce this legislation under the guise of its being as a direct consequence of the Good Friday Agreement, while at the same time availing of the opportunity, rather surreptitiously, to introduce widespread reforms to our citizenship laws.

The Good Friday Agreement and the referendums North and South which followed, resulting in changes to the Irish Constitution and legislative changes in Britain, confirm a profound shift in thinking in both Ireland and Britain. What is being affirmed under the new dispensation of the Good Friday Agreement is, in essence, a thesis which has been articulated over many years by John Hume. That thesis states quite simply that it is people who count, not territory.

The Good Friday Agreement acknowledges the right of the people of Northern Ireland to choose their own identity and to decide their own

[Mr. Flanagan.]

future. It recognises the reality of both identities in Northern Ireland, the Irish and British identities. The process of accommodation on the island of Ireland is an ongoing project. Nationalist Ireland has still a long way to travel before we are in a position to celebrate the diversity of our island. The British Unionist tradition, which is the majority tradition within Northern Ireland, has an even longer journey to travel before it embraces wholeheartedly Nationalist Ireland in its midst.

The Good Friday Agreement recognises the birthright of the people of Northern Ireland to be accepted as Irish, British or both. It affirms this right in perpetuity, regardless of the future status of Northern Ireland. The Agreement also gives the opportunity for people's identity to evolve, and this does happen. When this State was founded there were many people, living in what is now the Republic of Ireland, who were strongly Unionist and British in outlook. As the decades elapsed, however, their sense of identity with the Irish State began to grow and develop to the extent that their primary identity is now Irish.

Many Irish people who emigrated to the United States, Canada, Australia and New Zealand took the citizenship of those countries and developed a strong sense of loyalty to their new homes, while at the same time maintaining an Irish identity. Many thousands of Irish people who emigrated to Britain over the years also became fully integrated into British life.

Even the identity of Irish people in Ireland itself has evolved considerably in recent years. We have a very strong sense of European identity which is even reflected in the passport we carry. It is quite possible that in years to come our primary identity will be European. European citizenship may be defined at European Union level and questions of nationality may well become somewhat irrelevant.

Acceptance of that identity is not fixed and can be liberating. The Good Friday Agreement also accepts the reality that a person can feel both Irish and British. Indeed, Edward Carson, the great Ulster Unionist leader, had a very strong sense of Irish identity and there are many Ulster Unionists who have this strong sense of Irishness. The long campaign of the IRA, which was directed in many instances against individual Unionists, certainly weakened the Irish identity of the Unionist people.

If peace can be permanently secured and political institutions restored leading onto normal everyday politics, the dual Irish and British identity of Northern Ireland can be a source of great strength. In a peaceful situation people will feel free to explore and express the full range of their identities. Peace will also allow the people of Northern Ireland to have control over how their identity will change and evolve over time. The two Governments and all political parties must continue to encourage everybody involved to redouble their efforts to solve the current impasse. This legislation recognises the right to

Irish citizenship by reason of birth and descent. It also introduces new rules regarding the acquisition of citizenship through marriage or naturalisation. The Minister would have been better served to confine the Bill to issues arising from the Good Friday Agreement and left the other issues to a more comprehensive Bill dealing with the more detailed and complex issues of citizenship. The Minister recognises the complexity involved. I am concerned at the absence of public debate on this issue prior to the publication of the Bill.

As regards the right to citizenship, this Bill treats all people born on the island of Ireland equally. It does not force Irish citizenship on anybody. This is a major advance from the 1956 legislation which boldly states in section 6 that every person born in Ireland is an Irish citizen from birth. This Bill makes no claim on anybody's allegiance. It gives people the freedom to make that choice for themselves. It has the added benefit that unlike previous legislation and regulations, an application from a person born anywhere on the island will be treated exactly the same. This alone is of symbolic significance to the Nationalist people of Northern Ireland.

I welcome the deletion of the word "alien" from our legislation. Such a term was offensive. The Minister selected as a replacement the term "non-national". I am not sure how great an improvement that is. It is improper to define people in a negative way. The term "non-national" refers to something the person is not, which is extraordinary. In this regard the Minister referred to the immigration legislation of 1999 but a precedent does not necessarily mean something is proper or correct. The use of the term "non-national" is insensitive and unnecessary. Could the Minister not use the term "applicant" which has a more positive and affirming tone, rather than the term "non-national" which implies a less than full person? We will probably have more discourse on that on Committee Stage.

Under sections 4 and 5, the Minister proposes profound changes in the law governing the acquisition of citizenship on marriage and is introducing new procedures and new regulations governing the naturalisation of spouses of Irish citizens. I am aware that the Minister is concerned about the abuse of the present rules and regulations. He mentioned his concern this morning and I share his concern on the issue of sham marriages in particular. What the Minister is proposing, however, is not a tightening of existing regulations but a fundamental change to the current system. This is being done without any consultation with the people who will be most effected by this — our emigrant communities. In addition to changing existing regulations in a fundamental way, the Minister proposes to introduce rigorous residential criteria for the spouses of Irish citizens. Has the Minister considered for instance the impact this may have on the ability of Irish based businesses to attract highly skilled emigrants who are married to spouses who hap-

pen to hold different citizenship? Has he consulted with the IDA on this aspect or with the Minister for Enterprise, Trade and Employment who has direct political responsibility in this area and has talked of attracting 200,000 workers to Ireland, many of whom will be returning emigrants?

The Minister for Enterprise, Trade and Employment, officials from her Department, State agencies, the social partners and economists have referred to the need to attract emigrants who would return with their expertise to further bolster our economic success. Many of these returned emigrants, who during their sojourn abroad married persons whom the Minister would describe as non-nationals, could face problems with residency if their spouses wish to obtain Irish citizenship.

Since the foundation of the State millions of people have gone abroad. Other countries, particularly the US, Canada, Australia, New Zealand and Britain have been extremely generous to Irish people as regards the granting of citizenship. We, on the other hand, have been secretive and mean-minded in granting applications for citizenship. This policy needs to change but the Minister has not done that in this legislation. The language in section 5 clearly exposes existing attitudes. The granting of naturalisation is still "at the absolute discretion of the Minister". The Minister and his Department are still colonised by remnants of British colonial and legislative thinking, using, in effect, the Irish version of the royal prerogative — the absolute discretion of the Minister. The Minister should accept that we have been living for some time in a republic. Phrases such as "the absolute discretion of the Minister" should have no place in the legislation of a republic.

The people in the aliens section of the Department of Justice, Equality and Law Reform — the quasi-secret society — is a very difficult group of people with whom to engage. Reasons for the refusal of applications are rarely, if ever, forthcoming. Progress reports on files or applications are not dealt with in a transparent way, which one should expect from a Department. The office is open for business at inappropriate hours having regard to the recent liberalisation of hours in terms of flexitime and more consumer friendly office hours. The atmosphere and physical decor of the aliens section do not make it user or consumer friendly. That should change. I have discussed this with the Minister on previous occasions. I know he is aware of the issue and I look forward to improved progress on it.

It is fundamental that the procedures for granting citizenship should be open, transparent and accountable. There should be an effective appeals mechanism and people should at all times be given reasons for refusals of applications. They should be given reasons when progress on files is minimal or negligible, which does not happen at present. The current procedures are not equitable and I would go further and say that they do not correspond to the principles of natural justice.

This is another area we will have to return to on Committee Stage.

Fine Gael supports the Bill at this stage, although I repeat my criticism of the Minister regarding the absence of discussion with interested groups on this issue. What discussions have taken place between the Department of Justice, Equality and Law Reform and the Department of Enterprise, Trade and Employment? What discussions took place with our emigrant groups? It is somewhat unfair to bring in legislation which is a direct consequence of the Good Friday Agreement but to also avail of the opportunity, to quote the Minister, to bring in profound changes to the citizenship regulations. Doing so without the public debate one might expect is somewhat unfair. I hope the Minister can contradict some of the points I have made about the lack of discussion, but I do not recall hearing of him engaging in the type of discussion I feel is essential in this regard.

Ms O'Sullivan: The Labour Party also accepts the main content of this Bill, which arises from the Good Friday Agreement, but we have serious concerns about the extra material the Minister has added to the Bill. My colleague, Senator Ryan, has already indicated our serious concerns about this aspect of the Bill and I will return to this matter later. This Bill is long awaited and is a result of our legislative obligations under the Good Friday Agreement. Although the Agreement has been in the public domain for almost two years it has taken the Government a long time to bring this Bill before the House. Nonetheless, it is welcome and I hope it proceeds through the Dáil as quickly as it passed through the Seanad.

My party and I expected more of a sense of urgency regarding the legislative measures under the Good Friday Agreement. There has been a lot of procrastination in bringing legislation before the House — not only this Bill but to the Human Rights Commission Bill, which has not yet been enacted. I am aware it is to go before the Select Committee on Justice, Equality, Defence and Women's Rights next week, but the Easter recess is looming and one presumes we will be waiting some months before that Bill is enacted. It is a crucial part of our obligations under the Good Friday Agreement. If the British Government could fulfill its legislative obligations within 12 months of publication of the Agreement then it seems we are taking a long time to fulfill our obligations. Why has there been such a long delay in bringing these legislative measures before the Oireachtas?

The majority of people favour movement on the Good Friday Agreement and this was indicated in the overwhelming vote in its favour, particularly on this side of the Border, in June 1998. The legislators and the Government have an obligation and responsibility to bring in the legislative measures required by the Agreement as soon as is practicable, so this Bill is welcome.

[Ms O'Sullivan.]

Almost two years ago the Irish people voted by an overwhelming majority to replace Articles 2 and 3 of the Constitution and that majority represented the will of the Irish people to create a society where tolerance would be a core value. I was not present for Nelson Mandela's speech last night, but those who were there were impressed by his presence and his speech. The latter was based on his absolute belief in the importance of dialogue, of listening to the other point of view and of examining one's own point of view. One must look to one's own position and how that must incorporate an understanding of others.

Perhaps we need to re-examine the lessons of the South African experience. We seem to be in the doldrums regarding our ability to move forward and embrace different traditions within the concept of Irishness. In debating this Bill and the Human Rights Commission Bill I hope we take the opportunity to embrace the concept of respect for others. We debated this matter fully at the time of the Good Friday Agreement, but perhaps it should now be revisited. I hope Nelson Mandela's visit to Ireland will be the spark that makes us embrace the contents of the Good Friday Agreement and that we can find a way past the current impasse.

The new Articles 2 and 3 as well as the new British measures bring us back to these concepts. It is important to have enough confidence in our own identity to respect the identity of others — Deputy Flanagan referred to this also. We need to think about what our identity is and not just take it for granted. These changes offer us that opportunity. The fact that those in the North can be British, Irish or both is one that invites people to examine their sense of themselves, not just to see themselves in one narrow tradition but as part of something bigger than either tradition.

We should look at some of the aspects of Irishness of which we are proud. We have developed some of them better in an atmosphere of freedom than in one of rigidity and coercion, which was probably the way in the past. For example, many people who went through the school system in the past developed a dislike of the Irish language because it was forced on them. Now, with the *Gaelscoileanna* and *naíonraí*, and there is a more open embracing of the language, which has helped it to develop positively. One could say the same about our music and dance which have been embraced throughout the world. We have also incorporated other traditions in the somewhat rigid traditions of the past, for example, through the world music centre in the University of Limerick which integrates Irish music with world music. These are examples of how being more open regarding our national identity lead to new responsibilities and possibilities. These issues are also arising in the deliberations of the constitutional review group which is also examining the concept of citizenship.

We must examine what being a citizen entails and the rights and responsibilities it brings with it. The constitutional review group is looking at the broadening of the right to participate fully in the economic, social and cultural life of our country. I attended the opening of a Centre for Independent Living conference this morning where the concept of the right to citizenship of all our people will also be discussed. We need to make changes to incorporate this concept, which is probably broader than this Bill deals with. Nevertheless, these issues are important in examining Irish citizenship.

We must also examine the creation of a more tolerant society in the context of this legislation. While the genesis of this Bill is the necessity to create more tolerance in communities in the North, the reality is that the need for tolerance of difference has become greater throughout this island. It is worrying that racism has reared its ugly head in Irish society. It is crucial that we make every effort to create a pluralist society with tolerance of different cultures and traditions. If that was the objective of this Bill, I would be happy to accept it. However, unfortunately this Bill contains some weaknesses which must be addressed.

My Seanad colleague, Senator Ryan, cogently argued for a change in the Bill to allow spouses of Irish citizens the right to citizenship where couples have been married for a minimum of three years. At present, a non-national married to an Irish citizen is allowed the right to citizenship of this State once they fulfil the criterion of being married for three years. There is no discretion and this procedure is transparent and simple. However, this Bill introduces new complexities for non-nationals married to Irish nationals who are seeking citizenship. The Minister for Justice, Equality and Law Reform is given complete discretion to decide whether a non-national spouse can obtain citizenship. Looking at the record of processing applications for asylum, I am not convinced this discretionary responsibility should be endowed on the Minister.

We live in an economy where skills are important. Hundreds of thousands of pounds are being invested in skills fairs and advertisements to lure Irish emigrants home to fill skilled job vacancies. This Bill fails to recognise that many of these people whom we exported with some relief in the 1980s when jobs were scarce, have met and married non-EU nationals. If this Bill is passed in its present form, will the Minister challenge these people when they enter the country? Will he go to Dublin, Shannon or Cork Airports to decide which married couples are given citizenship? The inclusion of this section is wrong. It undermines marriage where a non-EU national is involved. The Bill creates a situation where a couple considering marriage will be uncertain whether they will be allowed to live in Ireland or whether the non-national spouse will be able to obtain citizenship. This makes a mockery of our attempts to

lure Irish emigrants home, especially those who have married non-nationals.

Sometimes we are a little precious about our notions of citizenship and nationality. When it comes to awarding visas and permits, we operate an antiquated system. I agree with Deputy Flanagan that we need to more open about why people are refused visas. This is in the interest of everyone involved, particularly the person concerned. Last December, my party Leader, Deputy Quinn, raised the case of an Algerian born Irish citizen, living here for 23 years, who was unable to secure a holiday visa for his mother. She had no intention of extending her stay beyond a holiday; she only wanted to visit her son, his wife and their new born baby. Her application for a visa was made in good faith, following all the appropriate procedures. The initial point blank refusal to grant her a holiday visa was inexplicable. I am happy to say that the woman in question, Mrs. Boulmeth, is now holidaying in Ireland. The Department of Justice, Equality and Law Reform reviewed the case, thanks to the pressure applied by my party Leader and the undertaking he gave that she would return to Algeria.

The Boulmeth family should never have encountered such an obstacle. Mr. Boulmeth should not have been forced to consult his public representative or go on the national airwaves to express his anger at the refusal of a visa to his mother. I expect that parents of American born Irish citizens would not be subjected to the same treatment if they applied for a holiday visa to see their new born grandchild. This was not an isolated case. The Minister is aware that an increasing number of people have gained citizenship because they offer skills essential to this economy but are unable to secure citizenship for their spouses and children. As Deputy Flanagan asked, does the Government intend to look at this before it pursues the plans outlined by the Tánaiste and the Minister for Enterprise, Trade and Employment, Deputy Harney, to bring 2,000 people from abroad to fill job vacancies?

I hope the Minister will accept the points raised by Senator Ryan, Deputy Flanagan and me. He is afraid people will use all kinds of ruses to get into Ireland. Surely the Minister can see he is also excluding genuine couples who may be denied a right which should be given freely and supportively. I ask the Minister to look at this issue. He outlined the models available to us from other countries. It seems he is choosing the most restrictive model, both within and outside the EU. This Bill will exclude married couples who took their vows in good faith and who are not trying to get around the system. I ask the Minister not to throw the baby out with the bath water and to ensure that genuinely married couples are not restricted by this legislation. This is important in the context of our past, when so many Irish people emigrated from necessity. They settled in the countries where they found work and integrated. Some of them have married and want to return and they should not have undue restric-

tions placed upon them by this legislation. I support Deputy Flanagan regarding consultation, particularly with organisations abroad representing Irish people who may now be considering returning because of our economic circumstances.

When does the Minister expect this legislation, including the Human Rights Bill, which is due to come before the Justice, Equality, Defence and Womens' Rights Committee next week, will be passed? We obviously want to ensure that our obligations under the Good Friday Agreement are fulfilled in time. It is important that we indicate our support of the process and the efforts to overcome the difficulties in its progress.

We must revitalise our commitment, on both sides of the Border and in Britain, to recognising parity of esteem, which is a well worn phrase, and the fact that one can be a citizen of Britain or Ireland or both, as the wording in the British section of the Agreement states. I hope we will embrace a society which is not narrow in its outlook and which embraces concepts of citizenship which include many different kinds of people. This Bill gives us the opportunity to open this debate in a positive way. I hope to contribute in a positive way to moving the process forward in Northern Ireland.

Mr. C. Lenihan: I welcome the Bill, which is further evidence, if evidence is required, to all people on this island, particularly the parties in the North, of the continuing good faith and confidence of the Republic in regard to the Good Friday Agreement signed by the Taoiseach, the Prime Minister Mr. Blair and the participant political parties in the North. The passage of the Bill through the House, carefully stewarded by my colleague, the Minister, Deputy O'Donoghue, is further evidence that this Republic is foursquare behind the Good Friday Agreement and the process that was ushered in by the initiation of the Hume-Adams dialogue, the groundbreaking first ceasefire and the subsequent ceasefires, most notably the one that was restored within a month of Fianna Fáil returning to Government, which had collapsed during a previous Government.

The Bill underlines the sheer economic and social confidence of this State, due to our successful economy and greater integration into a European polity. We are also developing a confidence about our nationality, which is second to none. We are ready, willing and able to share and be inclusive in our definition of nationality and citizenship. That is what the Bill is about. It is an act of good faith by the Republic and all parties in the House to implement the Good Friday Agreement, regardless of the division and lack of progress clearly evident by political parties in the North. It sends a very powerful signal to all involved that the Republic, the Government and, I hope, the Members opposite, share a common determination to push ahead with the implementation of those aspects of the Good Friday Agreement that can be implemented without the inclus-

[Mr. C. Lenihan.]
ive cross-party Executive and Assembly in place in the North.

Mr. Flanagan: The Deputy need not have any doubt about the Members opposite.

Mr. C. Lenihan: I have always held the view, which is not particularly fashionable, that we can and must pursue peace, politics and public service on the entire island, even if there is no Executive in the short or mid-term. If we cannot get an Executive and Assembly working in an appropriate manner, as required under the Good Friday Agreement, in the foreseeable future, the two sovereign Governments have certain obligations.

Let us remember the Government being established in the Six Counties under the Agreement is not sovereign in the true sense, in the way the British and Irish Governments are answerable and accountable to a sovereign Parliament. What is being established in the North, in terms of the Assembly and the Executive, is a slightly constrained form of Government which reflects the dysfunction at the heart of the putative democracy there. Let us keep those essentials to the forefront of our minds.

The two Governments must act and lead the way, in terms of the peace process. They must implement all aspects of the Agreement, irrespective of the failure to agree among the parties in the North. That is the obligation on the two Governments. I am glad to say we are taking up that obligation on this side of the House, in terms of the hard, practical implementation of various aspects of that Agreement.

It is important to emphasise this is not a plan B if the Good Friday Agreement fails and we cannot get the Executive up and running, which is how it is often depicted or characterised. This is plan A. The people of Ireland, North and South, participated in the most democratic vote ever carried out on this island on the vexed issue of whether we wish to be united and whether Nationalists and republicans want to be reconciled with Unionists and loyalists. That was the first time a formal ballot was held on the island of Ireland to determine the feelings, thoughts and beliefs of the Irish people, both Nationalist and Unionist, on their future relationship, which is inextricably bound up with each other's identities. The Governments are not reverting to a plan B if they continue to implement the Good Friday Agreement but are following plan A. It is legally and constitutionally obligatory on them to do so.

As Mr. Justice Walsh said in regard to Articles 2 and 3, the Government is under a constitutional imperative to pursue the terms of the Good Friday Agreement fully and in the most pragmatic and speedy way possible. Mr. Justice Walsh said the Government was under a constitutional imperative, in relation to Articles 2 and 3, to pursue Irish unity. It is a cornerstone of policy and a fundamental building block of our Constitution

that we, as a Republic, aspire to and work towards the unity we all desire.

We had a very difficult debate in this House and in the country in relation to the changes we undertook to make to Articles 2 and 3. They became a type of holy writ, for some people, that pointed the way to some mystical future unity. I am not sure whether the Articles had that effect. However, I am sure the new, amended version is, in some way, stronger and more reassuring. It underlines, as does this Bill, the concept of nationality being based, not on territorial concepts but on the concept of the people. The Latin term is *respublica*, which means "matters public". A republic is not a republic if it defines itself as a nation which has nothing to do with the people. I think it was James Connolly who used the marvellous phrase, "Ireland without its people means nothing to me". He was utterly correct in that regard.

The detail of the Bill fleshes out the huge and important impulse that lay behind the signing of the Good Friday Agreement. We must put the people of Ireland first, rather than territory or ideology. I described this loosely as combating the rival ideologies of Nationalism and Unionism. We should put those aside and put the people first. It was a great act of faith by the Irish people to agree to the changes to Articles 2 and 3. However, I am reassured by the fact that the Preamble, which sets out clearly the territorial scope and extent of the Irish nation, was not amended. The territorial aspect, therefore, has not been fully removed in that sense.

The Minister has taken the opportunity to include this more wide-ranging and inclusive definition of Irish citizenship in the Bill. It does not require people born in the North to make a formal declaration that they wish to be Irish citizens as they are automatically granted the right. It is merely a question of whether they want to exercise that right. That is how it should be.

The Minister, despite the exhortation from Deputy O'Sullivan, is correct to tighten up the issue of spouses not having an automatic right to Irish citizenship if they are non-nationals living abroad. It is sensible to have some level of residency requirement before extending citizenship to a non-national. It would be lovely to live in an ideal world. Deputy O'Sullivan painted a wonderful utopian picture of a world where we could extend citizenship to almost everybody—

Ms O'Sullivan: That is not true.

Mr. C. Lenihan: —a world of such inclusiveness and pluralism that we could open our doors to every refugee and non-national who wished to live here.

Ms O'Sullivan: That is a total distortion of what I said, a Leas-Cheann Comhairle.

Mr. C. Lenihan: That undercurrent, is evident in much of the left wing pronouncements. There is that underlying philosophy and idea. It is a liberal idea and there is no point pretending it is not. It is a liberal notion and in many ways should be applauded were it not so naive. It assumes naively that Ireland is big enough to include everyone and because historically the Irish have had to emigrate we should open up our doors. That is the notion which underlines—

Ms O'Sullivan: Deputy Lenihan obviously was not listening to me.

An Leas-Cheann Comhairle: Deputy O'Sullivan, allow Deputy Lenihan to continue without interruption.

Mr. C. Lenihan: I do not mind being interrupted, a Leas-Cheann Comhairle, or indeed taking points of information or points of order. If Deputy O'Sullivan wishes to do that using the proper procedures of the House, I would be delighted to hear any interjections from her quarter.

We cannot be that naive. We must live in the real world. I think it was the master of the Rotunda who last year expressed significant surprise and concern that a significant number of late-term pregnant women are making the journey to Ireland by aeroplane or other means to become Irish citizens or, at least, to have citizenship conferred on the infant children who are born.

Mr. Flanagan: Airlines have regulations about that.

Mr. C. Lenihan: They may have regulations but the best airline or regulations cannot prevent somebody who is determined to break them.

Mr. Flanagan: This is the Deputy Callely wing of Fianna Fáil.

Mr. C. Lenihan: Unfortunately there is nothing which can be done about that because the Supreme Court has ruled that anybody born here automatically has a right to citizenship. There is no intention of changing that, but it is right to place a three year requirement of residence on a non-national. That is only proper and sensible. The Minister is not going out on a limb on this issue, or on his steadfast policies regarding people who seek political asylum here and how we should structure the welcoming of those people and the processing of their applications. There is of course a do-gooder tendency in Ireland which says that we should open the doors and bring in all of them. It is a wonderful thought but it is not particularly realistic in our circumstances.

However, I take seriously what Deputy O'Sullivan stated and she is correct in this regard. I do not want to sound too harsh or critical about her thinking, but she is right to warn, in the context of this debate—

Ms O'Sullivan: On a point of information, a Leas-Cheann Comhairle, Deputy Lenihan is suggesting that I said something which I did not say. This broad-sweeping statement about what I said is not in accordance with what I actually said.

An Leas-Cheann Comhairle: Deputy O'Sullivan, you have corrected the record. Therefore, Deputy Lenihan may continue.

Mr. C. Lenihan: If I am building too much on Deputy O'Sullivan's contribution, I ask her to forgive me. If I have misinterpreted Deputy O'Sullivan, I truly apologise but I do not think I have misinterpreted her or, indeed, her party's policies. I do not believe I have misinterpreted the sharp criticism which has come from that side of the House regarding Deputy O'Donoghue's policies on refugee issues, asylum seekers and economic migrants who come here. I do not think I have misinterpreted that they tend towards the overgenerous and the over-inclusive on this issue. However, perhaps I am wrong. Perhaps there has been a change. This is not surprising as the Labour Party often engages in U-turns when it rejects previously ideologically laden policies in favour of new policies. It is quite common for that party to change its policies within a week.

Ms O'Sullivan: I must protest at the content of Deputy Lenihan's speech which has nothing to do with anything I said.

Mr. C. Lenihan: It is quite possible that, unknown to me, the Labour Party has again changed its policy and is perhaps now embracing the policies being enunciated by Deputy O'Donoghue on refugees and other issues, but I suspect not. I suspect it is still holding to the same old story.

Ms O'Sullivan: With respect, that has more to do with Fianna Fáil.

An Leas-Cheann Comhairle: Deputy O'Sullivan, I ask you not to interrupt the Deputy.

Mr. C. Lenihan: I do not believe that the policies have changed. They involve the same opportunism as last week.

Ms O'Sullivan: What are Fianna Fáil policies? Are they the same as those of the Minister and the Deputy?

Mr. C. Lenihan: Deputy O'Sullivan was correct to warn about statements or accounts on this issue which tend towards encouraging a public atmosphere of racism directed at vulnerable people who come here seeking to gain access and derive a livelihood for themselves in the most vulnerable and difficult circumstances. It is important that people in this House do not abuse the issue of citizenship and nationality and that we do not regressively go down the road of other European countries, which have strong policies.

[Mr. C. Lenihan.]

It is a remarkable tribute to the people who serve in this House and the party political system which is so often derided outside this House that there is no party that is represented in this House or seeking votes in this Republic which is seeking support nakedly on the grounds of racist sentiment. This is not the case in every other European democracy and that is a sad reality of European life. In almost every country there are parties which openly espouse racist policies on this vexed issue, yet in Ireland no party has advocated that as part of its policies. In that sense we are happily outside the European mainstream. That is a great tribute to the responsible leadership on this issue on all sides of the House.

However, I am worried that in recent weeks and months there has been a regrettable tendency to dramatically turn around this debate on the refugee issue and it should be stopped. As parliamentarians, irrespective of the parties from which we come, who represent people in the broadest sense, not just those who vote for us, we should stand up against people who use or invoke racist arguments to bolster rather tendentious propositions. We should condemn that practice.

This legislation is welcome. It is a timely occasion for all of us to reflect on the progress or lack of progress in the peace process. This process, which began with the Hume-Adams initiative, is irreversible. I do not know whether Deputy Ó Caoláin will agree with me on this — he may be more pessimistic than I am — but I remain an optimist. The peace process is essentially defined not in terms of a division between loyalists and republicans or between Unionists and Nationalists but between pessimists and optimists, people who are pessimistic about the future and those who are optimistic about the future for this island nation. I believe the optimists will win.

Most of the people who signed this Agreement did so in good faith. Some of them on the Unionist side have had difficulties and these are there for everyone to see. There is no point in exacerbating that situation, but it is quite obvious that the lack of leadership in the Unionist community and the division is the source of the present difficulties. There has been no lack of goodwill on the republican Nationalist side of the equation. The Government, the SDLP and even Sinn Féin have made their best efforts on the Agreement. They have engaged in a fulsome and appropriate way, but unfortunately they have come up against the rock of Unionist resistance, that is, plain unadorned “No Surrender”, no progress, “Ulster says No”. The “Ulster says No” tendency is still there. It has not gone away. It is still trying to hold up this venture and unfortunately Mr. Trimble appears to be the prisoner of that tendency at present. We shall just have to wait, but I do not believe that by waiting we are not losing out. The tide of history is with those who signed the Agreement, those who believe optimistically that this country and island nation has a future which is predicated by the notion of peace which will be

maintained, sustained by the two Governments, and those who are willing to participate.

I say this not out of a sense of menace but of genuine warning to the Unionist and Protestant community. They will lose out if they do not participate. In political or business matters, even with people who participate in public share offerings, the early joiners are always rewarded. Unfortunately the Unionist community is not an early joiner — it is not joining early and is not staying in. History has always proven that the people who do not move lose out more. I have a real fear that the Unionist community will lose out enormously on the international and Irish stages. The Six County State is a failed economic entity. It is hugely subsidised with two-thirds of the people either working directly or indirectly for the State. It is crying out and starving for investment which will not be forthcoming if this banjaxed, dysfunctional form of politics is maintained. That places a huge obligation on Nationalists and Unionists alike to sustain the improve the process.

It will not be a disaster if the Executive does not get up and running. We can still implement a great amount of things in the Good Friday Agreement and it may be possible for the two Governments to go beyond it. Some people have spoken about this in terms of joint sovereignty of some kind. That is a slightly provocative suggestion, but we can certainly intensify our co-operation and the North-South and East-West links without an Executive. However, it would be a tragedy to go down that road as it would mean a significant minority in the Unionist community had acted in a manner which essentially vetoed Unionist participation in the Good Friday Agreement. It is a tragedy with which we may have to live and we need to be cool headed and not hysterical.

We must assess the losses and gains in terms of the Good Friday Agreement and I would argue that the gains far outweigh the losses, a view which I hope is supported by Deputy Caoimhghín Ó Caoláin. There is a future for nationalism and republicanism on the island which simply did not exist prior to the Hume-Adams initiative. It did not exist in the 1970s and 1980s when, largely speaking, the British pursued a security policy based on a military strategy to resolve the vexed situation in the Six Counties and on the island of Ireland. That approach had been discontinued. I was very struck by Mr. Tony Blair's speech in the Chamber. I get a very powerful sense that the conflict is over as far as the British is concerned. I also get a strong sense from the pronouncements of Mr. Martin McGuinness and Mr. Gerry Adams that the conflict is over and that it is a question of how we tidy it up and responsibly move to a very bright democratic future together. I believe we will move to that future and we need to push ahead and prepare to build on the unity we all desire.

Those in the House who style themselves republicans believe in an unforced unity which can occur as a result of consent and persuasion.

The vehicle for persuasion is the Good Friday Agreement. Through its institutions and operation republicans and Nationalists working together on the island can build unity through a process of political and democratic persuasion. If the Good Friday Agreement is implemented it is not unrealistic to look at a time frame of ten or perhaps 15 years in which a process of unification will occur, particularly after the introduction of a single currency.

Caoimhghín Ó Caoláin: We are debating the Bill three days after the second anniversary of the Good Friday Agreement which was reached by the parties and the Governments on 10 April 1998. The Minister for Justice, Equality and Law Reform introduced the Bill in the Seanad in the wake of the establishment of the Executive and the All-Ireland Ministerial Council. It was a time of optimism which echoed that of Good Friday 1998, despite the inordinate delay between the endorsement of the Agreement by the people and the establishment of the key institutions.

The situation has changed for the worst since the introduction of the Bill in the Seanad. As a result of a side agreement between the leader of the Ulster Unionist Party and the British Government the institutions were collapsed unilaterally. This was in clear breach of the Good Friday Agreement and the British-Irish Agreement between the two Governments which was signed on the same day. The Taoiseach again acknowledged on Tuesday of this week in the House that this caused constitutional difficulties for the State. Speaking in the Dáil on 21 April 1998 on the debate on the Bill to amend Articles 2 and 3 the Taoiseach said:

The principle of consent is paramount. From now on everything will hinge on that. This represents a substantial change. Moreover, consent is now for the first time formally recognised to be a two-way process.

The Bill is based on the changes to Articles 2 and 3 of the Constitution and the new Article 2.3 reads as follows:

Institutions with executive powers and functions that are shared between those jurisdictions may be established by the respective responsible authorities for State purposes and may exercise powers and functions in respect of all or any part of the island.

The two-way process referred to by the Taoiseach is explicit in this Article, but where was the consent and the two-way process in terms of the collapse of the institutions? It did not exist. The British Government alone, acting at the behest of Mr. David Trimble, brought down the whole political edifice so carefully constructed by both Governments and all the parties and endorsed by the people in referendums on both sides of the Border. The referendums were described by the Taoiseach in the same speech as “a concurrent

act of self-determination by the people of Ireland as a whole for the first time since 1918”.

We are in the present crisis because the British Government has granted a veto to the minority of Unionists who voted “no” in the referendum and has thus set at nought what the Taoiseach described as a concurrent act of self-determination. Under the terms of the Good Friday Agreement the British Government repealed the Government of Ireland Act, 1920. However, the action of the British Government in suspending the institutions unilaterally shows that they regard section 75 of that Act to be still in force. Section 75 stated:

The supreme authority of the Parliament of the United Kingdom shall remain unaffected and undiminished over all persons, matters and things in Northern Ireland and every party thereof.

In the minds of the British Government it would seem that this piece of colonial legislation is still in force.

Where does this leave us in relation to this Bill? The people endorsed the new Articles 2 and 3 in a referendum. It is totally unacceptable that this act of good faith has not been reciprocated but has been disregarded. It is very important to make this point in the context of a Bill which arises from the changes to Articles 2 and 3. Having said that, I welcome the Bill in so far as it represents the implementation of the Good Friday Agreement and asserts the entitlement and birth right of all born in Ireland to be part of the Irish nation and to be Irish citizens.

The provisions touch on the fraught area of the name of the State and the name of the island. In the republican political tradition, to which I belong, the State is often referred to as the 26 County State. This is a conscious response to the partitionist view prevalent for so long and still sadly widespread that Ireland stops at the Border. The Constitution says that the name of the State is Ireland, and Éire in the Irish language. Quite against the intentions of the framers of the Constitution, this has led to an identification of Ireland with only 26 of our 32 counties in the minds of many people. We see references to this in all walks of life — in the media, in organisations, in commercial life and even in education.

The creation of a sense of our common purpose and common citizenship of Ireland must be one of the aims of the peace process and is reflected in the all-Ireland ethos of the Good Friday Agreement. The Bill also contains provisions to ensure the entitlement of everybody born in Ireland to Irish citizenship. It allows people to hold both Irish and British citizenship and I put it on the record that I have no hesitation in welcoming this. I urge the Government to build on this legislation by agreeing to open a passport office in Belfast to facilitate citizens in the Six Counties. Surely the Passport Office is a prime candidate for decentralisation not only to Belfast but to other centres outside Dublin. Perhaps

[Caoimhghín Ó Caoláin.]

offices could be located in the Six Counties, the Border region — Monaghan might be a live option in that respect — the midlands, Connacht and Munster. This is a logical and practical proposal which would greatly facilitate people and I urge the Government to act on it.

One of the key rights of adult citizens is the right to active participation in the political process. Irish citizens in the Six Counties are currently disenfranchised in that they are unable to avail of direct representation in the Irish Legislature. The All-Party Oireachtas Committee on the Constitution has been considering proposals from my party and others whereby all those elected at parliamentary level in the Six Counties should be allowed to participate in the Dáil and all citizens, North and South, should have voting rights in referenda and presidential elections. I urge the support of members of all parties in this Chamber for that proposal and I also urge the Administration to act upon it and put it in place before it completes its term of office.

I turn to another aspect of the legislation which causes me not inconsiderable concern. I share the concern expressed in the Seanad about those aspects of the Bill regarding acquisition of citizenship by the spouses of Irish citizens. These should have been the subject of a separate Bill. It seems that the citizenship provisions, other than those directly arising out of Articles 2 and 3, represent far-reaching changes in the law which were not signalled before the publication of this legislation. There has been no public debate whatsoever on this.

I cannot at this stage explore the detail of the new provision on naturalisation but one aspect in particular is very worrying. We are moving from a situation where under existing legislation the non-national spouse of an Irish citizen has the right to citizenship subject to a number of conditions to one where the spouse can apply for citizenship, with the Minister for Justice, Equality and Law Reform having absolute discretion to grant or deny naturalisation. The Minister is not required to give reasons for refusal and the entire process is shrouded in secrecy.

When such powers are exercised in the context of a Department with an ethos of secrecy and which dominant element is concerned with policing, the potential for the abuse of civil rights is enormous, and here it is very much in the area of having to be seen to be transparent as much as acting in accordance with fair play. We have seen that in the Department's handling of the crucial issues of immigration and asylum. The Bill grants more powers to the Minister and the secretive sections of his Department, and that is a backward step. The entire area of immigration, asylum, citizenship and naturalisation should be taken out of the hands of this Department and made the responsibility of a new Government agency which would be open and transparent in its dealings with citizens and non-nationals alike.

These elements should have been the subject of this Bill.

Mr. B. Lenihan: I welcome the introduction of the Bill. I was very interested in Deputy Ó Caoláin's contribution. He rightly said that the Bill is part of the implementation of the Good Friday Agreement in all its aspects, which has as its foundation the constitutional changes which were approved by the people in a referendum in May 1998. Without such constitutional change we would not be in a position to introduce the changes embodied in this legislation. I welcome the fact that Deputy Ó Caoláin made that comment because I must take from that an assertion by him on the record of the House that the changes in Articles 2 and 3 were good and meritorious and reflected the thinking and the consciousness of our people in relation to the age old problem on this island that they represented balanced constitutional change and accommodation which was worth voting for. I do not want to misrepresent him.

Caoimhghín Ó Caoláin: The Deputy will do so anyway.

Mr. B. Lenihan: He rightly made his point in regard to the Government of Ireland Act, 1920, but I do not misrepresent the Deputy because he welcomed the Bill, which is necessitated by the provisions of the amendments to the Constitution and the British-Irish Agreement. I also welcome the changes in the law in this respect.

When citizenship is under consideration, it is important to remember that it is primarily a legal concept which identifies the person with a particular state. That has implications on the intentional and diplomatic plane as well as on the purely internal plane, which is the law of the State. The law of the State and the rights of citizens include rights of residence and to exercise the franchise. The franchise in regard to presidential elections and referenda is exclusively reserved to citizens because they have demonstrated their commitment to belong to the State and are entitled to alter the fundamental laws of the State and to elect the individual who is personified in the Constitution as the first citizen. All those matters are reserved to citizens.

While citizenship is something for which we must legislate and provide and it has domestic implications, there is also an international dimension. As has been pointed out repeatedly, in international practice there must be a genuine link between a person and the State seeking to protect the person before that person can be recognised as a citizen. In other words, there is an obligation on us in this House to ensure that those who are classified as citizens have some genuine link or connection with this State.

This leads to a second aspect of the Bill in regard to tightening naturalisation requirements because the Minister for Foreign Affairs cannot exercise diplomatic protection in respect of an

individual who does not have a genuine link with this State. Therefore, there is an obligation on us to ensure in international practice that a citizen of Ireland is someone whom we can protect on the international plane and about whom representations can be made to other states. That is one of the reasons the Minister must introduce the provisions for restrictions on naturalisation because there are abuses in relation to the acquisition of citizenship through marriage, which the Minister outlined. Every Member is aware that such abuses are taking place. Entering into a convenience marriage for the sole purpose of procuring Irish citizenship is an abuse and efforts by an Irish Minister for Foreign Affairs to protect such a person in another state could be objected to by the other state, leading to international embarrassment for Ireland. That is apart from whether we should be conferring rights within our own State on persons who engage in such abusive behaviour. That kind of abusive behaviour has been legislated for in other jurisdictions and there is no reason we should not legislate for it here. In fact, it is right and proper and consonant with our responsibilities as legislators that we should do so. I take those to be the two main matters of principle that arise in this legislation: one is the implementation of the provisions of the Good Friday Agreement and the other is tightening up on naturalisation in the case of spouses and also in the case of defining residence in the State for the purposes of naturalisation.

I would like to return to our obligations under the Good Friday Agreement because Article 1 of the British-Irish Agreement contains an important clause. In clause (vi) the two Governments stated that they recognise the birthright of all of the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland. That was an important declaration by the two Governments in the context of citizenship, and I commended Deputy Ó Caoláin earlier for not making any criticism of the changes in Articles 2 and 3 of the Constitution. The changes that were introduced to those Articles of the Constitution represented a real advance because they took place in the context of an agreement between the two Governments, which I have just outlined. For the first time, the Government of the United Kingdom recognised the right of people in Northern Ireland to be British or Irish or both. That allows our Government to protect such individuals on the international plane without any opposition or objection. That was a real advance at the time and that is the reason the revised Articles of the Constitution were appropriate and good.

I am dwelling on this point because I fear there is an undercurrent on the part of some who suggest that we were not right to amend those Articles of the Constitution in the light of the sus-

pension which took place earlier this year. That is wrong. The changes were merited in their own right and have led to a real advance for the Irish Nationalist community of Northern Ireland where, for the first time, the United Kingdom Government has said solemnly on the international plane: "You can be Irish if you so wish and we entirely accept that". That is now the position in international law. It has been implemented by our constitutional change in Articles 2 and 3 and it is now implemented as a matter of practical legislation in this Bill. That is a real, desirable advance. It is something I know all the parties in this House would welcome, and it is a very positive direction.

I noticed a reference in Deputy Ó Caoláin's contribution that the republican tradition to which he belongs is called a 26 county state. In the republican tradition to which I belong, this is not a 26 county state. It is a State that was established by a free act of the people in 1937 when they gave themselves a free Constitution for a free people. We are building on that through the Good Friday Agreement. This has never been a 26 county state. I repudiate that notion and I do not believe it should be let pass on the record of this House. This State was established by the Irish people in 1937 and it has been a functioning democracy ever since. The purpose of the Good Friday Agreement, as I understand it, is to extend that principle of consent and democracy throughout the island of Ireland.

There has been a growth of a partitionist mentality in this part of Ireland. That is inevitable given the political and geographic factors that obtain in the country but the fact remains that the Constitution that was adopted in 1937 always envisaged that the whole of Ireland would eventually be encompassed in an all-Ireland State. That aspiration is confirmed in the revised Articles 2 and 3 which are now in the Constitution and which formulate the aspirations of the Irish people in the language people identify with and understand after the terrible trauma we have been through with the troubles in Northern Ireland in recent decades. I welcome the Bill in so far as it is a practical measure in the implementation of the Good Friday Agreement. The implementation of this Agreement, in all its aspects, will be a major advance for the Irish people.

Reference has been made to a veto which was granted to a section of the Unionists. Like any Irish Nationalist or republican, I deplore the fact that a veto would be given to any section of the Irish people but we have to build confidence in all sections of the community in Northern Ireland. For the first time since partition, we had a vote on the Good Friday Agreement which did not break down on rigid sectarian lines. We had a section of the Unionist population willing to cooperate with the Nationalist population. That section has to be nurtured, sustained and supported. Everyone in this House knows the tangible gesture that was required to advance that process, and that did not take place last January.

[Mr. B. Lenihan.]

I do not want to descend into recrimination of one side or the other. We have to resume the work and try to implement this Agreement in all its aspects.

I have already touched on the other matter in the Bill — naturalisation requirements. It is a fair point to make that the entitlement of a non-national spouse to Irish nationality currently is a matter of right recognised in the citizenship legislation. That right is not being interfered with or abolished in the sense that those who have accrued rights under that provision will still have them. What is proposed is a change for the future where, in future, persons who wish to acquire Irish nationality through marriage will have to meet more strict requirements than have obtained up to now. The reason that has to be so was well set out in the contribution from the Minister this morning, and I have not heard anything from the Opposition benches to deny the phenomenon of the convenience marriage or the fact that we, as legislators, have a responsibility to deal with it. I know the matter can be examined on Committee Stage to see whether a greater degree of protection can be put in for what I might call the bona fide spouse, though one would not like to end up with a creature like the bona fide traveller of the old licensing code. I see discretion is being given to the Minister to waive requirements, and I suppose part of the understandable concern Deputies have about this provision is the delays that already obtain in existing naturalisation procedures and the reference that was made to the lack of transparency in the procedure. I share that reservation because we are dealing with a core legal concept.

I notice that in the provision the Minister has proposed, the spouse will now have to make a declaration of fidelity to the nation and loyalty to the State in the District Court on the conclusion of the naturalisation. That was always the case with the alien who sought naturalisation, or the non-national, as aliens are now being designated under the legislation, but it is now being imported for the spouse as well. They have to swear fidelity to the nation — I think the words are taken from Article 9 of the Constitution — and of course the nation has been redefined as people, not territory, as we are told all the time. It is interesting that that has been included. I do not agree with the idea that it should be an agency but should some independent officer who is seen to act in a judicial or quasi-judicial way be put in charge of the implementation of this type of legislation? Inevitably, one should begin to spell out in detail the provisions of naturalisation. There will be recourse to the courts, judicial review proceedings will be instituted and the courts will interpret this provision anyway so one might be better off having a definite person at the start, who is seen to be outside the administrative structure, making an adjudication on it. I accept that would be a major administrative change. I accept that we have had political scandal and dispute in

this House about the granting of naturalisation in the past, and there is no doubt accountability to this House is a valuable safeguard. Questions can be asked. We lose that power as a House if we take that power away from the Minister and grant it to a judicial personage. The only administrative options are a judicial personage operating openly and seen to operate openly in terms of implementing the legislation with defined standards and criteria of the present arrangement of ministerial accountability. It would not be desirable to put in place some kind of administrative agency which would operate in private.

I welcome the Bill and its provisions. It is a sensible measure and I congratulate the Minister for his promptness in bringing it forward.

Mr. Currie: I may be wrong but, as far as I am aware, I am the only Member of the House who is directly and personally affected by the proposed legislation because I am the only Deputy who was born north of the Border. I accept that the mother of another Deputy may have found it convenient to travel to a hospital in Northern Ireland, particularly Derry, for example, to give birth to her child, but I am not aware that such an event took place.

Concern among Northern Nationalists about Articles 2 and 3 of the Constitution is a relatively recent phenomenon. When I was growing up as a Nationalist in Northern Ireland, we rarely concerned ourselves about Articles 2 and 3. We never questioned our Irish nationality except when it was denied to us by the British authorities. Consider, for example, what happened when attempts were made to register the births of two of my brothers and one of my sisters. When my parents indicated that they wished to register one of my brothers under the name Seán they were informed that the name did not exist in Northern Ireland. As a result, my brother, who has been called Seán all his life, is referred to as John on his birth certificate.

A year or so later, when my brother Seamus appeared my parents went to register his birth and they were again informed at no such name existed in Northern Ireland. When asked what was the English equivalent of the name, my parents replied “James” and, as a result, he who, until his death at 52 years of age, was always called Seamus but was officially known as James. When my parents, who still did not get the point, at a later stage attempted to register the birth of my sister Mairead they were informed that no such name was recognised in Northern Ireland. They were again asked to supply the English equivalent but they could not do so. As a result, my sister Mairead is known as “Margaret Mary” on her birth certificate.

Our concern, as Northern Nationalists, revolved around asserting our national rights in Northern Ireland. We did not believe there was any problem as far as asserting our national rights on the island of Ireland was concerned, we took those rights for granted. My attitude and that of

the people with whom I would have discussed this matter was that our Irish nationality existed before partition, it existed under the Free State, it existed under the de Valera Constitution and it continued to exist at the time in question. We did not recognise any difficulty in respect of our nationality.

Unionists identified a difficulty, however, because many of them did not want to be described as being Irish. I understand their political objections to that. However, in my case and that of the great majority of nationalists it was not an issue until comparatively recent times when the question arose in relation to the deletion of or changes to Articles 2 and 3. At that stage, people began to inquire if there would be a diminution of their national rights and their right to be considered, under the law, as Irish.

People who had not only shown no great love for the 1937 Constitution but who had been opposed to it, suddenly began to show an interest in this matter. I have difficulty in using the word "republicans" because I have always considered myself to be a republican. When I use that word I am usually referring to people who are extreme Nationalists or people who verge on the use of force to bring about or prevent political change. I do not remember people of that frame of mind stating that they supported the de Valera Constitution or Articles 2 and 3. It is only recently that some of them have become almost obsessed with Articles 2 and 3. I have not ever harboured such an obsession.

To be absolutely fair, I must also state that I did not expect to see a day when people of that political viewpoint would march through the streets of Belfast with placards demanding the return of Stormont and institutions in Northern Ireland to which they have been opposed, since partition. Changes take place all the time and some of them one welcomes while there are others about which one has reservations. In this instance, I welcome the changes that are taking place.

The Unionists strongly objected to being called Irish and I understand their reasons. However, in more recent times, Nationalists in Northern Ireland began to focus on Articles 2 and 3 and the possibility that they might be removed or changed out of fear that their right to be considered as Irish would be, to some extent, diminished.

As Deputy Brian Lenihan stated, since our country was divided what I have referred to on a number of occasions as a "partitionist mentality" has developed in this State. I have many good reasons for being aware of this mentality. An example of it arose in this House when a particular remark was directed towards me. The person who made the remark did not have the courage to admit that he had made it, which showed the strength of his convictions. During the presidential election in which I was a candidate, one of the main speakers at the final Fianna Fáil rally in O'Connell Street referred to the fact that Fine

Gael had to go the "whole way to County Tyrone" to attract a candidate. It was not just the distance involved to which that person was referring. I and others who listened to his remarks knew what that individual, a so-called republican, was really saying.

I am subjected to such treatment all the time. During that presidential election campaign, the allegation was made that I was a British citizen who was entitled to a British passport and should not be standing for the Presidency of Ireland. I did not ever apply for a British passport, despite the fact that I was legally entitled to do so. I still get that type of suggestion, that given where I come from and my accent, I should not concern myself with issues here. When the issue arose with regard to Articles 2 and 3, many Northern Nationalists wondered if it represented a threat to their nationality in view of the partitionism which had grown in the Republic.

I wish to pose one fundamental question. Will the passing of this legislation in any respect change the position of Northern Nationalists in relation to their nationality? Is there any way a person like me, born in Coalisland, will be treated differently from a person born in Dublin, Kerry, Galway or elsewhere in this jurisdiction? If we are to be treated differently because we were born in "the sundered part of our country", I would have serious reservations about the Bill. Anybody who considered themselves Nationalist or republican would have serious reservations about it. The central issue, as far as I am concerned, is whether Northern Nationalists, as a result of being born in the North, will be treated differently from any other Irish man or woman born elsewhere on this island. I am anxious for an answer to that question.

I take for granted that no question will arise in relation to people born in the North standing for election to Dáil Éireann or for election to the Presidency. Two people have done the latter in recent times, one successfully. It also happened in 1947 or 1948 and the issue did not arise then either. I take for granted that it will not arise in the future. As a republican, I would like to see people from Northern Ireland elected for constituencies in Northern Ireland taking their places in this House, being full Members of the House, participating fully in the political process, being members of the Government and being equal to all other Members of the House. Those circumstances have not yet arisen, but there is a process where, hopefully, it might happen in the not too distant future.

During the debate on the Good Friday Agreement I reminded the House of the wise words of the late Cardinal Conway. After the power-sharing executive came into existence in 1974 he was asked what effect it would have on Northern Catholics and, given that there was a possibility of them getting a fair crack of the whip for the first time, whether it would mean that they would accept over a period of time remaining in a Northern Ireland that was separate or if they

[Mr. Currie.]

would be encouraged to demand a united Ireland. The Cardinal replied that he would leave the answer to that question to history, and I hold a similar position.

There is nothing inevitable about this process. People have the right to choose and I would not predict what the situation might be in ten, 20, 50 or 100 years' time except to say how much I abhor the suggestion put forward by certain people, one in particular, that this problem might be sorted out by what is described as the demographic process. That process effectively means outbreeding or what I sometimes call the "rabbit theory" of politics. I hope I am not around the day there is a majority of one or ten, or whatever other number. It would mean a most unstable country and an unstable Northern Ireland.

The presence of Deputies representing Northern constituencies obviously is not a matter for the Dáil at present. In any case, the presence of such people in this House would make for an unstable political situation in this part of the island as well as in the North. However, that is down the road. I strongly believe, nevertheless, that Northerners should have the right to vote in presidential elections. The Presidency is a different matter in that it symbolises the 32 counties and represents Ireland for our emigrants. There is a strong argument for everybody in the 32 counties and emigrants having a right to vote in presidential elections. I acknowledge, more than most because of my practical experience of Northern politics, that safeguards would have to be put in place. There has been substantial abuse of the electoral process in Northern Ireland over the years, to an extent which is not recognised by most people. That would have to be dealt with. That said, we should proceed in that direction.

I conclude with the question I posed earlier and the answer will decide my attitude to this legislation. I am seeking comprehensive reassurance from the Minister in words that cannot be misinterpreted not just for myself but for others who were born in Northern Ireland and for those who will be born there. Does this legislation in any respect differentiate between our position and that of people born elsewhere on this island? I hope the Minister will reassure me that there will be no difference.

Mr. Ardagh: I do not have the knowledge or experience of Deputy Currie with regard to Northern Ireland but it is incumbent on all elected representatives, particularly Members of the Dáil, to encourage the members of all parties to make an extra effort as we approach Good Friday 2000 to put the final blocks in place to attain the wishes of the vast majority of the people of Ireland.

The Good Friday Agreement was arrived at on Friday, 10 April 1998. The agreement was based on the principles of acceptance of diversity, mutual respect, equality and the democratic consent of the people to the political structures which

govern them. Under the agreement both Governments committed themselves to balanced changes in their constitutional provisions so the future status of Northern Ireland would be based on the wishes and consent of the people living there, not on the claims of the Governments. The people are sovereign. It is not a case of the Government deciding to draw an area on a map. The people will make the decision. On 22 May 1998 the people of Ireland, North and South, resoundingly endorsed the Good Friday Agreement. In Northern Ireland over 71% of the people voted in favour while over 94% voted in favour in the South. The combined result meant that over 85% of the people, North and South, together for the first time since 1918, voted and decided their political future.

The Minister said it was not a matter for the people of Northern Ireland to decide whether to take Irish or British citizenship. They can take both citizenships. Young people today travel the world and go to Berlin, Washington or Istanbul as we went to Galway or Cork. It will be of benefit to them to hold a British passport in certain countries and an Irish passport in others. A pragmatic view will be taken.

I respect people like Deputy Currie who have come up the hard way, but the young people of today will not look at feuds over security problems, nor at the people who have been hurt or have suffered so greatly because they will not have been born in those times. They will look to the future and to developing their social and economic positions.

I hope time will cure many things. While some people are not prepared to say the war is over, it is over. The young people see it that way and are acting on that basis. Northern Ireland, Ireland and Britain have a good future.

Article 2 of the Constitution reformulates the old Article 2. It provides that by one's birthright one is entitled to citizenship of Ireland. If one is born on the island of Ireland, which includes its islands and seas, one is entitled to citizenship. Previously people would have had to declare they were Irish citizens or produce birth certificates. Now they are citizens of Ireland as of right, or they are citizens of Britain, or of both, if they so desire. I believe many young people, today and in the future, will declare they are citizens of both Ireland and Britain because it will be of benefit to them to do so.

The people are now sovereign. A person born in Ireland is now a citizen of Ireland. This will be dictated not by the Government but by the fact that that he is a person in his own right in that country. The new Article 2 creates an entitlement and birthright for every person born in Ireland. A person born in Ireland does not have to produce any documentation in this respect. If he does any act which only an Irish citizen can do it will demonstrate an entitlement is being exercised by him. However, the absence of such an

1 o'clock

act does not mean that the person is not an Irish citizen — the entitlement is always there.

People born in Northern Ireland will no longer have to go through the extra procedures in asserting their Irish citizenship, which has obtained up until now. Hitherto, one either had to make a declaration of Irish citizenship or produce birth certificates of parents and grandparents. This was something people born in the 26 counties did not have to do and, now, the people of all of Ireland will not have to do it. This also respects the desire of those people born in Northern Ireland who do not wish to be regarded as Irish citizens automatically — because one is born in Ireland one does not necessarily have to be a citizen of Ireland. One can, if one wishes, only be a citizen of the UK.

Irish people put huge value on their citizenship, on the passport and the fact that they are Irish. In many African countries, for example Zambia, if one is Irish a visa is not required. By contrast British citizens must have visas to visit Zambia. There are, therefore, strong reasons to protect the value of that citizenship and passport.

Anybody who wants an Irish passport should demonstrate that it is of value to them and should earn it. The position regarding post-nuptial citizenship, whereby residency of three of the previous five years with the last year being one of continuous residence, puts the type of value on the citizenship and passport that the people of Ireland believe it has. Perhaps I misunderstand the provisions regarding the time required for residence, but if an asylum seeker turns out to be a genuine refugee and obtains refugee status in Ireland the length of time since the person escaped from persecution or the threat of death or whatever, and has been in Ireland should be taken into account for the purposes of residency qualification.

We are going through a quantum change in the geo-political structure in Ireland. It is probably the most important change for 100 years. I want to be part of that change as a Member of the Dáil and I want to encourage those who are participating actively in all negotiations to try to use this Bill, and Easter especially, as a catalyst to gain momentum to try and bring finality to the negotiations and to put the Good Friday Agreement in to force.

Mr. Finucane: I rarely speak on Northern Ireland issues because I leave it to people who have probably a greater grasp of the subject. I think especially of Deputies Currie, Flanagan and John Bruton in my party who have followed events very closely. However, having followed this debate I wish to speak because I have been very impressed with the maturity of the contributions. I see how much we have advanced as a nation and I hope the maturity we display on this issue will be paralleled in the North of Ireland.

I especially hope people there listened to the words of Nelson Mandela. I watched him on television last night. I believe he mentioned the word

“compromise”. That is probably the most relevant word to apply to this context. I doubt if we would have got this far if all those involved in the peace process had not compromised. I compliment previous Taoisigh, such as Deputies John Bruton and Albert Reynolds and former Deputy Garret FitzGerald, and the current Taoiseach for the way they advanced the peace process. There was a great feeling of exhilaration and elation two years ago when the Good Friday Agreement came into place. Great maturity was displayed when 95% of the South accepted that Agreement. Many people I spoke with recently expressed disappointment that one of the central tenets of that Agreement, decommissioning, never took place. Given the vacuum which exists, there is no point in the people in the North becoming involved in the blame game which is what is happening in some areas there. They must display maturity if the process is to be put back on the rails again.

Many of us saw an exciting dimension to what evolved under the Good Friday Agreement, especially when the Executive was in place and we saw Ministers working and having parallel talks with Ministers from the South. Given the current European economic scene, it is artificial for people to behave like backwoodsmen and, instead, they should show a sense of maturity. We in this country and people in the North have seen developments such as electricity interconnectors, and a gas interconnector has been suggested. In my area of marine, during the discussions on quotas last December, there was a close association between Bríd Rodgers, the Minister from the North with responsibility in this area, and our then Minister, Deputy Woods, to try to ensure the best possible package was achieved for both communities, North and South. On that basis, exciting times can lie ahead if we pull together. Articles 2 and 3 were often a mantra for Fianna Fáil. It showed maturity when it was prepared to relinquish what it saw as a central plank of its policy as part of the Good Friday Agreement to ensure maximum co-operation on both sides of the Border.

Regarding naturalisation and citizenship, it surprises me the difficulties people from non-EU countries who are resident here for many years and who almost regard themselves as Irish have in obtaining Irish citizenship. If a trawl was made through the Department of Justice, Equality and Law Reform, how many applications for citizenship would be found which have been on file for more than five years? The health service has benefited from the experience of specialists and doctors from faraway countries who work in it. To what degree is gratitude for that extended to them when they subsequently apply for naturalisation because they want to become Irish citizens? In that situation, scant recognition is shown or acknowledgement made of the great contribution they make and will continue to make to our health service. Deputy Ardagh spoke of our pride in our passports and citizenship and the world-

[Mr. Finucane.]

wide recognition accorded to them. That is true, and people who come to this country will believe, after some time, that they will have earned citizenship. The Minister for Enterprise, Trade and Employment, Deputy Harney, rightly believes that, unless we import people with skills which are scarce here to fuel the tiger economy, we may not reap the gains of that economy in future. Therefore, if people with such specialist skills want to become citizens after a while, appropriate recognition should be given to their skills and contribution. I do not know if the Aliens Act is still in operation but, if it is, the term "aliens" should be scrapped. It has an outer space dimension and is neither suitable nor relevant to the year 2000.

Many people were critical at the time of the passports for sale scheme. The criticism was deserved because it was recognised that there was abuse of the system. I know the Government made a decision in 1998 to abolish the scheme. However, there are some companies which, but for the bona fide investment made at the time, would not exist today. I remember researching similar schemes, with a US intern assigned to me, in other European countries and in Canada and Australia. They had a different approach. They used the scheme to maximise opportunities for their countries. Despite the excesses and abuses of the scheme which were well publicised, perhaps there is a danger that we threw out the baby with the bathwater in abolishing the system. While there were abuses, bona fide investments were made at the time which led to long-term sustainable jobs.

I read the Seanad debate on this Bill. Senator O'Donovan said that we were over Beecher's Brook on this issue. Naturally there was a feeling of exhilaration in December 1999 when we appeared to be making good progress.

Mr. O'Donoghue: I wish my horse had got as far.

Mr. Finucane: We probably all shared the Senator's views at the time but, given what has happened since, it is clear we are not over Beecher's Brook yet and, in fact, are a long way from it. I hope we can make up the deficiency and try to advance further. I wish well those involved in the process. I know there must be a delicacy with the words used.

I compliment the Opposition parties on their behaviour since the Good Friday Agreement came into place two years ago. We have always operated constructively to ensure the fragile flower we are trying to grow to full bloom is not damaged. Recognition should be given to that and it is accorded in the right places. Our party will always adopt a constructive approach to the peace process.

There is a need for the Executive to be put back in place and for ministerial involvement. We need to run again with the ball which has been

dropped because of the vacuum which exists. Such a vacuum can be damaging if it continues for too long and, despite the gains and advances made, we can often take retrograde steps. I am concerned about that and I hope, as we enter the Easter period which has emotive connotations on the basis of the Good Friday Agreement, we can get the peace process back on track and continue the great advances made in the past. I wish everyone involved good luck and good fortune.

Minister for Justice, Equality and Law Reform

(Mr. O'Donoghue): I thank all Deputies for their thoughtful contributions to the debate. I acknowledge the general acceptance by the House of the principal provisions of the Bill and note the reservations expressed in some contributions regarding certain aspects. The debate ranged broadly over the general area of citizenship and touched on some matters of relevance to the Bill. I could not hope to deal extensively with all the points raised but I will attempt to deal with the more salient ones in my closing contribution. Other points will undoubtedly give rise to discussion on Committee Stage when we go into a greater level of detail on the various provisions. It is fair to say there is no more public forum than the Houses of the Oireachtas in which to consider and hold wide-ranging debates on legislative proposals. I cannot accept that there is any foundation to Deputy Flanagan's assertion that the proposals contained in this legislation have been brought forward surreptitiously. They are in the Bill for all to see, comment on and debate in whatever public or private forum they wish to. I cannot think of a more public forum in which this legislation could have been debated than these Houses but if Deputy Flanagan can, perhaps he will let me know.

As to the extent of public concern about the Bill, I am aware of a small number of e-mails based on what I would describe as a misleading article in a publication read by many Irish nationals living abroad. Following the receipt of replies which explained what is actually proposed in the Bill, all of the correspondents, without exception, welcomed the proposals.

The naturalisation process, as one of the matters concerning the relationship between non-nationals and the State, is a discretionary function of the Executive arm of the State, the responsibility for which is vested in the Minister for justice of the day. That position is frequently affirmed by the courts and was most recently affirmed by the Supreme Court in the case of *Laurentiu versus Ireland* which involved the supposed deportation of a failed applicant for asylum.

The Irish Nationality and Citizenship Acts, 1956 to 1994, give the Minister absolute discretion in naturalisation matters. That absolute discretion implies that even if an applicant meets the criteria for naturalisation set out in the Act, it does not follow that the Minister must grant naturalisation. Any other arrangement would change the nature of naturalisation from a privilege bestowed on the

applicant to a right. I stated on many occasions in the Seanad that this does not absolve the Minister of the day from being required to follow fair procedures in considering people's applications for naturalisation.

The 1956 Act and the amending legislation of 1986 were, if my memory serves me correctly, both proposed and enacted under Governments of which the Fianna Fáil Party was not a member. The concept of ministerial discretion is at the heart of the naturalisation provisions of that legislation and, although it was enacted by a Government of which Deputy Flanagan's party was a member, there were good reasons for it.

Deputy Flanagan suggested that the manner in which we have granted citizenship has been mean minded or secretive. There is no evidence to support this claim in respect of any Minister from any party and that assertion will withstand the closest scrutiny.

Mr. Flanagan: Why will the Minister not publish the reasons people are not granted citizenship?

Mr. O'Donoghue: Our procedures are fair and detailed consideration is given to individual cases. The names of those who are granted citizenship are printed in the Government publication, *Iris Oifigiúil* for all to see.

Mr. Flanagan: What about the people who are not granted citizenship?

Mr. O'Donoghue: This legislation, unlike the policy document recently published by the Fine Gael Party, does not advocate the imposition of language and history on applicants for naturalisation.

In response to points raised by Deputies O'Sullivan and Flanagan, I make it clear that the termination of the post-nuptial citizenship scheme will not adversely affect the situation of non-national spouses in terms of their joining their Irish spouses in this State. We have well established immigration procedures which secure the admission of non-national spouses of Irish nationals. It is not a requirement that a non-national spouse must obtain citizenship before joining the Irish spouse here. Current immigration arrangements recognise the special position of non-national spouses of Irish citizens. Such spouses, regardless of their own nationality, are not required to hold work permits before entering the employment market. Immigration limitations do not operate to inhibit non-national spouses seeking to come to the State and I assure Deputies that in the immigration and residence Bill, currently being drafted in my Department to replace the Aliens Act of 1935 and its associated orders with a modern and sensitive code of immigration law, the immigration status of non-national spouses of Irish citizens will be reaffirmed.

Deputy Flanagan referred to the aliens section of my Department. No such section has existed since my former colleague, Mrs. Máire Geoghegan-Quinn, was appointed as Minister for Justice in the early 1990s. The immigration and citizenship division of my Department provides a service to non-nationals involving, among other matters, a large volume of visa applications which are dealt with in an expeditious fashion in order to facilitate inward movement into the State. The division also deals with applications for citizenship in liaison with the Department of Foreign Affairs and the Garda Síochána.

If Deputy Flanagan is concerned about the physical surroundings in which callers to the Department are dealt with, he will be delighted to hear that moves are afoot to refurbish the St. Stephen's Green premises. The premises are not being refurbished to make them visually attractive to Deputy Flanagan, rather it is a matter of practicality.

Mr. Flanagan: Consumer friendly.

Mr. O'Donoghue: In regard to a point raised by Deputy O'Sullivan, I do not agree that our citizenship laws should become solely a tool of economic policy. It would not be appropriate to use citizenship as a carrot to recruit people to come to work in this country. As far as spouses are concerned, I made it clear in the Seanad that non-national spouses of Irish nationals in genuine marriages do not have anything to fear from this legislation. There is no bar to a non-national married to an Irish spouse coming to live and work in this State. Those who are already married and living abroad will benefit from the transitional provisions of section 4(2) of the Bill.

I acknowledge Deputy Flanagan's point in regard to non-nationals. His suggestion that the term "non-national" should be replaced by the term "applicant" raises the question of who an applicant is for the purposes of the Bill and leads us back to the requirement to define those who are not Irish citizens. If Deputy Flanagan has a better solution than the one I have come up with, I will be very pleased to hear from him. In that context, I look forward to any amendments he may table on this matter. I feel certain that having laid out his stall and being the sensible and logical man he is, he will table a coherent amendment to replace the term "non-national". I have explained why the term "applicant" cannot be used. Deputy Flanagan seems to have indicated that he is in a position to come up with something better than "non-national".

Mr. Flanagan: The term "applicant" is better.

Mr. O'Donoghue: The term cannot be used because it brings us back to the beginning as we must define who is an applicant for the purpose of this legislation. I understood that Deputy Flanagan intended to come up with a more original term than "applicant". For obvious reasons, I do

[Mr. O'Donoghue.]

not want to use the term "alien", which derives from the Aliens Act, 1935. We would be delighted to hear from Deputy Flanagan if he can come up with a term which is preferable to "non-national".

As to the progress of legislation arising under the Good Friday Agreement, I remind Deputies of the extensive legislation which has already been enacted by the Oireachtas and on which the North-South bodies are based. The legislation regarding the human rights commission was introduced in Bill form, following extensive consultation with interested persons and bodies. I understand the legislation is currently before a committee of the House. I am in the hands of the House in regard to how speedily the Bill is progressed although I obviously want to progress it as quickly as possible.

This Bill was necessitated by the new Articles 2 and 3 of the 1937 Constitution. Those Articles came into effect on 2 December when the Taoiseach signed the declaration. The Bill was published within half an hour of the declaration being signed. It has already been through the Seanad where there was extensive debate on it. I look forward to an expeditious and fruitful passage of the legislation through this House.

Section 9(3) provides that the relevant provisions will be effective from 2 December 1999. I take issue with Deputy Ó Caoláin's characterisation of the Department of Justice, Equality and Law Reform as secretive and primarily concerned with policing matters. It is true the Department is concerned with policing matters, but it also deals with the courts, prisons and a wide area of law reform.

To be fair to all the people who worked there, a casual glance at the list of statutes produced by the Department over the past 40 years gives the lie to the narrow view which is being taken by Deputy Ó Caoláin in this respect. The Civil Liability Act, 1961, the Succession Act, 1965, the groundbreaking family law legislation of the 1970s, the Status of Children Act, 1986, the Domestic Violence Act, the Employment Equality Act, the more family-orientated and innovative measures which have been enacted by the House and measures currently before the House, such as the Human Rights Commission Bill and the Equal Status Bill, all emanated from the Department of Justice, Equality and Law Reform. These are just samples of the legislation which has been produced by the Department over the decades. Among them are pearls of wisdom and beacons of light by which society has moved forward. Criticism such as that which has been levelled by Deputy Ó Caoláin, who admittedly has only been in the House for a short time, is entirely unwarranted and desperately unfair, not only to the officials working in the Department but also to successive Ministers for Justice.

In relation to Deputy Ardagh's point regarding those persons recognised as refugees under the Geneva Convention, 1951, the Minister may exer-

cise his or her powers under section 16(g) of the Act of 1986 to grant a certificate of naturalisation where all the conditions for naturalisation have not been met. In practice, this option is often exercised by Ministers to accept applications for naturalisation after three years' residence rather than the normal one year's continuous residence in the State prior to the application and the four years' residence in the eight years prior to that period. This is, of course, only proper and can greatly assist the integration of the people concerned.

With regard to the contribution of Deputy Finucane, as the Deputy well knows, on 20 April 1998 the Government actually abolished the investment-based naturalisation scheme which had commenced in 1989. In so doing, the Government decided that I, as Minister for Justice, Equality and Law Reform, should initiate a review of the Irish Nationality and Citizenship Act, 1956, to see how it might facilitate investment and that if in the course of that review information emerged which would warrant legislative measures, I should consider this.

To assist me in conducting that review, which was called for by the Government, I established a review group on investment-based naturalisation comprising representatives of my Department, who chaired the group, the Departments of Finance, Foreign Affairs and Enterprise, Trade and Employment, Enterprise Ireland, IDA Ireland and two experts from outside the public sector, Mr. Desmond Miller, a chartered accountant, and Mr. Diarmuid McGuinness, senior counsel.

The review group will report to me in the near future and it is my intention to publish the report. Although the scheme has been abolished, a review is under way to see whether it can contribute to the economy in future in some different way. In the meantime, there are some remaining cases which were in the pipeline at the time of the abolition of the scheme and which are still being processed to finality.

Deputy Currie asked whether there will be a difference in treatment between those born in the North and those born in the South. The answer is no. As far as entitlement to citizenship is concerned and entitlement to seek election to either House of the Oireachtas or to the Presidency, there is no difference. The Bill removes a procedural difference in treatment between those born in the North and those born in the South. At present a person born in the North wishing to assert Irish citizenship must either make a declaration of Irish citizenship or else show, usually by producing the birth certificates of parents and grandparents, that he or she is an Irish citizen anyhow. This anomalous provision has been regarded by many in the North of Ireland, who see themselves as Irish citizens, as discriminating between them and Irish citizens born in the State. Section 3 will get rid of that procedure.

Mr. Currie: Will the Minister give me the assurance which I asked for and which I said was fun-

damental? In legal terms, in relation to Irish nationality, is there a difference between a person born in Coalisland and one born in Cahirciveen?

An Leas-Cheann Comhairle: It might be more appropriate to raise that on Committee Stage.

Mr. Currie: I posed that question and I expect an answer because it is fundamental. What is the difference? I hope there is no difference. Is there a difference between—

An Leas-Cheann Comhairle: I think that is a matter for Committee Stage and I suggest that the Deputy should leave it until then.

Mr. Currie: It is fundamental, Sir, as you ought to know.

An Leas-Cheann Comhairle: Yes, but that is why I feel it would be better dealt with on Committee Stage where there is an opportunity to tease it out.

Mr. Currie: It is fundamental.

Mr. O'Donoghue: It is. I have already said that basically if one is to take away all the niceties, the answer to Deputy Currie's question is no. There is no difference between a person born in Coalisland and one born in Cahirciveen, except that the person born in Cahirciveen would get to play for Kerry.

Mr. Currie: The Minister mentioned dispensing with the niceties, but they are important.

An Leas-Cheann Comhairle: We cannot have a debate on that now.

Mr. O'Donoghue: If one gets to play for Kerry, as you will know, one has a better chance of winning an All-Ireland senior football medal.

Mr. Currie: The Kerry selectors have the Army and Garda to pick from, which is important.

An Leas-Cheann Comhairle: If the Minister addressed his remarks through the Chair he might not provoke interruptions.

Mr. O'Donoghue: That is fair enough. Deputy Currie also asked if there will be a difference in treatment between those born in the North and those born in the South. The answer again is no. There is no difference as far as entitlement to citizenship or entitlement to seek election to either House of the Oireachtas or to the Presidency is concerned. As I have said, the Bill removes the procedural difference between those born in the North and those born in the South. I have explained that position as well as I possibly can. I have also responded to the Deputies concerned in so far as that was possible.

Question put and agreed to.

An Leas-Cheann Comhairle: I understand it is proposed to refer this Bill to the Select Committee on Justice, Equality, Defence and Women's Rights. Does the Minister wish to move the motion of referral?

Irish Nationality and Citizenship Bill, 1999
[Seanad]: Referral to Select Committee.

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I move:

That, in accordance with Standing Order 112(1) and paragraph 1(a)(i) of the Orders of Reference of Select Committees, the Bill be referred to the Select Committee on Justice, Equality, Defence and Women's Rights.

Question put and agreed to.

Patents (Amendment) Bill, 1999: Order for Second Stage.

Bill entitled an Act to give effect to certain provisions of the agreement on trade-related aspects of intellectual property rights annexed to the agreement establishing the World Trade Organisation and to give further effect to the European Patent Convention and for those purposes to amend and extend the Patents Act, 1992, and to provide for related matters.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Treacy): I move: "That Second Stage be taken now."

Question put and agreed to.

Patents (Amendment) Bill, 1999: Second Stage.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Treacy): I move: "That the Bill be now read a Second Time."

In 1999 Minister of State at the Department of Enterprise, Trade and Employment, Deputy Tom Kitt, introduced the Copyright and Related Rights Bill which, as the Deputies know, is now on Committee Stage. The present Bill, which is a much narrower measure, relates to another major area of intellectual property, namely patents.

The granting of patents for new inventions in order to secure to the inventor the exclusive right to exploit the invention for a limited period of time is a long-established and well-known instrument of promoting technical innovation and industrial development. After the Industrial Revolution and from the nineteenth century onwards, all industrialised countries established their own patent system tailored to meet each country's industrial strategy. The desirability of some international harmonisation on patents was recognised as far back as the nineteenth century and the first International Convention for the Protection of Industrial Property or the so-called Paris Conven-

[Mr. Treacy.]

tion was signed in 1883. This convention has been revised several times since then and now 157 countries, including this State, are party to it. Under this convention, member countries must provide equal and reciprocal treatment in patent matters for nationals of other member countries and recognise the priority date of an application filed up to 12 months earlier in another member country. The convention also stipulates the conditions under which a country can grant a compulsory licence if a foreign owned patent is not being worked in its territory.

A further landmark in international development was the Patent Co-operation Treaty concluded in Washington in 1970 which came into force in 1978. The main objective of the treaty is to streamline patent application filing and novelty search procedures for applicants wishing to obtain patent protection in several countries belonging to the treaty. The treaty was not concerned with the establishment of an international patent but with an international procedure for sharing the work on processing patent applications in patent offices.

In Europe, efforts to create a common patent system resulted in the establishment of the European Patent Convention, EPC, in Munich in 1973. That convention established a European Patent Office in Munich whose function is to grant, on the basis of one central application to that office in any of its official languages, that is, English, French or German, patents which would be valid in each contracting state designated by the applicant. In effect a "bundle" of national patents emerge from a European patent application and in each designated country the European patent has the same legal effect as one granted by the local national patent office. European patents are granted only after an in-depth examination following a comprehensive novelty search in a collection of several million documents and, therefore, offer a high level of legal certainty.

The EPC is not limited in its membership to EU countries and includes such non-members of the EU as Cyprus, Liechtenstein Monaco and Switzerland. Most EPC contracting states have brought their national patent law into line with the EPC. Industry today operates internationally to a far greater extent than it did when the European Patent Convention was established in the 1970's. There can be little doubt about both the desirability of, and the need for, much more international agreement on patents. In 1993 a major step was taken towards world-wide harmonisation of legislative and regulatory practices with the Agreement on Trade Related Aspects of Intellectual Property Rights or TRIPs Agreement negotiated under the GATT. The TRIPs Agreement is an annex to the agreement establishing the World Trade Organisation, WTO, and compliance with the TRIPs Agreement is an essential requirement under the new world trading order. The TRIPs Agreement, which came into effect

on 1 January 1995, covers all areas of intellectual property rights including patents.

The main objective of the TRIPs Agreement, as contained in the preamble of the agreement, is to reduce distortion and impediments to international trade by promoting effective and adequate protection of intellectual property rights and by ensuring that measures and procedures to enforce intellectual property rights do not themselves create barriers to legitimate trade. Article 7 of the agreement, entitled "Objectives", provides that the protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations. To achieve these objectives the agreement sets out the minimum standards of protection to be provided by each member country.

Article 3 of the TRIPs Agreement obliges each member country to accord the same treatment to non-nationals as it does to its own nationals. Article 4 includes a most-favoured nation provision according to which any advantage, favour, privilege or immunity granted by a member country to the nationals of any other country with regard to intellectual property rights has to be accorded immediately and unconditionally to nationals of all other WTO member countries.

The standard for patentable subject matter is set in Article 27 of the agreement. Patents shall be available for any inventions, whether products or processes, in all fields of technology, provided that they are new, inventive and capable of industrial application. Patents shall be available and patent rights enjoyable without discrimination as to the place of the invention, the field of technology and whether products are imported or locally produced.

There are three permissible exemptions to the basic rule on patentability. First, inventions, the commercial exploitation of which would be contrary to "*ordre public*" or morality, may be exempted. Second, inventions concerning diagnostic, therapeutic and surgical methods for the treatment of humans or animals may be exempted. Third, member countries may exclude from patentability "plants and animals other than micro-organisms and essentially biological processes for the productions of plants and animals other than non-biological and micro-biological processes".

Our existing law relating to patents for inventions is contained in the Patents Act, 1992, as amended by section 75 of the Trade Marks Act, 1996, and sections 4 and 5 of the Intellectual Property (Miscellaneous Provisions) Act, 1998. The 1992 Act enabled Ireland's ratification of the European Patent Convention and the Patent Co-operation Treaty.

In general, the 1992 Act is in compliance with the provisions of the TRIPs Agreement relating

to both the standard for patentable subject matter and the subject matter which may be excluded from patentability.

The main objective of the present Bill is to update the existing law to accord with the provisions of the TRIPs Agreement. The main area where existing law needs to be updated relates to provisions concerning compulsory licences. The right given by the grant of a patent is, in essence, a right, enforceable through courts, to prevent others from making, importing, using or selling the patented product. However, the patentee need not exercise this right — he may licence others to do so.

The 1992 Act contains provisions in sections 70 to 75 concerning the compulsory licensing of patents without the authorisation of the patentee. The existing provisions of section 70(2), that the patent is not being adequately worked, the demand for a patented product in the State is being met by importation and commercial working of the invention in the State is being hindered by importation, are inconsistent with EU law and contrary to Article 27.1 of the TRIPs Agreement which provides that “patents shall be available and patent rights enjoyable without discrimination as to place of invention, the field of technology and whether products are imported or locally produced”.

Essentially this means that where a patented product is exploited in any member country of the WTO and is then imported into another country in sufficient quantities to satisfy domestic demand, there a compulsory licence cannot be granted in that other country.

Additionally, pursuant to Article 31 of the TRIPs Agreement, numerous conditions must be adhered to by member countries of the WTO should such countries provide for the possibility of granting compulsory licences under a patent. Prior to the granting of a compulsory licence the applicant for the licence must show that reasonable efforts to obtain a contractual licence from the patentee have failed. The licence shall be limited as to its scope and duration and it shall be of non-exclusive nature. The compulsory licence shall be non-assignable and shall be granted predominantly for the supply of the domestic market. The compulsory licence shall be terminated if and when the circumstances which led to it cease to exist and are unlikely to recur. The patentee shall be compensated adequately depending on the circumstances of each case. The legal validity of the compulsory licences as well as any decision relating to the compensation shall be subject to judicial review.

Where compulsory licences are granted in order to permit exploitation of a second patent which cannot be exploited without infringing a first patent, three additional conditions apply — the invention claimed in the second patent shall involve an important technical advance of considerable economic significance; the patentee of the first patent shall be entitled to a cross-licence, that is, a licence to use the invention claimed in

the second patent, and the licence in respect of the first patent shall be non-assignable except with the assignment of the second patent. Sections 9 to 13 of this Bill amend the existing provisions concerning compulsory licensing of patents as contained in sections 70 to 75 of the 1992 Act to bring them into line with the TRIPs Agreement.

Under section 25 of the 1992 Act, a filing of a previous application in a Paris Convention country may give rise to a priority right in a subsequent application in the Irish Patents Office. Section 5 extends the provisions of section 25 of the Act to WTO member countries which were not party to the Paris Convention. A filing in a country not party to the Paris Convention can also give rise to priority if the Government makes an order to that effect consequent upon bilateral or multilateral agreements. Two such orders made previously will become superfluous when section 5 comes into operation and accordingly section 17 provides for their revocation.

Section 16 of the Bill repeals the transitional provision set out in paragraph 4 of the First Schedule to the 1992 Act as that provision is inconsistent with Article 28 of the TRIPs Agreement which stipulates that where the subject matter of a patent is a product, the patent owner shall have exclusive right to “prevent third parties not having the owners consent from the acts of making, using, offering for sale, selling or importing” that product for those purposes.

I am also amending certain provisions of the 1992 Act by way of correction or clarification and to bring certain other provisions into line with changes effected under the European Patent Convention. The criteria as to what is patentable subject matter and the requirements of novelty as laid down in sections 9, 10 and 11, respectively, of the 1992 Act are based on the corresponding provisions of the EPC. These may be modified, under section 9(5) of the 1992 Act, by order by the Minister for the purpose of giving effect to any future amendment of the EPC. However, section 9(5) of that Act incorrectly provides that the EPC can be amended by “any international treaty, convention or agreement”. In fact, the EPC can be revised only by a conference of the contracting States and section 3 effects the necessary amendment.

Another section requiring correction relates to section 58 of the 1992 Act concerning revocation of patents. Article 138 of the European Patent Convention specifies the only grounds upon which a European patent may be revoked under the laws of EPC contracting States. The permissible grounds for revocation as specified in section 58 (a) to (e) correspond generally to the provisions of the EPC except in relation to section 58 (d). The aim of the amendment proposed by section 7 of this Bill is to bring the existing provisions on the grounds for revocation of patents into conformity with Article 138 of the EPC.

Section 15 of the Bill amends section 120(3) (d) of the 1992 Act to take account of certain changes

[Mr. Treacy.]

made to the EPC in 1997. The amendment adds a proviso to section 120(3)(d) to correspond to a similar provision in new Rule 23(a) inserted in the implementing regulations to the EPC. Section 14 of the Bill relates to translation requirements pertaining to European patent applications designating Ireland and is being included at this stage in anticipation of general agreement being reached in various international law and policy fora, including the European Patents Office, that it should be possible for applicants for European patents to lodge translations, where this is required, to one central location rather than to the patent office of each country designated in the application, as applies at present.

This is a relatively short and, I hope, non-contentious Bill. Ireland's membership of the World Trade Organisation gives rise to the main elements of the Bill. The remaining amendments are included either as a consequence of our status as a contracting party to the European Patents Convention or because of the need to clarify and correct inaccurate wording in two sections of the 1992 Act.

I commend the Bill to the House.

Mr. Stanton: We will not be opposing the Bill. As the Minister of State said, it is not contentious, though it gives us the opportunity to debate patents generally. It is a technical Bill, as the Minister of State's references to various sections bear out. That is the nature of the legislation and a more detailed discussion would be more appropriate on Committee Stage, though I do not envisage much contention at that point either.

This is not the kind of legislation to keep people awake at night worrying and I do not envisage this debate making the news headlines tonight. However, legislation relating to intellectual property is vitally important to the economy and to our place in the international community. The Minister of State will be aware of our Committee Stage debate on the Copyright and Related Rights Bill, which is proving quite contentious. Members are working hard on that Bill which deals with an important area. Adequate resources will be required in the Department and elsewhere to ensure that this area is managed properly. The intellectual property unit of the Department is under a lot of pressure and I appeal to the Minister of State to ensure it is adequately resourced in order to deal properly with this legislation. They are doing trojan work, but they may need extra help. Deputy Kitt, the other Minister of State at the Department, agrees that extra resources are needed as this area will continue to grow. We have been told that there will be more copyright directives from the EU and that more copyright legislation will be needed; perhaps more legislation will also be needed in this area.

Many people know little about patents. I did not know much about patents until I read up on the matter for this legislation. It is highly techni-

cal and we should disseminate knowledge about the patenting process. People should know how important the process is and how to apply for a patent; they should be informed of the costs involved and the help available to them — from Forbairt and others — in doing so. Some things can be patented and some things cannot. There is much controversy at present about patenting the human gene and mapping the human gene sequence. Perhaps we should return to this controversial area if other Members do not cover it.

The Minister of State referred to the 1998 Act which moved the office dealing with trademarks and patents to Kilkenny. This office has many specialist staff and though the Government is discussing decentralising other offices, the Copyright and Related Rights Bill will provide that office with much more work and we need to know what extra resources the Government is to make available to it. We cannot have that office snowed under by a raft of new legislation as a result of the Copyright and Related Rights Bill. It is doing extremely important work in the areas of patents and trademarks — we will be dealing with trademark legislation soon — and the office could suffer as a result of the extra workload. Will the Minister of State inform the House of the extra resources to be made available to that office?

Deputy Rabbitte and I raised questions about the move of that office to Kilkenny, but we were not given very clear reasons for doing so. How has that office functioned since its move? I will be raising this on Committee Stage and perhaps we could be given a report on how the office is performing since its move. Were additional staff made available? The Minister of State, Deputy Tom Kitt, said the technology would be upgraded. Did that happen and if so, what was the effect? What will happen when the Copyright Bill is passed? Substantial resources will have to be made available.

I welcome the Bill as we must take our place in the international community. More information on patenting and copyright should be disseminated. Patenting should be addressed in schools, to let people know what is involved. It is expensive and time consuming to patent an item. A great deal of work is involved in investigating the novelty of the invention. If a person is not careful, an invention can be stolen by another person. If a person makes his or her invention known prior to patenting, he or she will lose the right to patent it. It is a complex, technical, legal and expensive area.

A large company wishing to patent an item has substantial resources to do so. What about inventors working from their garden sheds? Many inventions have taken place in such locations — I think Bill Gates started his business in a shed. We must encourage such people and inform them that support is available and accessible. Forbairt is doing a great deal in this area but complaints have been made by the Inventors' Association of Ireland and others. I hope these have been

addressed and perhaps the Minister will monitor the situation. An Irish Bill Gates could be working on an invention in a garden shed. Education and the dissemination of information is vital in this regard.

The decentralisation of the Patents Office is laudable. However, the Government must be careful in dealing with specialised staff. Were they all willing to move and was expertise lost? These considerations must be taken into account. How has the office operated since it was decentralised? I will not go on for much longer as this is not a Bill which commends itself to Second Stage contributions. I look forward to debating it with the Minister on Committee Stage.

Mr. Rabbitte: As Deputy Stanton said, this is substantially a technical Bill. We must accept the word of the Minister that it does not comprise a substantial renovation of patent law. Essentially, it deals with a major aspect of existing law, that of compulsory licences. The remainder of the Bill seems to involve clarifications of certain aspects of the 1992 Act. Doubtless we will have an opportunity to focus on whether they have any significance beyond clarification and ensuring our law conforms with our obligations under international conventions.

Deputy Stanton justifiably argued that this is regarded as an arcane area of law. The likely number of contributors on the Bill will bear that out. Intellectual property is not the stuff that seizes people in pubs. Yet, it is extremely important in terms of the functioning of a modern economy. The major renovation of copyright under way on Committee Stage at present is evidence of that. The very fact that now a piece of software is, as the cliché has it, recognised as having the same status as a work by Shakespeare is an extraordinary transformation in our time. However, in the nature of a modern economy and the information age, the law of intellectual property, of which patent law is one aspect, is extremely important. This Bill deals with one aspect where we do not conform to best standards internationally or meet our obligations under international conventions.

The Minister sought to explain why we are not in accordance with the provisions of the TRIPs agreement. He went on to explain the question of compulsory licences. It seems quite a difficult concept, although perhaps if one had time to study it, it is not that difficult. The Minister said, "Essentially this means that where a patented product is exploited in any member country of the WTO and is then imported into another country in sufficient quantities to satisfy domestic demand there a compulsory licence cannot be granted in that other country." Presumably, as a result of this legislation, it will be possible to grant such a licence. I cannot say whether that is of great moment. Our Act goes back to 1992 and I think we were obliged to bring the provisions of TRIPs into force by the beginning of 1996. If it is

a matter of great moment, one would have to ask why it has taken us from 1996 until now to do so. What precisely, other than being out of line with our international obligations, are the trade, economic or other implications of us not having done that? Is it an indicator of the extent of resources that we dedicate to the intellectual property area?

We are years behind in terms of the copyright legislation now in committee. This is partly because of the scarcity of resources dedicated to intellectual property in the past. As I said before, if we are given the responsibility of the Presidency of the European Commission, we might find that key staff have to put their shoulders to the wheel and are taken off the job. As a result, effectively little progress is made. If it is important, four years seems a long time to be out of line. If it is a minor renovation, one would have thought it would be brought forward before now. Is it arcane law, from the point of view of those concerned with updating it and the parliamentary draftsman? Is it complex law in that regard?

The Association of Patent and Trademark Agents has made a submission to the Minister. Perhaps he might be kind enough, if he considers it appropriate, to let us have a copy of that submission. I do not know its scale or content. I might be wrong, but I do not think it is a matter of great confidentiality or secrecy. It would be interesting to see the points highlighted in that submission and its import before we table Committee Stage amendments.

It is disappointing that instruments which come before this House in the area of intellectual property attract so little scrutiny, even from the learned journals which deal with law and economic and free trade. The copyright Bill has been debated by the select committee for eleven days and, so far, it has attracted one newspaper article which was largely special pleading. It has attracted no coverage, needless to say. However, one would have thought it would have attracted specific analysis, in terms of people taking polar positions or analysing its import for our economy. An article which masqueraded as an article on the copyright Bill dealt with only one aspect, which is fair enough — *droit de suite*. However, other than that, it has attracted no attention. I suspect, as Deputy Stanton said, this Bill will, similarly, not receive any great attention, although this is a crucially important area in terms of modern international trade.

Word was communicated to the Whips that this legislation is urgent, could be disposed of in a relatively short time and is not contentious. Why is it so urgent now, given that four years have elapsed since we were required to import into our law the provisions of the TRIPs Agreement from 1 January 1996? Why was there a delay? I agree with Deputy Stanton that, if it is a matter of a shortage of specialist staff in the intellectual property unit, it is time to address that in the interests of our economy and the information age.

The Minister's colleague has said to us on several occasions during the progress of the copy-

[Mr. Rabbitte.]
right Bill through Committee Stage that he will return to us on the question of the capacity of the Patents Office to discharge its functions, particularly the controller, on whom significant new duties are being imposed under the copyright Bill. The relocation and decentralisation of the office to Kilkenny was bound to be, of its nature, disruptive. I understand there is no compulsion on staff who work in a given State agency to transfer to the locus of decentralisation. That must mean that some staff opt not to move and others take their place, with a consequent loss of specialisation. I think, from memory, that the controller was an exception and was obliged to transfer.

I cannot see how an office that was more equipped and suited to deal with the 1960s and 1970s can deal with the kind of issues that are pertinent in the new millennium. The copyright Bill alone imposes a wide range of additional complex duties on the controller. This is a suitable opportunity, under the general rubric of intellectual property, to ask the Minister to respond to that question about the general capacity of the office and whether he, as Minister, has any particular plans to deal with it.

I would be obliged, as I said, if the Minister felt able to tell us the substance of the submission from the Association of Patent and Trademark Agents on the Bill in advance of the tabling of Committee Stage amendments. I already have a couple of amendments I want to table.

I am intrigued by the exemptions listed in the Minister's speech. I am curious to know, purely for intellectual reasons, the rationale or basis for the exemption for inventions concerning diagnostic, therapeutic and surgical methods for the treatment of humans. What is the philosophy behind that? I would have thought that was as much an international issue as any other. I am interested to know why it is listed among the exemptions.

Obstacles to international trade or innovation are obstacles to the creation of wealth in this economy and, therefore, ought to be addressed. If the Bill does what the Minister says it does, which is to bring us into conformity, it deserves the support of the House. It is clear that invention is an important aspect of innovation, and that innovation is critical to our staying competitive and generating wealth in the economy. For that reason, I support the thrust of the Bill.

Mr. Ardagh: When I heard the Patents (Amendment) Bill was being debated by the House, I assumed it involved tax. For the past few years, the only issue raised in the House in regard to patents has been to try to stop the tax avoidance procedures and measures adopted by many people to get tax free income. It is not too long ago that chiefs of building societies could take out a patent on a software programme as a basis for getting tax free income. Many patents were taken out by Irish businesses to avoid tax and generate

income. However, things have changed under various Ministers for Finance, and rightly so. Now there is a knowledge-based society, where our future wealth will be generated as a result of what people can achieve with their minds. I hope, with the help of the £560 million technology and foresight fund which was announced recently by the Minister of State, Deputy Treacy, that between the knowledge of young people, in particular, and the resources which are available for research and development, many more useful products and processes will be developed in Ireland and more patents will be taken out for the benefit of the people.

From what Deputies Rabbitte and Stanton have said about the Copyright and Related Rights Bill, 1999, I do not envy them going through Committee Stage of the Patent (Amendment) Bill, 1999. Not only is it long, tedious and technical, but it does not get a whit of mention in the newspapers. I wish the Minister and the Opposition spokespersons well on Committee Stage.

This is the first substantive amendment to be effected on the basic patent law since its enactment as the Patents Act, 1992. It is therefore timely to recall the purpose of the patent system. At the heart of the system is the objective of promoting technical innovation and industrial development. The patent itself is a document, issued by Government authority — the Patents Office — to the inventor or his or her successor in title, the main legal and economic consequence of which is that for a specified number of years the invention may be exploited only by, or with the permission of the proprietor. The patent system serves not only the interests of the inventor but also the interests of the public in that patents are published and hence become public knowledge. Thus, knowledge of the existence of an invention may inspire further new inventions during the time the original invention is protected.

During this period, persons wishing to exploit the invention may obtain from the proprietor licences permitting such exploitation. There are certain circumstances in which such licences may even be granted against the will of the proprietor. These are known as compulsory licences and, as the Minister of State, Deputy Treacy, stated, some of the existing legal provisions relating to them are the subject of proposed amendment in this Bill. Once the period within which an invention is protected has expired anyone may freely exploit the invention.

The main objective of the Bill is to update existing law in order that it accords with the provisions of the TRIPs Agreement. This is reason enough to welcome the Bill, and I do so now. As a small island, Ireland's economic well-being depends to a large degree on its ability to trade successfully on foreign markets, hence Ireland's membership of the General Agreement on Tariffs and Trade and of its successor, the World Trade Organisation. The TRIPs Agreement is an agreement annexed to the agreement which

established the World Trade Organisation. As a party to the latter agreement, Ireland has effectively no choice but to transpose into Irish law those provisions of the TRIPs Agreement which need transposition, especially, as I already mentioned, those relating to compulsory licences.

This is not an obligation which should cause us any difficulty. To a nation as dependent on trade as Ireland, the main objective of the TRIPs Agreement, to which the Minister referred, should strike an agreeable note. That objective is the reduction of impediments to international trade by promoting effective and adequate protection of intellectual property rights and by ensuring that measures and procedures to enforce intellectual property rights do not create barriers to legitimate trade. To achieve this, the TRIPs Agreement sets out minimum standards of protection which must be provided by each member country.

I know that Deputy Perry wishes to contribute to the debate, which will adjourn at 2.30 p.m., and therefore I will conclude.

Mr. Perry: I thank Deputy Ardagh for allowing me to contribute now.

A patent is an exclusive right conferred by the Patents Act, 1992. While it is in force, a patent confers on its proprietor the right to prevent all third parties from directly or indirectly using its subject matter. That is important. There are four classes of patent: a European patent, as granted by the European Patents Office; an Irish patent; a short-term Irish patent with a different standard; and a proposed Community patent.

With the changes within the European Union and the development of business, there is a considerable amount of money to be made and the processing of patent applications plays an important role in small companies, which find it difficult. People can be put off by the difficulties encountered. The patent agent is a person who acts as an agent for others for the purpose of applying for patents. This is an important area also. With the growth in e-commerce, an idea initiated in a small environment can be transported across the world. The role of the agent is important, as are the services he or she can provide.

Patent rights are important. These are rights conferred on the proprietor of a patent to prevent all third parties not having his or her consent, from making various direct uses of the invention whether the invention is a product, a process or the product of a process.

That the Bill implements EU directives is another important aspect of it. Patent royalty, for example, is another aspect of this complex matter, which involves so many different areas.

The Patents Office, as Deputy Rabbitte correctly stated, was established by statute for the registration of patents, designs and trade marks. The office plays a vital role and access to it is essential.

The Patents Office Journal is published by the Controller of Patents and it contains all matters which he or she is directed by law to publish in the journal and also such matters and information as appear to him to be useful or important regarding patents or applications for patents. The journal and office have a role to play in ensuring transparency.

The Patents Register is the register in which is required to be entered particulars of published patent applications, of patents in force, of assignments and transmissions of, and of licences under, patents and published applications. All of that is important information because in the case of annual registration the patent can lapse following notice of the need for an annual payment which may be involved.

On the application of the law, it is important for small companies hoping to come up with a brainwave that their ideas would not be pirated. The Patents Office is very effective. This amending legislation will bring it into the European context.

It is equally important that we look after small businesses because from small acorns the large oaks grow. There are small companies which have started off with a small idea. Such companies need proper controls and the support of the Department of Enterprise, Trade and Employment and the Patents Office, as a body which is not anonymous.

The Minister could develop a direct link between the Patents Office and the enterprise boards to encourage people who are frightened by the process of application, which could be made easier. Small companies work with Enterprise Ireland. This is all about enterprise development in small companies. Small companies should be entitled to the same facilities as large companies where the benefits can be applied directly to them. A small company should be able to patent a product in a professional manner. There should be expertise available through the regional offices which could explain the benefits of patenting and how it could be incorporated. Perhaps the Minister might look at that possibility.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Garda Investigations.

1. **Mr. Higgins** (*Mayo*) asked the Minister for Justice, Equality and Law Reform the reason there has been no follow-up action or arrest following a newspaper article (details supplied) which alleges that a then serving but now retired member of the Garda Síochána passed Garda intelligence to the IRA which led to the deaths of four members of the RUC, a Lord Justice and his wife, four members of a family and a County

[Mr. Higgins (*Mayo*).
Louth farmer; and if he will make a statement on the matter. [11047/00]

5. **Mr. Flanagan** asked the Minister for Justice, Equality and Law Reform if he will order an appropriate investigation into allegations of Garda collusion with proscribed republican terrorist groups along the Border area in the 1980s and 1990s which may have been responsible for multiple atrocities causing death. [11343/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I propose to take Questions Nos. 1 and 5 together.

I am aware of the allegations raised in the newspaper article referred to by Deputy Higgins. Indeed, similar allegations have been made in the past and given coverage in the media. The murders referred to in the article were of course the subject of intensive investigations, both by the RUC in relation to those incidents which occurred in Northern Ireland and by the Garda Síochána in relation to incidents which occurred in this jurisdiction.

The two forces co-operated fully with each other in these investigations. I am advised by the Garda authorities that during the course of the investigations in question, and indeed other investigations into terrorist incidents in the Border area throughout the 1980s and 1990s, no tangible evidence was uncovered to show that information was passed by a Garda informant to the Provisional IRA.

There is no doubt, however, that the allegations raise issues of the utmost seriousness and that their recent repetition in the media has caused understandable concern. Even though there is no evidence to substantiate the allegations, every effort must be made to assure and reassure the public that they have been thoroughly investigated. The Garda Commissioner has appointed a senior officer to re-examine the files and to investigate the allegations raised.

Mr. Higgins (*Mayo*): I thank the Minister for his reply and welcome the fact that a senior Garda officer has been appointed to investigate the allegations. I am at a loss to know why the allegations have remained uninvestigated and unexplored for so long. Does the Minister accept that rank and file gardaí could name the two people involved, one a uniformed member of the Garda and the other a plain clothes member? Even the dogs in the street know the names of the people involved. Were the individuals — we know who we are talking about — arrested, questioned or interrogated in relation to their alleged involvement in these cases?

Mr. O'Donoghue: Deputy Higgins will be well aware that operational matters are a matter for the Garda Commissioner. I have already explained that investigations were carried out in

relation to the allegations. I again stress that what dogs or anyone else in the street know is a matter of little relevance unless one can bring forward hard evidence to a court of law or, alternatively, to anybody else who is in a position of authority and can implement some sanction or discipline. There is an old saying that everybody's business is nobody's business, and what everybody knows does not apply in the context of evidence against an individual where his or her job or liberty is concerned or where he or she may be placed at a disadvantage. Deputy Higgins is aware that one requires hard evidence.

This matter, which stretches back many years, was investigated at the time. I cannot go into the minute detail of what precisely occurred at that time other than to say that I am advised on the best authority that the allegations were investigated and as a consequence no charges were preferred.

Mr. Flanagan: I put it to the Minister that the investigations, if any, which have taken place to date were minimalist in nature and that that is not good enough having regard to the most serious allegations which have been made. Is the Minister aware that the allegations were published by a journalist of considerable reputation; that they concern the direct involvement by a member or members of the Garda Síochána in what amounts to 12 deaths in Northern Ireland between 1987 and 1995, including six members of the RUC, two of whom were officers of very senior rank; that this matter was raised before; and that the investigations to date have been wholly inadequate? If the Minister was satisfied with the investigations why is a new investigation being initiated? Has the Minister met the Garda Commissioner on this matter and, if not, is he prepared to do so as a matter of urgency?

Mr. O'Donoghue: These matters were investigated and no tangible evidence was forthcoming to support the allegations. The RUC co-operated with the Garda Síochána in terms of the investigations. If there is further evidence to which the Deputies can point, that will very definitely be examined. The reality as of now is that the Garda Commissioner has asked a senior officer to again look at the files for the reason that the matter has been raised again in the media and the House. I have pointed out that it is of considerable importance that the public is assured and reassured in relation to this matter. These are the simple facts of the case. It is not possible and would be wholly wrong and downright unjust for a person to try to manufacture evidence on the basis of rumour. That cannot be done. Hard evidence has to be collected and collated and no tangible evidence has come forward to date. However, in deference to what the Deputies have said and to reports in the media, a senior officer has been appointed by the Garda Commissioner to again look at the files. I cannot, nor can any predecessor of mine, say anything beyond that.

Mr. Higgins (Mayo): Is it not a fact that we are talking about a series of instances? We are talking about four young members of the RUC, including a 21 year old woman police officer, Lord Chief Justice Gibson and his wife, Cecily, who were blown up, the entire Hanna family — Robert, aged 45, Maureen, aged 44, and David, aged seven — who were blown up on the side of the road, RUC Chief Superintendent, Barry Breen, and Superintendent Bob Buchanan who were assassinated and Tom Oliver, a farmer from County Louth who was abducted, tortured and murdered. This is a series of separate incidences. Is the Minister telling the House that there was absolutely no evidence to associate the two individuals, members of the Garda Síochána, with these incidences?

Will the Minister acknowledge that following the murder of Tom Oliver the RUC discovered the identity of the mole and made it known to members of the Garda Síochána at senior level and that instead of being dealt with, the individual in question was posted to a relatively quiet station and now lives out his life in happy retirement? Is the Minister saying that this person, who has been involved in the assassination of innocent people north and south of the Border, should not be the subject of a detailed inquiry and that it was not possible to establish a direct link between him and the incidences I have mentioned?

The Minister might throw cold water on the common expression “the dogs in the street knew”, but everybody, including people in the Garda Síochána, knew the identity of this individual, but for some reason he was shielded and protected and now lives a life of relative calm on a State pension.

Mr. O'Donoghue: The Deputy will be aware that in the past I have referred to Paul Simon's song about misinformation following me like a plague. It is quite clear that either Deputy Higgins is not listening or he is trying to be mischievous. I said no tangible evidence was uncovered to show that information was passed by a Garda informant to the PIRA, I did not say “no evidence was uncovered”. That has been the position under my predecessors and it remains so. If we follow through on the logic of what the Deputy is saying, it appears he is suggesting that evidence may be available to the Garda which it is not utilising in order to charge or convict a Garda informant.

Mr. Higgins (Mayo): There was.

Mr. O'Donoghue: That is a serious allegation to make. If the Deputy is stating that there was collusion within the Garda in order to subvert evidence in regard to this matter, he should make that clear.

Mr. Higgins (Mayo): I will give the Minister the names of the gardaí if he wishes.

Mr. Flanagan: Where does the Minister stand on this issue? Is he telling the House that he accepts that what has been put to him is mere rumour without foundation? I refer him to my earlier question, which he side-stepped and did not reply to, regarding his relationship with the Garda Commissioner on this issue. Has he discussed the matter with the Garda Commissioner since the revelations were published in a daily newspaper four weeks ago and, if not, why not? Does he propose, as guardian of the public interest, to order an official inquiry at the highest level into these allegations of the utmost seriousness?

Mr. O'Donoghue: Let us not get carried away.

Mr. Flanagan: It is a most serious matter. Is the Minister saying that it is being exaggerated?

Mr. O'Donoghue: The reality is that I must give the facts as they are presented to me, which I outlined in response to Deputy Higgins's question, and I have no more to add in that respect. What I believe or do not believe is of little relevance in terms of whether there is a sufficiency of evidence to charge any individual in regard to this matter. I am outlining to the House what I was told by the Garda authorities and I must accept what they tell me. I have stated categorically that it is a matter of the utmost seriousness and nobody is suggesting for one moment that it is not. That is why, with a view to reassuring the public, the Garda Commissioner has appointed a senior officer to examine the files again. However, that is entirely different from saying there is a sufficiency of evidence to charge a person.

Deputy Higgins seems to suggest that he has evidence which will be sufficient to charge an individual and that he can name names. My strong advice is that he should take that matter up with the Garda authorities, make a statement and allow it to be investigated. That is the responsible action to take, not become involved in megaphone diplomacy across the floor of the House in relation to the matter.

Mr. Higgins (Mayo): I will give the Minister the names.

Mr. Flanagan: Has the Minister spoken to the Garda Commissioner?

Reception and Integration Agency.

2. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the proposed establishment of a new agency to deal with the reception of asylum seekers and the integration of refugees; its terms of reference; if it will be independent of his Department; if it will have its own budget; and if he will make a statement on the matter. [11172/00]

Mr. O'Donoghue: On 28 March 2000 the Government agreed with my recommendations for a statutory agency, under the aegis of my Department, to be called the reception and integration agency. Pending the enactment of legislation, the agency will operate on a non-statutory basis.

This decision follows an earlier decision of the Government that the recommendations in the report of the interdepartmental working group on the integration of refugees in Ireland should form the framework for integration policy and should be implemented. The establishment of a single organisational structure, within the overall framework of structures for asylum and immigration, for co-ordinating and implementing integration policy is one of the key recommendations of the working group.

The reception and integration agency will be the vehicle for implementing this recommendation and its establishment will facilitate a cohesive, co-ordinated approach to both the reception of asylum seekers and integration of refugees. It will have responsibility for planning and co-ordinating the provision of services to both asylum seekers and refugees; co-ordinating and implementing integration policy for all refugees and persons who, though not refugees, are granted leave to remain; and responding to conflict crises which result in relatively large numbers of refugees arriving in Ireland within a short period of time, for example, the Kosovar nationals who were invited here by the Government this time last year.

I intend to bring legislative proposals to Government to put the agency on a statutory basis at the earliest date. As the Government has not yet had the opportunity to consider proposals, any definitive comment by me at this stage in relation to delegation of authority or budgetary control would be pre-emptive. However, in line with the Government's strategic management initiative and the approach adopted in regard to other agencies in the justice area, I will be recommending that the agency will have operational independence in its day to day activities, with its own board and budget.

Ms O'Sullivan: I thank the Minister for his reply. When is the agency likely to be established? In the announcement he made, the Minister suggested that the agency would report to a statutory board comprising representatives of relevant Departments. That indicates that the board will not have a great deal of independence. Will he outline how the board will operate? Does the Minister still intend to proceed with the proposal to use flotels to accommodate asylum seekers? There has been a negative reaction to the proposal and my party does not consider that method of accommodation appropriate for asylum seekers.

Does the Minister agree that speed and efficiency are important in this area, given that the Minister of State at the Department of For-

eign Affairs indicated that she considered attempts to deal with the asylum issue to be "a shambles" and that there has been a great deal of confusion in dealing with the issue? It is commonly felt that the issue should be addressed speedily and efficiently. The reception and integration agency will have the capacity to improve the situation. How soon does the Minister expect it to be up and running?

Mr. O'Donoghue: I intend to bring forward legislative proposals to the Government at the earliest date to establish the agency on a statutory basis, but the Deputy will be aware that there is a heavy legislative workload in the Department. I assure her that legislative measures to establish the authority will receive the priority they deserve within the Department.

With regard to the independence of the new agency, the approach we have adopted in other areas of the Department, in line with the Government's strategic management initiative, is to ensure that, while the agency will be politically accountable to the Government and the Oireachtas through the Minister, it will have operational independence. That has been done in other agencies and that is why I envisage a separate board, budget etc. for the reception and integration agency. I anticipate that it will be independent but there must be political accountability, otherwise I would not be able to answer the Deputy in the House in regard to its performance.

I do not want to repeat all the measures which have been taken or the legislative proposals which have been brought forward in the recent past in regard to establishing structures to process asylum applications expeditiously. However, it has been necessary to ensure that people would not be obliged to sleep on the streets, in public parks or in the doorways of houses. I was about to run out of conventional accommodation and, therefore, I had to examine unconventional accommodation options. In that context, the Deputy will be aware, for example, that I have signed orders in regard to the Army barracks in Athlone, Tralee and Kildare and work is continuing to provide a certain amount of accommodation for asylum seekers at these locations. Flotels would not be my first accommodation option. I am trying my best to provide people with decent, comfortable accommodation in conventional locations but once we run out of such locations, I must opt for unconventional accommodation. I do not have a choice. Nonetheless, we can purchase premises in places such as Rosslare for reception centres and at other locations throughout the country. I will continue to try, in so far as I possibly can, to accommodate asylum seekers on land.

Prisoner Transfers.

3. **Mr. Higgins (Mayo)** asked the Minister for Justice, Equality and Law Reform if the killers

of a person (details supplied) are being accorded special facilities and privileges at Castlerea Prison; the reason for this; and if he will make a statement on the matter. [11048/00]

Mr. O'Donoghue: Two of the persons referred to by the Deputy were transferred to Castlerea Prison last December with a group of Provisional IRA prisoners. The third prisoner was transferred to Castlerea after his conviction in February.

At Castlerea hospital, prior to its conversion to prison use, there were some conventional houses as well as the main hospital block. Very broadly, what happened was that a wall was built around the whole compound, the main hospital was converted to a modern prison, with all the usual facilities and, rather than demolish the perfectly sound houses, it was decided — wisely, in my view — to preserve them for use as prison accommodation, separate from but nevertheless within the general prison compound. It was seen as an area in which a small group of prisoners could be held together, if it was judged advantageous in prison management terms to do so.

The Provisional IRA group of prisoners share this area with 14 non-subversive prisoners. Both groups have equal access to facilities, their regimes are identical and there is no question of special facilities and privileges being accorded to any one group.

It was the intention in 1996 that some subversive prisoners from Portlaoise Prison would be transferred to this area in the Castlerea compound. However, the breakdown of the first IRA ceasefire saw this proposal shelved for valid operational reasons. The decision to transfer the Provisional IRA group to Castlerea last December reflected ongoing advances in the peace process.

Some of the descriptions of the accommodation in this area give a misleading impression of luxury and tend to ignore the reality that inmates there, as elsewhere in the prison system, are behind prison walls and in secure custody. Prisoners have access to kitchens in the houses where they prepare their meals or may avail of a communal kitchen and dining area. This is not unusual in the Irish prison context. Virtually all food consumed in our prisons is prepared substantially by prisoners themselves, albeit with considerable staff supervision in the larger units. Each prisoner held in the area referred to by the Deputy may also have access to a card telephone which they use at their own expense.

Each house within the area is self-contained with a kitchen, bathroom and sitting room. Other facilities, separate from the houses, include a visiting unit, a large kitchen and dining hall, a recreation hall and gym, an education unit and workshops and an outdoor recreation area.

There is merit, within any prison system, in having the opportunity of employing and testing different regime options and I would see this particular area and regime option maintaining its place within the system in the longer term.

The transfer to Castlerea of the prisoners referred to by Deputy Higgins, that is, those convicted in connection with the death of Josie Dwyer, has no early release implications whatsoever. These prisoners are not covered by the Good Friday Agreement.

Mr. Higgins (Mayo): Who made the decision to allow the killers of the drug addict, Josie Dwyer, to be allocated the same special level of accommodation — I know from prison officers that it is special accommodation — as that given to the Provisional IRA prisoners and indeed the murderers of the late Detective Garda Jerry McCabe?

Mr. O'Donoghue: Obviously the decision on the placing of any individual prisoner is related in the first instance to the kind of offence which has been committed. It is also related to where the individual is from, but in this instance it is normally the Prisons Service, through the director of prisons, who makes the decision as to where a given prisoner is located.

Mr. Higgins (Mayo): It would have to receive the approval of the Minister. The Minister is ultimately responsible.

Mr. O'Donoghue: No.

Mr. Higgins (Mayo): I know the prisoners have call cards but is the Minister aware that there are direct telephone lines into the houses in question and that a newspaper had no problem getting directly through to the prison and talking to Kevin Walsh, one of the murderers of Detective Garda Jerry McCabe? Is he aware that these prisoners regularly enjoy chicken curry and fried rice ordered by the prisoners and brought by the prison staff from the Ocean Palace take-away, which says it is doing a roaring trade? Is the Minister aware that the prison officers say it is totally crazy, to use their words, that these Provisional IRA prisoners and the killers of Josie Dwyer are running their own show with very little reference to the prison officers? Is he aware also that they have been assigned special prison officers of their own to ensure that their accommodation is up to standard?

Mr. O'Donoghue: Whatever about chicken curry and rice, I can tell the Deputy that in almost three years as Minister for Justice, Equality and Law Reform, I have not received any proposal as to where any given prisoner would go on any given day. If it were the case that I were to decide where each individual prisoner went everyday, I would be doing little else other than perhaps talking about chicken curry and rice.

Mr. Higgins (Mayo): The Minister could check the wine list.

Mr. O'Donoghue: With regard to the chicken curry and rice, while we are on the menu, my

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 understanding of the position is that it has been the practice for some years for some prisoners to purchase goods which are over and above what might be available in the tuck shop, as it is known. I understand that a list of items is submitted for purchase and an officer makes the purchase from local shops from time to time where this does not mean inordinate time or inconvenience. Incidentally, that practice has been in place for many years — it is not something which was introduced just yesterday. For example, in the mid-1980s when the Deputy's party was in Government, Chinese meals were supplied to subversive prisoners in Portlaoise Prison on a regular basis.

With regard to the issue of telephones, it is true that the prisoners referred to by Deputy Higgins and held in this compound have access to a call card telephone system in accordance with the rules laid down by the governor. It is similar to the regime which operates in some of the other institutions. I assure the Deputy that there is no free-for-all in relation to the telephones. I understand from the director general of the Prisons Service, to whom I referred earlier, that following a recent review of the call card telephone system at the compound, the telephones in question have been restricted to outgoing calls only. I cannot tell Deputy Higgins whether it is possible with those outgoing calls to order Chinese, food but I assure him that these people are held in custody—

Mr. Higgins (Mayo): We know that.

Mr. O'Donoghue: —behind a large prison wall, and when a person is deprived of his or her liberty, it is a very serious business.

Mr. Higgins (Mayo): It is a sick joke.

Mr. Flanagan: Self-catering accommodation.

Proposed Legislation.

4. **Mrs. T. Ahearn** asked the Minister for Justice, Equality and Law Reform the progress, if any, with the drafting and preparation of a disabilities Bill; and if he will make a statement on the matter. [11049/00]

Minister of State at the Department of Justice, Equality and Law Reform (Miss M. Wallace): A commitment has been given in the Government's legislative programme to bring forward a disabilities Bill at the earliest opportunity. This measure will be the fourth major legislative measure in the area of disability since the Government took office.

To date three major legislative measures have been introduced. These are the Employment Equality Act, 1998, which outlaws discrimination against people with disabilities on employment grounds, the Equal Status Bill, 1999, which outlaws discrimination on similar grounds in relation

to the supply of goods and services and the National Disability Authority Act, 1999, which is a key element in the policy of mainstreaming services for people with disabilities. The Employment Equality Act, 1998, and the National Disability Authority Act, 1999, are already in place and the Equal Status Bill, 1999, concluded its passage through the Seanad this morning and will conclude its passage through this House next week.

Each of the existing items of legislation is ground-breaking in nature and, in many respects, is in advance of best practice adopted elsewhere. The Employment Equality Act, 1998, and the infrastructural arrangements to support it, the Equality Authority and the Equality Investigations Office came into operation on 15 October 1999. The National Disability Authority will be put in place shortly, in conjunction with the new mainstreaming arrangements for services for people with disabilities, which include the establishment of a new advice and advocacy service called Comhairle, by the Department of Social, Community and Family Affairs.

I have outlined each of these developments in regard to disability which will provide the context within which I see the development of a disabilities Bill. The measures which have been and are being introduced in relation to legislation and services for people with disabilities provide the landscape against which the proposed disabilities Bill will be developed, together with the recommendations as regards the scope of the legislation contained in the Report of the Commission on the Status of People with Disabilities.

Detailed work on the disabilities Bill will take place during the summer following the establishment of the National Disability Authority and the mainstream services that will be put in place before the summer. I hope to be in a position to publish a disabilities Bill in the first half of next year.

Mrs. T. Ahearn: I am devastated to hear that work on the detailed framework of the disability Bill will not commence until the summer. I remind the Minister of State that in a policy document issued by her party in 1996 she stated that there is a clear need for formal statutory protection of the rights of people with disabilities. Does she accept that a major recommendation of the Commission on the Status of People with Disabilities, which was established in November 1993, was the introduction of a disability Bill? Does she also accept that the commission, in its conclusions, indicated that very few of the recommendations contained in its report could be implemented without the introduction and enactment of a disability Bill?

There is no excuse for delaying the introduction of the legislation. The Government has been in office for three years and by delaying the introduction of the legislation it is doing a U-turn on the commitment given in Fianna Fáil's policy

document, turning its back on the major recommendation of the Commission on the Status of People with Disabilities and, worst of all, letting down the disabled who are depending on this legislation to protect their rights.

Miss M. Wallace: The Deputy referred to the fact that the commission was established in November 1993 but she failed to acknowledge that it reported in November 1996. The Fianna Fáil policy document to which she referred was published in January 1996 and it highlighted the need to publish a disability Bill as a positive action measure. In fairness to the current Administration, the Deputy must appreciate the former Government encountered difficulties with two key items of legislation which relate to this area, namely, the Employment Equality Act and the Equal Status Bill. The anti-discrimination measures the previous Government attempted to pass failed on constitutional grounds at the Supreme Court and it was essential that the current Administration ensured that the items of legislation in question were redrafted.

The Employment Equality Act has now been passed and the Equal Status Bill is about to complete its passage through the Oireachtas. In that light, it is obvious that the positive action measure which the disability Bill represents could only come on stream after the anti-discrimination measures were in place.

The main focus of the commission's report which was published in November 1996 was the establishment of a national disability authority and a move towards mainstreaming arrangements. The Government did not sit back and wait to take action in that regard. Following the passage of the anti-discrimination measures, it brought both on stream at the same time. The Equal Status Bill has almost completed its passage through the Oireachtas and the national disability authority and the mainstream services are ready to be formally launched.

When the matters to which I refer are finally dealt with this year, the detailed work on the promised disability Bill, which is a positive action measure, will proceed. Initial preparatory work on the Bill has commenced and the groundwork has been carried out at official level. However, it is appropriate that the serious consultation with organisations representing people with disabilities should take place in the summer.

An Ceann Comhairle: The time allocated to this question is exhausted.

Mrs. T. Ahearn: I wish to put a very important supplementary question to the Minister of State.

An Ceann Comhairle: The Deputy must be brief.

Mrs. T. Ahearn: The Minister of State brought to our attention — we were already aware of them — the constitutional difficulties which arose

in respect of the Equal Status Bill. I am sure she will agree that people with disabilities, as a result of those difficulties, believed that the rights of people with property were almost superior to theirs. Will a constitutional amendment be needed to ensure that there will be no further difficulties in respect of the framing of the disability Bill? Are there any proposals to introduce such an amendment?

Miss M. Wallace: With regard to constitutional amendments in the disability area, the Deputy will note that the constitutional review group reported in May 1996 and recommended that Article 40.1 of the Constitution be amended to provide that all persons shall be held equal before the law and that no person shall be unfairly discriminated against, directly or indirectly, on any ground. The recommendation listed the grounds on which it is unfair to discriminate and included a reference to disability in this regard. It is expected that these matters will be dealt with in detail in the latter part of the year by the constitutional review group.

An Ceann Comhairle: That concludes Priority Questions.

Other Questions.

Electronic Recording Facilities.

6. Mr. Cosgrave asked the Minister for Justice, Equality and Law Reform the number of Garda stations which have facilities for the electronic recording of suspects' interviews; the number of stations which will have such facilities before the end of 2000; the rights of detainees to such facilities if requested; and if he will make a statement on the matter. [11077/00]

Mr. O'Donoghue: At present, only those Garda stations which took part in the pilot trials of electronic recording have facilities for audio/video recording Garda interviews with detained persons. There are six such stations. Following the recommendations of the steering committee which had been established to examine and report on the feasibility of electronically recording Garda interviews with suspects at Garda stations, the Government decided that a system of audio/video recording of such interviews should be introduced on a national basis.

Implementation committees have been established at Garda and departmental level to plan and oversee the practical steps which must be taken in this regard. It is envisaged that facilities for video recording will be installed in approximately 150 Garda stations and that more than 300 interview rooms will need to be refurbished and fitted to facilitate the audio/video equipment needed. A planned training programme for gardaí in the use of the new equipment and the

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procedures relating thereto also needs to be undertaken.

I understand that arrangements in relation to these matters are now well advanced and that the equipping of stations should be well in train by the end of the year. It would be difficult, however, at this stage, to put an exact figure on the number on the stations which may be equipped and operational by then but the aim would be to have sufficient stations so equipped in all Garda divisions to give broad national coverage.

The audio/video recording of interviews is governed by regulations which I have made under the provisions of section 27 of the Criminal Justice Act, 1984, namely, the Criminal Justice Act, 1984 (Electronic Recording of Interviews) Regulations, 1997, SI No. 74 of 1997. Under these regulations it is obligatory, subject to certain specified exceptions, to electronically record all interviews with persons detained under section 4 of the Criminal Justice Act, 1984, section 30 of the Offences Against the State Act, 1939, as amended, and section 2 of the Criminal Justice (Drug Trafficking) Act, 1998, in those stations where equipment has been installed. A detained person has no right as such to have his or her interview electronically recorded as this matter is still governed by the judges' rules which require only a written note to kept of the interview.

Mr. Higgins (Mayo): The Minister stated that it is obligatory under certain Acts he instanced to have electronic recording. In other instances, does a detainee or suspect have the right to insist that an interview or interrogation should be electronically? Are they in a position to insist that their statement should be recorded electronically rather than its being taken down in written form and duly signed?

Mr. O'Donoghue: Perhaps Deputy Higgins misheard me. The position is that no individual, irrespective of the charge on which they are held, has the right to have their interview recorded or videotaped. With regard to arrests under the Criminal Justice (Drug Trafficking) Act, 1998, the Offences Against the State Act, 1939, as amended, and the Criminal Justice Act, 1984, there is provision to enable audio/video recording to take place.

As already stated, people do not have a right to have their interviews recorded in this manner but there are six stations where the system is operational at present. It is hoped that it will become available on a nationwide basis and, as I already informed the Deputy, funding has been made available to facilitate its being put in place. At that point, any individual who opts to have his or her interview recorded will, in all probability, be granted that right.

Mr. Flanagan: The six stations to which the Minister referred were the subject of the pilot

study. I put it to him that this matter has been ongoing for almost 20 years and that little progress has been made. What lessons are to be learned from the pilot study, particularly in view of the fact that very few suspects appear willing to have their interviews recorded? Perhaps that is one of the reasons that, 16 years after this idea was first mooted, there are still just six pilot stations. How does the Minister envisage completing the installation of electronic recording equipment in all stations by the end of next year if the uptake is as low as that experienced in the stations which have had the benefit of this technology for some years?

Mr. O'Donoghue: The pilot studies were initially conducted on a voluntary basis whereby people would come forward and opt to have their interviews recorded. Deputy Flanagan is correct that there was a very low uptake. It was decided, therefore, that the method should become compulsory for the purposes of the pilot studies. It was easier for the steering group, under Mr. Justice Esmond Smyth to whom I and the Government are most grateful, to analyse a greater number of results.

It was discovered that there were more admissions with the audio visual recording system than without it. A total of 69% of people made admissions while the interview was being recorded whereas 65% made admissions when it was not recorded. Whether that will be the norm is another matter. Once we have the system in operation in all stations the equipment will be brought into use across the country and interviews will be recorded. At that point we will be able to judge it in a more detailed manner.

Garda Investigations.

7. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform the action, if any, he will take in respect of a newspaper report (details supplied) to the effect that a retired member of the Garda was responsible for passing information to the IRA which led to the deaths of ten people; the criminal investigation, if any, pending in this case; if the circumstances of the murders have been reinvestigated to establish if the gardaí should have been aware that the murders could only have occurred with the help of inside information from within the Garda; his views on whether there are improved arrangements in place to ensure that there is not any co-operation by individual members of the Garda with subversive organisations; and if the report and the events it describes have any implications for ongoing co-operation between the Garda and the RUC in matters affecting Border security. [8670/00]

Mr. O'Donoghue: The reply to Question No. 7 is the same as the reply to Question No. 1.

I am aware of the allegations raised in the newspaper article referred to by the Deputy.

Similar allegations have been made in the past and given coverage in the media. The murders referred to in the article were the subject to intensive investigations, both by the RUC in relation to those incidents which occurred in Northern Ireland and by An Garda Síochána in relation to incidents which occurred in this jurisdiction. The two forces co-operated fully with each other in these investigations.

I am advised by the Garda authorities that during the course of the investigations in question, and other investigations into terrorist incidents in the border area throughout the 1980s and 1990s, tangible evidence was not uncovered to show that information was passed by a Garda informant to the Provisional IRA. There is no doubt the allegations raise issues of the utmost seriousness and that their recent repetition in the media has caused understandable concern. Even though there is no evidence to substantiate the allegations, every effort must be made to assure and reassure the public that they have been thoroughly investigated. Therefore, the Garda Commissioner has appointed a senior officer to re-examine the files and to investigate the allegations raised.

When we discussed this earlier, Deputy Flanagan referred to the journalist who wrote about this recently in glowing terms. Would that the journalist concerned would write in equally glowing terms of myself and Deputy Flanagan. We would both be happy men.

Mr. Flanagan: Has the Minister discussed this matter with the Garda Commissioner?

Mr. O'Donoghue: The matter is obviously discussed through the Garda authorities. I do not go to the Garda Commissioner in relation to every single little matter that comes before me. I cannot do that. The matter was discussed through the normal channels.

Mr. Flanagan: Does the Minister regard it as a single little matter?

Mr. O'Donoghue: The Minister does not regard it as a little matter. I am trying to explain to the Deputy what he already knows, that it is not possible to have such conversations on every issue. There are channels available through the office of the Minister for Justice, Equality and Law Reform to the Garda Commissioner day and night, throughout the year.

Mr. Flanagan: Does the Minister consider the matter of sufficient import to discuss it directly with the Garda Commissioner?

Mr. O'Donoghue: I have explained the position. I am satisfied with the type and level of communication that has taken place in this matter. I am also satisfied that the answers I have received from the Garda authorities are correct.

Domestic Violence.

8. Mr. McDowell asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the significant increase in the number of people, mainly women, who have sought the protection of the courts in Dublin from violence by family members; the additional steps, if any, he is taking to protect people from domestic violence of this nature; and if he will make a statement on the matter. [11195/00]

Miss M. Wallace: I have been informed by the Courts Service that the numbers who sought the protection of the courts in the Dublin area by way of barring orders, protection orders and safety orders in the period August 1998 to July 1999, the latest year for which statistics are readily available, totalled 4,891. The corresponding figures for the periods August 1997 to July 1998 were 5,115 and August 1996 to July 1997, 5,562. The number of orders granted were 2,450, 2,313 and 2,775 respectively.

There has also been an increase in interim barring orders granted since 1996-97, with the figure rising from 152 in that year to 712 in 1997-98 and 610 in 1998-99. The changes in these figures are explained by the fact that this is a new order introduced under the Domestic Violence Act, 1996. The order can be granted on the making of an application for a barring order or between the time of the making of the application and its determination by the court. Also, if the court is of the view that the granting of a protection order would not be sufficient to protect the applicant or any dependent person prior to the hearing of the main court action, it can grant an interim barring order.

I understand from the figures that the majority of applications for orders were made by spouses or common law spouses. There were 4,170 in 1998-99 and 4,451 in 1997-98. The figures given also show that there has been an increase in the number of applications made by parents, who can apply under the Domestic Violence Act, 1996 for protection against domestic violence by their own child if the child is over 18. In 1997-98 there were 79 applications and in 1998-99 there were 102 applications. Figures are not available for 1996-97. I am providing the Deputy with a detailed statistical breakdown of the figures I have given.

As part of the Government's initiative to address the problem of violence against women it established in 1997 the national steering committee on violence against women. The committee, which is under the aegis of my Department, is developing a multi-agency and cohesive response to women experiencing violence. To raise awareness about the issue of violence the committee has undertaken two awareness raising campaigns. The initial campaign was aimed at generating a wider public debate on the issue of violence and at raising awareness about the work of the committee. The second campaign was directed at society generally and involved the production of

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an emblem, which was to be worn to show support for women victims.

The aim of the committee is to encourage women to come forward, report incidents of violence which include not only domestic violence incidents but also rape and sexual assault, and avail of the services in their area. The committee is also in the process of considering the establishment of a single crisis telephone referral service which will facilitate easier access to services. As part of this process a research project has been commissioned. The initial element of the work is nearing completion, that is, the production of a directory of services. The researchers will also examine the costs involved in the delivery of the referral service, likely levels of calls to the line and evaluate the impact on existing services. Regional committees, established in each of the eight health board areas, are working on the provision of services in their respective regions and developing local and regional responses for victims.

My Department is not the only Department involved in supporting victims of domestic violence. The other Departments involved are: the Department of Health and Children, which is responsible, through the health boards, for the provision of funding to the various service providers that work with victims; the Department of the Environment and Local Government, which, through the local authorities, provides accommodation for homeless persons including victims of family violence; the Department of Education and Science which is responsible for the issue in the schools and provides courses on related subjects; and the Department of Social, Community and Family Affairs which funds community development programmes and grant aids local groups dealing with the issue.

Ms O'Sullivan: Does the Minister of State share my alarm at the 12% increase in reporting during that year? That is in line with a general increase in reporting of crimes of rape and sexual assault to the Garda while there is a decrease in the reporting of other types of serious crime. Does she intend to take measures to deal with this serious issue? Will she also discuss the 25% increase in the number of parents seeking protection from their adult children? That is most alarming. Will she also discuss the funding for the implementation of the recommendations of the task force on violence against women? Rape crisis centres, refuges and support services such as Women's Aid are concerned that there should be more funding in this area both for prevention and for dealing with the problem.

Miss M. Wallace: With regard to the Deputy's alarm at the increase in reporting of domestic violence, rape and sexual assault cases, it should be borne in mind that much of the work of the national steering committee on violence against women is to encourage victims, particularly

women, to report such crimes. Some of the increase in the rape and sexual assault figures is obviously historical in nature. With regard to the domestic violence figures, it is important that more victims report the crime of domestic violence and thereby seek help.

The Deputy also expressed concern about funding for the implementation of the task force recommendations and for rape crisis centres and Women's Aid. These are matters for the Department of Health and Children which funds services for victims of domestic violence. Increased funding has been provided in each of the past three years.

With regard to the 25% increase in orders sought by parents of adult children, this is a new provision. We fought long and hard to ensure that the Domestic Violence Act, 1996, would take account of the fact that not all domestic violence is between spouses. Sometimes parents have a need to report violence by their children. Reportings on this has only begun since the 1996 Act.

Mrs. T. Ahearn: We are all alarmed at the figures the Minister of State has revealed today. Does she agree that in dealing with domestic violence we do not concentrate enough on prevention and that our reaction is always to introduce measures to deal with those who have suffered from domestic violence? Has she proposals that place greater emphasis on prevention rather than dealing with instances as they arise? Is she satisfied with the effectiveness of the help line she introduced last year?

Miss M. Wallace: The single crisis telephone referral line referred to by Deputy Ahearn is an important aspect in dealing with matters of domestic violence against women. Being a referral service, a lot of research is being done on it in terms of establishing a directory of services so as to have the telephone numbers of all the service providers around the country. When established, the line will be a referral service providing an identified telephone number for victims who will be put through to the appropriate service they require.

There are many needs in the prevention area. People must be aware that they do not have to suffer the crime of domestic violence. We are encouraging people to be aware of the fact that the crime should not remain hidden in the home and that they should seek support from families and neighbours to root the crime out of society.

Anti-joyriding Measures.

9. **Mr. Stagg** asked the Minister for Justice, Equality and Law Reform the anti-joyriding measures he has initiated since coming into office; if he has satisfied himself with their effectiveness; and if he will make a statement on the matter. [11131/00]

38. **Mr. Broughan** asked the Minister for Justice, Equality and Law Reform the steps he will take to deal with joyriding which is causing problems in so many urban areas; his views on whether the powers available to the Garda to deal with the phenomenon are adequate; and if he will make a statement on the matter. [11196/00]

Mr. O'Donoghue: I propose to take Questions Nos. 9 and 38 together.

I am aware of the damage done to local communities by the scourge of joyriding. My approach to tackling joyriding, and indeed all crime, is threefold: first, a clear and determined focus on tackling those who are engaged in crime; second, a determination that the law enforcement agencies will be properly equipped and resourced to deal with crime and third, a commitment to address, and where possible to ameliorate, the causes of crime.

I have been assured by the Garda authorities that they are satisfied that the provisions of the Road Traffic Acts, 1961-93, as enforced by them are adequate to deal with situations where persons use or take possession of mechanically propelled vehicles without the consent of the owner. Any amendment to road traffic legislation is a matter for the Minister for the Environment and Local Government who is responsible for all road traffic legislation. I am determined to see that the gardaí have all the necessary resources they need to tackle crime effectively. There are now 600 more gardaí in the force than when I came into office. The Garda fleet has also increased substantially.

A number of measures specifically targeted at reducing the incidence of joyriding are also in place. I am informed by the Garda authorities that special foot and mobile patrols, targeting specific areas, are in place in response to identified local requirements. All vehicles the subject of unauthorised takings are technically examined when recovered and known offenders are targeted for these offences. The Garda air support unit has been particularly effective in this area and has assisted in the recovery of over 100 vehicles and made 194 arrests in 1998. Some of the arrests related to unauthorised taking of MPVs. I understand that they assisted in the recovery of stolen vehicles and that the arrest rate has been maintained for 1999 and to date this year, though these figures are not yet published.

I am informed by the Garda authorities that special plain clothes patrols concentrating on identifying cars, not subject to unauthorised taking, but that could be seized under section 41 of the Road Traffic Act, 1994, is showing some success. Each division also has a traffic unit which, outside of peak traffic hours, target incidents of joyriding and enforcement of section 41 of the Road Traffic Act, 1994. I am also informed that the stinger device was used on 29 occasions during the years 1997 and 1998.

In relation to Garda liaison with community groups and the attempts being made to deter joyriders, a number of projects are in operation which deal with this aspect of youth crime and which have proved valuable in identifying offenders. In Coolock, for example, joyriders have been referred to one of the Garda youth diversion projects funded by my Department. Similarly, in the south inner city, youths who come to the attention of the gardaí are referred to City Motor Sports where various motor appreciation courses are run.

In relation to estate management and reducing the opportunities for joyriding, I understand that co-operation between the gardaí and local authorities is ongoing with a view to effecting physical changes, such as barriers and speed ramps to reduce access to areas frequented by youths engaged in these activities.

Some of the local responses to joyriding include Operation Steering Wheel, which was developed by the Garda authorities to deal specifically with the problem of joyriding in Coolock. The operation is ongoing and comprises uniform, foot and mobile patrols targeting specific locations on a nightly basis. Gardaí are also involved in a task force to address the problem in the Coolock area. A special resource unit comprising one sergeant and eight gardaí was established to specifically target incidents of joyriding in west Tallaght.

There is plenty of evidence that the Government takes youth crime seriously and that it has put in place a comprehensive range of measures to address it. To begin with, as everyone in the House will be aware, the level of resources the Government has made available for youth facilities and services in Dublin is proof of its determination to tackle the root causes of social deprivation and youth crime. In the longer term, the Children Bill, 1999, which is at present before the House, provides for the development of a new juvenile justice system and contains many innovative measures for dealing with young offenders.

I have invested considerable resources in a network of Garda youth diversion projects since coming to office. I have increased the number of these projects from 12 to 29, and there are a number of proposals for other projects before my Department to expand the number over the life of the national development plan. The projects are tangible crime prevention measures and are run in conjunction with youth organisations.

I am fully aware of the damage, both mental and physical, that joyriding inflicts on community life. However, I have complete confidence in the range of measures being developed by the Garda Síochána to combat the problem and to discharge its role in maintaining law and order.

Ms Shortall: Will the Minister address the issue of so-called "company cars" as opposed to stolen cars? The large number of scrapped cars driven by groups of youngsters, who buy them as "company cars" for perhaps £30 is a recent phenom-

[Ms Shortall.]

anon. Following the Private Members' debate last week and the contributions by many urban Members, including several members of the Minister's party, has the Minister had any discussions with the Minister for the Environment and Local Government with a view to taking a joint approach to this serious problem which is afflicting a large number of urban areas and, if so, what has been the outcome? What percentage of Garda cars in urban areas have stingers? Many of us hear complaints from gardaí that an inadequate number of stingers is available to them.

Mr. O'Donoghue: It is important to deal with the issue of so-called "company cars" being sold cheaply to under-age drivers and Deputy Shortall has raised a relevant point in this regard. I understand from the Garda Síochána that there is no evidence to suggest that car owners of aged vehicles are selling them to youths for nominal sums and that these are subsequently used in joyriding.

However, there are rumours that owners of vehicles that are unlikely to pass the national car test scheme leave them in public places in the hope that they will be stolen. Even if these are unfounded — I am not saying they are — perhaps some car owners need to be reminded that they cannot abandon their aged vehicles in the hope that they will go away of their own accord. The days of the James Bond cars are more or less over, if they were ever there. A degree of personal responsibility goes with car ownership which includes ensuring that aged vehicles are properly and legally disposed of.

Bizarre situations can arise where joyriders have paid for so-called "company cars" which have not been reported stolen. If they race them on private property the legal position regarding the laws they break is confusing. I understand there is a suggestion before Dublin South County Council that a collection day should be introduced for such vehicles where they would be removed at the request of the owners, thus reducing the number of cars available for joyriding or for sale as so-called "company cars". It is suggested that insurance companies should also be involved in facilitating the disposal of such vehicles and that is something I would encourage.

In late 1998 the Department of the Environment and Local Government invited the Society of the Irish Motor Industry to submit proposals for a producer responsibility initiative relating to scrapped cars which would take account of the objectives and targets outlined in the proposed EU directive on end of life vehicles. I understand the Minister for the Environment and Local Government will shortly respond to the SIMI on its initial proposals for an ELV management system for Ireland and will seek an early discussion to make progress in the area to achieve the objective of securing an agreement on an

acceptable vehicle recovery scheme soon. I trust that answers Deputy Shortall's question whether I had discussions with the Minister for the Environment and Local Government.

Regarding the number of stingers available, I am informed by the Garda Síochána that it is satisfied with the resources available to it, including stingers. However, it must be realised that stingers can only be used in certain circumstances and it is a matter for the judgment of the Garda Síochána at a given location on a given day or night as to whether they should be used.

Ms Shortall: Is the Minister aware that the Garda has ample evidence to show that the problem stems from the supply of unwanted cars and that there are many unscrupulous car dealers making cars available to youngsters for £25 to £30? Does the Minister agree that what is needed is for firm action to be taken against such dealers? Many of them are well known to the Garda, especially in the Dublin area, and a handful supply the vast bulk of these company cars in the Dublin area. Will the Minister take up this issue with the Minister for the Environment and Local Government to ensure a strict approach is taken by both Ministers to tackle this problem once and for all before more people are killed?

Mr. O'Donoghue: I will raise the matter with the Minister for the Environment and Local Government in the terms Deputy Shortall suggested. Long before the concept of so-called company cars came on the scene, there was a problem with so-called joyriding, on the streets of specific areas of Dublin especially.

Ms Shortall: Not on this scale.

Mr. O'Donoghue: The scale of the problem seems to vacillate and there is a problem with the scale at present which must be addressed. While I accept that, statistics appear to indicate that the level of so-called joyriding vacillates and is not static.

Ms Shortall: That is not much consolation to the people who are scourged by this problem.

Mr. O'Donoghue: It is of little consolation to people who are scourged by this problem to bark out a statement without listening to something constructive which might assist in resolving the problem.

Ms Shortall: We want action, not denial.

Mr. O'Donoghue: Specific measures are being taken by the Garda Síochána. If the Deputy prefers to listen to the sound of her own voice, there is little I can do about that.

Ms Shortall: We are waiting to hear from the Minister.

An Ceann Comhairle: Does Deputy Shortall have a question?

Ms Shortall: Yes, I have. Will the Minister outline what steps are being taken in light of the information he was given during the debate on Private Members' time last week? This is a serious problem in urban areas and many communities are under siege because of the problem of joyriding. The Minister seems to be unconcerned about the effect it has on communities. Will he take urgent action with the Minister for the Environment and Local Government to tackle this problem before more people are injured or killed?

Mr. O'Donoghue: I sometimes believe that Deputy Shortall looks at me through blinkers. The Garda Síochána has the power and resources to deal with the problem. I am informed by the Garda authorities that certain measures have been taken. There are higher visibility patrols in urban areas and gardaí are using the vehicle stopping device, known as the stinger, to which I and Deputy Shortall referred. The Garda has the power under section 41 of the Road Traffic Act, 1994, to stop and seize vehicles it believes to be driven by underage drivers. It liaises with local authorities on traffic management issues, with the result that traffic calming measures are introduced in urban areas or will be where they have not been.

The Garda is deeply conscious of the need to try to engage public support and that is why it will continue to meet with local groups concerned about anti-social activities. If Deputy Shortall is aware of groups she wishes the Garda to meet, we will be only too delighted to facilitate her. The Garda will not let up in its continuing campaign against joyriding, an issue which I take extremely seriously.

Ms Shortall: The Minister should tackle the supply because that is the problem.

Rights of Unmarried Parents.

10. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to recent plans announced in the United Kingdom to give parental responsibility to some unmarried fathers; if he has similar proposals; and if he will make a statement on the matter. [11053/00]

Mr. O'Donoghue: Policy in our law on guardianship is contained in the Guardianship of Infants Act, 1964, the Status of Children Act, 1987, and the Children Act, 1997. Prior to commencement of the 1997 Act the position was that

an unmarried father could acquire guardianship rights if he subsequently married the mother or if he applied to the court under section 6A of the Act of 1964, as inserted by the Status of Children Act, 1987, to become a joint guardian.

The law in this area was the subject of review in the course of preparation of the Bill which led to the Act of 1997. That Bill was the subject of detailed debate in the course of its passage through the House. The Act of 1997, which came into force in January 1998, makes it possible for a father who has not married the mother of his child to acquire joint guardianship rights by agreement with the mother of his child without having to go to court. In addition, it inserted new provisions in the Act of 1964 to specify that the court has discretion to order joint custody.

In the course of passage of the Bill, I strengthened it in the area of guardianship, custody and access with a provision that the court, in settling disputes in relation to children, must have regard to whether the child's best interests would be served by maintaining personal relations and direct contact with both his or her father and mother on a regular basis. That provision was inspired by a provision in the UN Convention on the Rights of the Child.

There are no further proposals to amend the law in this area, although I can say that its operation is being kept under review and the details of developments in other jurisdictions can be part of that review.

Mr. Higgins (Mayo): Does the Minister accept that there is a significant difference in the legal status of married and unmarried fathers? Where a child is born to married parents, both mother and father automatically have legal powers. That is defined as parental responsibility. If the parents are not married and even if they live together as a family and the man is registered on the baby's birth certificate as the father, only the mother automatically receives parental responsibility when the child is born. The father has no legal rights in terms of formal decision-making. Given that it has been decided in Britain to apply automatic parental responsibility to both parents provided the father's name is on the birth certificate, will the Minister consider making a similar move here?

Mr. O'Donoghue: My understanding of the position in Great Britain is that it is similar to the law in this jurisdiction and that all the rights, duties, powers, responsibilities and authority which, by law, a parent of a child has in regard to a child and his property is the definition of what parental responsibility amounts to in that jurisdiction. My understanding of the situation in the United Kingdom is different to Deputy Higgins's. My view is that the mother has automatic parental rights there and that the unmarried father

[Mr. O'Donoghue.] can acquire parental rights through a number of ways, similar to here — by subsequently marrying the mother, by obtaining a court order or by means of a formal agreement with the mother. My understanding is that an agreement must be in the prescribed form and must be registered in the court. The court's power is purely administrative and there is no investigation of a child's welfare when the agreement is registered. It is true that entry of an unmarried father's name on a birth certificate is *prima facie* evidence that he is the father of that child and that the onus of proof is on any person who wishes to dispute that. While the birth registration constitutes an important method of establishing parentage, it has no effect on guardianship rights of the unmarried father.

Mrs. T. Ahearn: This is an important element of rights, responsibility and guardianship. How does the Minister equate obligation with rights? We should all adhere to the basic principle that a parent has a right to maintain his or her child and to provide for its upkeep and care. What is the Minister's position on granting rights or guardianship to a parent who is not prepared to take responsibility for maintaining and caring for that child?

Mr. O'Donoghue: Deputy Ahearn has raised an important and interesting point. A father's duty to maintain his child and his right to apply to the courts for access to the child concerned is obviously not contingent on his being made a guardian. Indeed, his right to apply to the courts for access to the child concerned is not contingent on his being made a guardian. Deputy Ahearn is correct, people have obligations and duties which might be ascribed to the natural law and which are of a higher order than anything I could enact. If people wish to ignore their responsibilities and simply walk away from them, there is very little the law of this country or, indeed, any other jurisdiction can do about it.

Ms Shortall: What is the Minister's view on the UN convention provision which states that a child has the right to know and be cared for by both parents? Does he accept the follow-on from that in regard to the need to oblige the registration of both parents' names on birth certificates as is the case in many other EU states? Does the Minister intend to move in that direction?

Mr. O'Donoghue: It always has been the case in our courts and in our law, as evidenced in the Guardianship Act, that the child's interests are paramount in terms of deciding who should obtain guardianship or who should not have access to a child. The concept of the family is broadened in the Guardianship Act by allowing orders for access to be given to grandparents etc.

I outlined the precise implications of registering a father's or mother's name on a birth certificate. In 1992, the Law Reform Commission was of the view that the principle of equality required that no distinction whatsoever should be made in regard to the legal rights of guardianship on the basis of marital status alone and that is not the case in this jurisdiction.

Tribunals of Inquiry.

11. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform if he has received any reply from the Chief Justice to the approach he made, following the recent remarks of the Taxing Master, Mr. James Flynn, regarding the operation of tribunals of inquiry established by the Oireachtas, to suggest that the new judicial ethics regime should cover officers other than members of the Judiciary; and if he will make a statement on the matter. [11191/00]

Mr. O'Donoghue: I wrote on 21 March to the Chief Justice in his capacity as chairman of the judicial committee which is examining the question of judicial conduct and ethics. In that letter I asked the committee to consider including in its remit the question of the accountability of those statutory principal officers of the superior courts who exercise judicial functions. I await the committee's response.

Ms O'Sullivan: In a reply to a parliamentary question on 23 March, the Tánaiste indicated that the Minister for Justice, Equality and Law Reform would contact the Chief Justice and also that the Attorney General would contact the President of the High Court in regard to this matter. In view of the fact that no responses appear to have been received in either case, does the Minister intend to raise this matter again to ensure that a response is received as the Taxing Master's comments on tribunals have clearly caused public concern about the operation of tribunals and the importance of their role?

Mr. O'Donoghue: I wrote to the Chief Justice and asked him whether it might be appropriate for the committee to consider whether the position of the Taxing Master and other principal officers of the superior courts who exercise quasi-judicial functions should come within its remit. The Taxing Master issued a written statement to the President of the High Court in which he expressed regret for any offence he caused to members of the Judiciary or Members of the Oireachtas. He fully accepted and acknowledged the entitlement of the Oireachtas to establish tribunals of inquiry. In those circumstances, the Government felt that while the Taxing Master's comments were inappropriate, we should accept his statement and let the matter lie. It was felt that it was not necessary in the light of all the

circumstances to demand, in Shakespeare's words, a pound of flesh.

Mr. Higgins (Mayo): Will the Minister clarify whether he regards tribunals as very necessary vehicles for the establishment of facts in regard to fundamental issues and that we acknowledge the contribution of the McCracken tribunal to the establishment of facts in regard to one former and one current Member of this House? Does the Minister wish to put on record his absolute faith in the ongoing work of the two tribunals established by this House, namely, the Moriarty and Flood tribunals?

Mr. O'Donoghue: Yes, there are obviously circumstances in the course of public life where it is unfortunately necessary to set up tribunals to examine serious matters. Far be it from me to criticise tribunals or their membership. I must await their reports in the same manner as everyone else.

Mr. Flanagan: On Mr. Flynn's letter of regret to which the Minister referred, does the Minister believe it was a voluntary apology?

Mr. O'Donoghue: I assume Mr. Flynn, the Taxing Master, decided to express his regret in his own inimitable way. The Government decided not to take any further action, as stated in the press release of 28 March last. I do not doubt that Mr. Flynn's regret is sincere and we should accept what he said. The last thing we need in regard to any individual who makes a mistake is a witch hunt.

Mutual Assistance Requests.

12. **Mr. Flanagan** asked the Minister for Justice, Equality and Law Reform the reason it appears the State neglected and refused to co-operate fully with federal prosecutors in relation to a mutual assistance request received from the US authorities on allegations of attempted gun running between here and Florida. [11125/00]

Mr. O'Donoghue: The assumption on which this question is apparently based is quite incorrect. There was no question of a refusal on the part of the Irish authorities to co-operate fully with the United States authorities in fulfilling this mutual assistance request. The execution of the request, which in its original form was very wide-ranging in nature, has been complicated by the fact that there are continuing Garda investigations into alleged related offences in this jurisdiction and the evidence sought is also required for the purposes of the investigations here. As confirmed by advice of the Attorney General's office in this case, it is a general principle of international mutual assistance arrangements that where evidence is required for a domestic investi-

gation or prosecution, the fulfilment of a request for mutual assistance may be delayed until the domestic aspects of the case have concluded.

This position was brought to the attention of the US authorities and they and the Garda authorities have held discussions on possible ways of accommodating the US requirements. The successful outcome of these discussions has been facilitated by the fact that the US authorities have indicated that the evidence which they now require is much narrower in scope than that sought originally. I have been informed by the Garda authorities that some of the material has already been forwarded to the US authorities and the remainder will be handed over for the period of the trial and then returned to this jurisdiction. Several gardaí will also travel to the United States, as requested, to give evidence in the case.

On a more general note, the United States and Ireland are on the point of finalising the text of a bilateral mutual legal assistance treaty in criminal matters. The proposed treaty will put the present informal mutual assistance arrangements which exist between Ireland and the United States on a formal footing. The general principle to which I have referred will be reflected in a provision in the treaty to the effect that a domestic investigation or prosecution will take precedence over an investigation or prosecution into the same set of facts in the requesting country.

Mr. Flanagan: Is the Minister saying that the Government did not block moves by the federal prosecutors in the US to interview 12 witnesses from Ireland who could provide vital evidence on the importation of 100 pistols and a number of machine guns to Northern Ireland in recent times? Can I take it from the Minister's reply that any blockage on the part of the Government has been removed and that there will be full co-operation between the Irish State and the US authorities? Will the Minister confirm whether that co-operation will include the availability, on a voluntary basis, of Garda officers to give evidence when required to do so?

Mr. O'Donoghue: There was neither blockage nor involvement by the Irish Government. I emphasise that there was no question of a refusal by the Garda. As I explained, a difficulty arose because of the need not to prejudice the related Garda investigation and any subsequent prosecution in this jurisdiction. Following discussions between the Garda and the US prosecutor, the situation has been resolved. I do not have information in regard to the position of the RUC on this matter. However, I note that the newspaper report makes no reference whatsoever to a related investigation by that force and I am not otherwise aware of any such investigation. That would be a crucial point of difference from the position of the Garda.

Mr. Flanagan: Will full co-operation be provided?

Mr. O'Donoghue: Yes, full co-operation has been provided already.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy McDowell — the decision by the Minister for Education and Science to terminate the three year infant cycle in St. Joseph's co-ed primary school, East Wall Road, Dublin 3; (2) Deputy Naughten — the need to approve funding for a language unit in County Roscommon; (3) Deputy Matt Brennan — the delay in commencement of work on a one-stop-shop for local authority and social services in Tubbercurry, County Sligo; (4) Deputy Perry — the destruction of dunes and the removal of trees in a special area of conservation at Classicbawn Castle and estate, Mullaghmore, County Sligo; (5) Deputy Quinn — the need for the Minister for Public Enterprise to authorise CIE to dispose of surplus land at Serpentine Avenue, Dublin 4, to the city housing initiative without going to public tender; (6) Deputy McGinley — the hardship to students attending full-time courses in institutes of further and higher education in Northern Ireland and Britain due to currency exchange rates; (7) Deputy Fitzgerald — the crisis in private rented accommodation in the Dublin area and (8) Deputy Jim Higgins — the circumstances surrounding the transfer of a liquor licence at a private court sitting to a person (details supplied).

The matters raised by Deputies Quinn, Naughten, Jim Higgins and McGinley have been selected for discussion.

Report of the Joint Committee on European Affairs on EU Institutional Reform in the context of Enlargement: Motion.

Mr. Durkan: I move:

That Dáil Éireann takes note of the Report of the Joint Committee on European Affairs on EU Institutional Reform in the context of Enlargement.

I wish to thank your office, a Cheann Comhairle, and that of the Whips, for facilitating this debate. While I appreciate that the time factor is not great, the issue involved is quite complicated and requires a good deal of discussion. This is particularly so because of the changes that are taking place within the European institutions at the moment. Discussions are taking place about the

type of Commission and structures that will apply in the European scene in future.

One of the matters that is being discussed now is the future format of the European Commission in the context of enlargement. Quite an amount of pressure is being put on to try to reduce the number of Commissioners. A suggestion has been made by the UK delegation that 20 may be the maximum number of Commissioners allowed. One does not have to be an Einstein to figure out where that would lead.

I congratulate the Taoiseach for his recent forthright statement wherein he indicated that the question of Ireland's Commissioner is not negotiable. There are a number of reasons for this, some of which the Taoiseach has pointed out. To these must be added the fact that the existence of a Commissioner has a certain symbolism, both for existing member states and the incoming ones. If the European Union is to progress and mature properly in an inclusive way, any attempt to remove a Commissioner will only create a lack of confidence and undermine existing confidence in the Commission and the institutions generally.

Another issue that has risen and which we are told by some quarters is a *fait accompli* is the future number of MEPs. This is something that could have serious implications for Ireland because the point will be made that the Parliament can only cater for 700 members. However, the House of Commons can cater for up to 600 MPs, and that is only one EU member state. Therefore, I do not see what the problem is in accommodating members from all over the European continent so they can represent their respective national electorates. That matter needs to be re-examined.

Qualified majority voting is currently the subject of considerable debate within the European Institutions. It also has implications for Ireland, as does the possible reduction in the number of MEPs. There will be those who will say that such a reduction is good but I do not think so. Nothing can indicate that such a move would be either positive or progressive, notwithstanding the proposals in some quarters to reduce the number of TDs. In fact, such a move would have the reverse effect to that which is being suggested; it would interfere with and impede democracy. It is a suggestion that should not be made, particularly at this sensitive time when negotiations are taking place on the enlargement of the European Union.

The impact of a reduction in the number of MEPs representing a small country is greater in terms of the creation of a democratic deficit than it would be on larger countries. If one removes ten or 15 MEPs from a large country it will have an impact and people will be aggrieved. If, however, one removes three MEPs from a country which currently has only ten or 15, it will have a much greater impact with serious implications.

A number of other points are being considered in the context of European reform, but the ones I referred to are probably the most important. They are, however, not the only relevant ones from Ireland's point of view. I would like to mention a few other matters that have been emanating from other EU member states. For instance, it has been suggested that at the time this report was compiled — it is over a year old now, but still relevant — there had to be institutional reform before any other discussions on enlargement could take place. Fortunately, the Helsinki Summit meeting was held in the meantime which had the effect of setting parameters which were positive and beneficial for the future. It also had the effect of focusing on where Europe was going.

When the founding fathers of modern Europe sat down 50 years ago to rebuild Europe from the ashes of war, they identified the situation as it then was and for as far as they could see it would develop into the future. Their plans were extremely effective in bringing together the disparate views, objectives and aspirations of a divided European people. They brought them together in a positive and constructive way which worked effectively up to the end of the Cold War.

What happened after that should have been much easier, but in fact it was not. We have seen a re-emergence of some of the very nationalistic aspirations that were the cause of many wars in Europe over the centuries. What is now unfolding in Europe is much more complex and will require a great deal more effort and more refined techniques in order to deal with it. The decisions and measures to be taken by the European institutions along with the input of the existing member states and the applicant countries will have a long lasting effect on the future of Europe. Whether positive or negative, it will impact on us for a very long time.

If the current number of Commissioners — one for smaller states and two for each of the larger ones — continues, it has been suggested that some nations might only be represented in the Commission by the equivalent of a Minister of State. That is no disrespect to Ministers of State.

Minister of State at the Department of Tourism, Sport and Recreation (Mr. E. Ryan): The Deputy was one himself.

Mr. Durkan: Having served in that august office myself, I am fully aware of what it is like. The suggestion, however, is that there should be a Minister of State-type of Commissioner. The Joint Committee is very much opposed to any attempt to diminish in any way the status of the representation at Commission level for any country — either the existing member states or incoming ones.

The Joint Committee spent a considerable time considering the situation whereby issues of vital

national concern could be discussed at COSAC meetings. When my committee was formed two and a half years ago one of its objectives was to try to improve that situation. Irish products had been interfered with en route through France and Britain, and we tried to do something about that. We achieved something, and at least now vital issues can be discussed at the six monthly COSAC meetings in a way which will be a response to the problems which arise in the individual nations.

I thank the Ceann Comhairle for the opportunity of speaking on this debate and presenting this report to the House. The European institutions are changing fast and will change whether we like it or not. I hope Members will have ample opportunity to discuss these issues on a regular basis.

Mr. E. Ryan: I thank the members of the Joint Committee on European Affairs, in particular the Chairman, Deputy Durkan, for bringing to the attention of the House their report on EU institutional reform in the context of enlargement. This debate is timely, given the recent convening of the intergovernmental conference to consider changes in the European Union's institutions necessitated by enlargement. As Deputies will be aware, the intergovernmental conference began in mid-February and is scheduled to conclude at the December European Council under the French Presidency.

The primary mandate of the Intergovernmental Conference, as the committee's report anticipates, is to examine the issues unresolved at Amsterdam, namely the size and composition of the Commission, the weighing of votes in the Council and the possible extension of qualified majority voting, along with other related institutional changes necessitated by enlargement. It was also agreed at the Helsinki European Council that possible additions to the agenda could be considered in the June meeting of heads of state or government. However, it is clear that the issues already identified provide a very substantial area for discussion.

Ireland has taken the view that further substantial expansion of the agenda is unwarranted, bearing in mind that the Treaty of Amsterdam only came into force in May of last year. We are also concerned that extending the agenda may make it more difficult for the conference to conclude its work in December with negative consequences for the enlargement timetable. With the prospect of a significant increase in the number of member states, the vital task facing the Intergovernmental Conference is to update the Union's decision-making machinery while ensuring that its essential institutional balances are maintained. This issue is of great importance for Ireland and for the future functioning of an enlarged Union. Ireland, which has benefited enormously from its

[Mr. E. Ryan.]

membership of the Union, will play a constructive and positive part in these deliberations. I will outline briefly the Government's approach to each of these issues but first I will mention the framework within which the Intergovernmental Conference negotiations take place and the process of consultation that exists in developing our position.

As the Minister with overall responsibility for these negotiations, the Minister for Foreign Affairs, Deputy Cowen, is an active participant in the monthly ministerial sessions of the Intergovernmental Conference which coincide with meetings of the General Affairs Council. The ministerial meetings progress the work of the preparatory group on which Ireland is represented by Mr. Noel Dorr, former Secretary General of the Department of Foreign Affairs. In view of the importance of these negotiations, arrangements have been made for wide-ranging interdepartmental consultations, chaired by the Department of Foreign Affairs, covering all aspects of the Intergovernmental Conference agenda, which in turn feeds into the work of the Cabinet Committee on European Union Affairs. At a time of major change, both within the Union and the wider international arena, Ireland's priority objectives for the Intergovernmental Conference are to ensure that the Union is equipped to function effectively in the context of enlargement and that the delicate institutional balance which lies at the heart of the Union is maintained in any new arrangements.

As a smaller member state, Ireland has a particular interest in ensuring that these balances, particularly between large and smaller member states, which contribute to the unique character of the Union, are maintained for the future. In this regard we have emphasised to partners, our view that the effective functioning of the Union requires that each member state retains the right to nominate a commissioner, a position which is also emphasised in the committee's report. This is desirable, not only from a rational perspective, but because it serves to reinforce the authority and credibility of the Commission across the Union. As regards a review of the weighing of votes in the Council, it will be recalled as provided in the protocol to the Amsterdam Treaty, that it is linked with the suggestion that large member states would be willing to forego their second Commissioner. We want to carefully consider any specific proposal which might be put forward under this heading to ensure that they contribute to the effective functioning of the Union without bringing into question the necessary institutional balances. However, any change would be dependent on the larger members states confirming their willingness to forego their second Commissioner and by confirmation of the right of each member state to nominate a Commissioner.

Qualified majority voting already applies to a very significant part of the Council work. We have found the operation of qualified majority voting to be generally helpful to Irish interests. For example, in the context of the Common Agricultural Policy and the completion of the single market, at Amsterdam, Ireland along with a significant majority of member states was prepared to consider extending QMV to some additional areas but agreement in the end did not prove possible. In keeping with our constructive approach to these negotiations, we are prepared to examine proposals to extend QMV on a case by case basis. In a number of sensitive areas such as taxation, the case for retaining the present unanimity provision remains overwhelming.

Enlargement can also be expected to have an impact on other institutions of the Union such as the Parliament, the Court of Justice, the Court of Auditors and other European bodies. While the discussions are as yet at a very preliminary stage, the Intergovernmental Conference will be examining arrangements to provide for participation by the new members in the work of these bodies. It will also consider how best the structures or working methods of these bodies can be adapted to the demands of an enlarged Union. Our approach is to ensure that any changes are of benefit to the institutions themselves while maintaining appropriate provision for member states' participation and representation. The Intergovernmental Conference attaches particular importance to working closely with the European Parliament. It was agreed at Helsinki that the parliament would be invited to designate two of its members to participate in the preparatory group and that each meeting at the ministerial level would be preceded by an exchange of views with the President of the Parliament. These arrangements are working well. The meeting with the President of the Parliament, Madame Fontaine, and her colleagues has developed into a real dialogue and has helped ensure that both Ministers and the Parliament are aware of the other's views.

The purpose of the Intergovernmental Conferences is to ensure that the Union is in a position to absorb the new members when the admission process is completed. We are pleased to note the enlargement process is moving forward with determination on all sides. The current accession process was launched by the 15 member states, the ten central and eastern European countries and Cyprus on 30 March 1998. The following day, negotiations were inaugurated with the Czech Republic, Slovenia, Estonia, Hungary, Poland and Cyprus. Negotiations have continued with these countries, the so-called Luxembourg candidates, on a policy chapter by chapter basis. In December 1999, the Helsinki European Council added momentum to the enlargement process by taking the decision to open negotiations with a

second wave of applicants — Bulgaria, Latvia, Lithuania, Romania, Slovakia and Malta — now referred to as the Helsinki candidates.

In recommending the opening of the accession negotiations with these countries, the European Council also agreed to implement a more flexible approach to the negotiations called “differentiation” whereby negotiations will focus individually on the policy needs and the preparedness of each country rather than attempting to go forward on each issue together. Regarding accession dates, it was agreed that the EU will be in a position to welcome new members from the end of 2002 as soon as they have demonstrated their ability to assume the obligation of membership and once the negotiation process has been successfully completed. An indication of the fast pace of events is that former negotiations began with the Helsinki candidates on 15 February this year, with substantive negotiations beginning on 28 March.

At Helsinki the historic decision was made to grant candidate status to Turkey and in doing so, answered the hereto controversial question of how best to advance the country’s relationship with the European Union. Turkey, as a candidate, will now benefit from a pre-accession strategy to stimulate and support reform. This will entail a political dialogue with a particular emphasis on human rights envisaged to help the eventual fulfilment by Turkey of the Copenhagen criteria and allow the opening of negotiations. These rigorous political criteria of democracy, human rights, protection of minorities and the rule of law are the same for all applicant countries.

I assure the House the Government is in favour of the enlargement process. We see it in the context of the European ideal of building a better future for all based on the reconciliation of old antipathies. We strongly support differentiation in the negotiation process, particularly the possibility of Helsinki candidates catching up, provided their level of preparedness merits it.

Enlargement is a major undertaking, but the scale of change is exceeded by the magnitude of opportunities both for Ireland and the EU as a whole. The decision on enlargement at Helsinki will have positive consequences long into the future in terms of stability and improved living standards for all the peoples of Europe. Ireland can play a positive role in the enlargement process and many applicant countries look to Ireland as an example of the path they wish to follow. The Taoiseach and the Minister for Foreign Affairs have made it clear they stand ready to give any help we can. With memories of our European apprenticeship still fresh, we can do no less. For enlargement to be successful, it is essential that the Intergovernmental Conference does its work well and on time.

Proinsias De Rossa: Considering how far the debate has moved on, it is bizarre that we are holding this debate on the basis of a document dating back to October 1998 on the Intergovernmental Conference which started two months ago. I know the Minister of State, Deputy Eoin Ryan, is not totally responsible for that—

Mr. E. Ryan: Thanks.

Proinsias De Rossa: —other than that he is now a Minister of State and must now bear some responsibility. The Minister for Foreign Affairs and the Minister of State at the Department of Foreign Affairs are both absent and we do not have a Minister for European affairs — that is also significant. In many ways it is symptomatic of the Government’s approach and the minor role accorded to this Parliament in influencing Government policy on European Union matters.

Over the last year the EU has witnessed a number of crucial developments relating to institutional reform and enlargement — the coming into effect of the Amsterdam Treaty, the Cologne Summit, which reaffirmed the need to convene an Intergovernmental Conference, the Dehaene report, the Helsinki Summit, which confirmed the Intergovernmental Conference agenda and which paved the way for enlargement negotiations with six additional applicants, the opinions of the other EU institutions in January and February and the actual start of the Intergovernmental Conference two months ago.

In order to make institutions and procedures originally designed for six work effectively for 25 it is obvious that wide-ranging changes have to take place. These changes touch upon vital issues that affect all member states. In an appalling dereliction of its duties, the Government has failed up to now to outline its position on these matters to the Oireachtas. It is not as if it did not see this coming. The Amsterdam Treaty clearly spelt out that an Intergovernmental Conference would take place at least one year before membership exceeded 20. The only possible point of reference we have is the speech given by the Taoiseach to the Institute of European Affairs on 21 March last, which was partly quoted in the media and which was partially quoted by the Minister of State. Significantly, he left out the Common Foreign and Security Policy.

The Taoiseach said that there is a “substantial body of work for the Union itself to complete in the preparations for enlargement”. Surely he should then have developed a negotiating strategy, but this is not the case. The Taoiseach said the Government’s “position will be refined over the coming months by the Cabinet Committee on European Affairs”, which he himself chairs.

Meetings of the Government representatives to the Intergovernmental Conference have, in fact, been held on 15 February, 25 February, 7 March,

[Proinsias De Rossa.]

28 March and 4 April. The Minister for Foreign Affairs and other Ministers met on 20 March and 10 April. According to the Presidency work programme for the Intergovernmental Conference, the first of the two stages of the negotiations were due to finish last Monday and the whole thing by Christmas, yet the Taoiseach is talking about refining a strategy “over the coming months”.

The Helsinki Summit expanded on the Cologne Summit by deciding that the Intergovernmental Conference should examine other necessary amendments to the treaties arising as regards the European institutions in connection with these issues and in implementing the Treaty of Amsterdam. It also allowed the possibility of adding additional items on security and defence to the agenda, which the Minister of State ignored today, on the basis of a report by the Portuguese Presidency at the Feira Summit in June.

Even more issues can be added. For example, at the Commission's behest, the European University Institute in Florence is currently preparing a study on the division of the treaties into two separate parts — basic texts and implementing texts. In the light of this study, the Commission said it “reserves the right to present proposals to the Intergovernmental Conference” — the Minister of State made no reference to this. The Intergovernmental Conference has already discussed issues such as the extension of qualified majority voting in taxation, social policy and the environment, justice and home affairs, article 308, which was formerly 235, the European Parliament, including the allocation of seats, decision-making procedures, its role in EMU, the CFSP and treaty revisions, and referrals to the Court of Justice. Again, those who prepared the Minister of State's speech deliberately left out references to the CFSP.

The Intergovernmental Conference has also discussed the Court of Auditors, the Social and Economic Committee, the Committee of the Regions, the composition, size, internal organisation and accountability of the Commission, the weighting of votes within Council and reform of the judicial system. What is our Government's position on any of these issues? When has it been presented seriously? There is no evidence of the Government taking this House seriously in relation to these matters, yet the Taoiseach says in his IEA speech that it would be very unwise to go beyond the so-called Amsterdam leftovers, which the Minister of State repeated. It seems to be obvious to all bar the Government that the agenda is already widening.

The reality is that these leftovers were in fact extensively thrashed out at Amsterdam. The problem was that no last minute deal emerged and they do not now require extensive discussion. We should remember that the Maastricht Intergovernmental Conference, which produced

the complex Maastricht Treaty, lasted only one year.

Judging from the Taoiseach's speech, one of the reasons he wants to confine the agenda is to seek to get out of having a referendum on the outcome. That is my view, but it is also the view of some of his Fianna Fáil colleagues. Gerry Collins MEP said in the European Parliament that it would “be necessary to have a referendum in Ireland to approve any Treaty”. Interestingly, he also said the EU should revert back into a “looser form of co-operation between 30 member states”. Is this the Government's position? If it is we should be told, because it would be a major policy shift by this country with regard to our participation in Europe and it would explain more clearly the Government's reluctance to broaden the Intergovernmental Conference agenda.

Whatever emerges from this Intergovernmental Conference must have the support of the Irish people. To do so, there will have to be concrete advances. Amsterdam was a step forward in many ways, although it was not perfect. It introduced anti-discrimination clauses, an employment chapter and strengthened the EU's role in environmental protection, social inclusion, public health, consumer protection, culture and the fight against crime. It also made EU decision-making more democratic and open.

Ireland's approach to the Intergovernmental Conference 2000 should be based on a number of fundamental principles and objectives. It should aim to bring Europe closer to the people and make it more open, democratic and effective by streamlining and simplifying the decision-making procedures, by providing for more qualified majority voting at Council and more co-decision between Parliament and Council, and by involving national Parliaments more. It should seek to maintain the broad balance between member states. It should maintain the right of each member state to always nominate a Commissioner and the Commission's right of initiative. It should strengthen Europe's role where it is needed, in the fight against drugs, unemployment, social exclusion and in nuclear safety. It should broaden the concept of European citizenship. It should seek to establish Europe's capacity to act in the field of the common foreign and security policy in a way which is transparent and democratically acceptable to the elected representatives of the peoples of Europe, and be directed primarily towards conflict prevention and crisis management. It should aim to achieve greater democratic scrutiny and involvement in justice and home affairs. More specifically and, building on the Amsterdam Treaty, Ireland should seek the replacement of the unanimity requirement in Council for measures to be adopted under the anti-discrimination clause by qualified majority voting, and the greater involvement of the European Parliament by means of co-decision.

I know it is not the fault of the Minister who delivered the speech that it was so hopelessly out of tune with what is going on in Europe and the decisions being made there. Ireland, represented by this Government, seems to be standing back with its arms folded, refusing to engage in the serious debate taking place there.

Mr. P. Carey: I welcome the opportunity to speak on this report. I compliment Deputy Durkan on his work as Chairman of the Joint Committee on European Affairs. He has advanced on a considerable agenda in the past three years. In the past ten days, Deputies Durkan, Wall and I met with the Slovak delegation to discuss their application to join the EU. In the past couple of days Deputy Durkan and I met with representatives of the Estonian and Lithuanian Governments to discuss their concerns regarding their applications. At this stage, the committee has met with all but one of the applicant countries. Hopefully, we will be able to redress that shortly. I also compliment Deputy Durkan on his participation, with Deputy O'Malley, in the special group dealing with the Charter of Fundamental Rights and Freedoms arising from Helsinki.

Since the 1973 enlargement, Ireland has benefited considerably from EU membership, especially in economic terms. The enlargement of the Union to the East will have an impact on Ireland's position in the Union. There was considerable concern that Ireland's loss of nationwide Objective One status would greatly affect the economic development of the poorer regions. However, the ongoing growth of the Irish economy and the prospect of a greater number of customers in an enlarged internal market will provide continuing opportunities for expansion and many challenges.

Ireland is historically a net beneficiary of the EU budget. In the past 25 years this has contributed to Ireland having the fastest growing economy in the EU. Our unemployment rate has decreased to about 4%. Through its membership of the EU, Ireland has developed into the Celtic tiger. However, there was much concern when Agenda 2000 was announced in 1997 that the rug would be pulled out from under Ireland if we lost Objective One status and therefore the Structural and Cohesion Funds which have greatly buoyed our economy. There was much negotiation between the Government and the Commission throughout 1998 and early 1999 in order to ensure the underdeveloped areas of Ireland would not lose out and the CAP reform would not grossly affect our farmers.

There is concern in certain sectors that a lower cost market will open with the accession of the central and eastern European countries which may threaten Ireland's competitive advantage in attracting foreign investment. However, and I hope Deputy Durkan would agree, from our con-

versations with the Estonian and Lithuanian delegations, there is unrealised potential. The ESRI recommended that Ireland can maintain its advantage by focusing on the high skill based sectors such as high technology, computers, engineering, etc. Ireland has the unique advantage of an English speaking educated workforce on the edge of Europe. Nor are Ireland's domestic or export markets likely to be threatened to any significant extent by lower cost imports from central and eastern European countries. The accession of these new countries to the EU will open new markets for Irish goods and services.

In his speech marking the 25th anniversary of Ireland's accession to the EU, the Taoiseach said the accession of the central and eastern European countries is an historic imperative and that these new partners should be welcomed as part of the logical expansion of the EU to include the continent of Europe. As Ireland has for so long benefited from EU membership, it is now in a position to lend its expertise to the accession countries as a model of European success. Many civil servants and sectoral leaders from the candidate countries visit Ireland to learn from our experience, having previously been one of the poorer members of the Union. I was glad to hear the IPA is running useful courses for the Lithuanian and Estonian Governments. We met with some Irish consultants on our visit who are providing services to those countries.

Deputy de Rossa mentioned the shorter agenda of the Intergovernmental Conference. I hope there is unanimity on the extension of qualified majority voting. As Deputy Durkan said, the retention of a Commissioner by all countries, whether they are large or small is important, as is membership of the European Parliament, on which a ceiling should not be placed. I intended to deal with the thorny issue of common foreign and security policy but perhaps I will return to that another time.

Mr. Wall: I wish to express my appreciation of the work done by the Chairman of the Joint Committee on European Affairs, Deputy Durkan. It is a busy committee and we have meetings almost every week. Deputy Durkan has also met with many ambassadors and interested parties in his own time. As the Whip of the Opposition group, I wish to express my appreciation of his efforts on behalf of the Labour Party.

I commend the committee for producing this report on EU institutional reform in the context of enlargement. As a member of the committee, I know a great deal of work went into the production of the report and it is right that the House is debating its contents. The committee's work is all the more important given the absence of debate elsewhere. Discussions on Europe and its evolution have followed a familiar pattern in recent years. Proposals for change are made by

[Mr. Wall.]

the EU but they receive little attention in Ireland, outside of the usual Europhile circles. Eventually, change is agreed at an Intergovernmental Conference by our Government and, quite properly, a referendum is ordered. We then debate the fact that we have not had an adequate debate. The public are reported as being confused about the issues at stake and on amount of work by the Referendum Commission or the political parties can change that perception. That is one of the reasons the vote in favour of further European integration has declined at recent referenda.

The current Intergovernmental Conference which began on 24 February last is due to deal with what are referred to as “the Amsterdam leftovers”. In effect, this means getting the Union ready for enlargement. Important issues are involved, including the possible loss or rotation of Commissioners and the extension of qualified majority voting. This has implications for this country and our relationship with Europe. For years, we have been fondly regarded as the most loyal member of the European club. Our support for integration, expressed through referenda, has won us friends and favours in Europe. However, the basis on which these referenda were supported has changed. Should there be a referendum on the outcome of the current Intergovernmental Conference, as my party believes there should, it will be the first one conducted in the context in which there is not an immediate and obvious financial benefit to this country riding on the decision.

Whether it is in the Commission or Parliament, or the loss of a veto on certain matters, Ireland will lose some influence in a process designed to increase the Union’s membership. My party has argued in the past 18 months that Ireland should be prepared to play a new role in Europe. The days of Structural and Cohesion Funds are coming to an end and GDP *per capita* will soon reach the European average. We will soon be net financial contributors to Europe. We should react positively to these changes. We have been a member of the European Union for 25 years, we are well respected within it and work its institutions better than any other country. It is time we asserted our view on the direction Europe should take.

We should network closely with other countries — our fellow neutrals being an obvious example — to achieve our ends. It is time we counteracted the power of the larger countries. My party leader, Deputy Quinn, is on record as stating we should begin now to build up our contacts with the countries fast tracked for European Union membership. Like us, they are small countries with many similar interests to us. They realise they have a lot to learn from a country like Ireland, which has used the European Union

to make up for 50 years of relatively slow economic development.

Central to ensuring the continued rights of smaller countries within the Union is the retention of our Commissioner. The Commissioner is, in effect, the friend of the smaller country. Commissioners meet as equals. While responsible for specific portfolios, they also represent their countries. It is essential — that is confirmed by this report — that we retain a Commissioner.

The current Intergovernmental Conference began last February. It has received scant attention in the media here and scant publicity from the Government. It is time this lethargy ended. The issues at stake are crucial, not just for this country but for Europe. We are a member of the Union and we should seek to influence it. The days of passive membership should be over.

I welcome the opportunity to contribute to this debate. I hope it marks the beginning of full and proper consideration of the issues involved. Otherwise, the next referendum on European integration might not be passed in this country. That would be particularly sad in an age when international co-operation is becoming increasingly important to deal with the day-to-day issues that affect our citizens. It is the clear responsibility of the Government to ensure that does not happen.

Question put and agreed to.

Adjournment Debate.

An Leas-Cheann Comhairle: It is important that Ministers and Members watch for the Adjournment. If they were not in the Chamber, the Chair would be left with no option but to suspend the House.

Liquor Licences.

Mr. Higgins (Mayo): The decision by Judge Donnchadh Ó Buachalla to grant an application for the transfer of a liquor licence to Mrs. Catherine Nevin was no ordinary decision. It was a bizarre decision taken in the most unusual and questionable circumstances. This was no ordinary application. The application for a liquor licence transfer was from a person who, two months previously, had been charged with the murder of her husband.

The law is quite clear. The application for a temporary transfer, described as an *ad interim* transfer, of a licence must take place in the District Court area in which the licensed premises are situated, by giving at least 48 hours notice to the local superintendent of the Garda Síochána and the District Court clerk. I have in my possession a covering report from Inspector P. Finn, Gorey, dated 14 November 1997. He is the officer quoted by Judge Ó Buachalla in his statement

this morning when he said that Inspector Finn was present and raised no objection. It states:

At Wexford District Court on the 29 September 1997, Mr. Lehane made an ex-parte application to Judge O'Buachalla for the order requested by the Customs and Excise. This application was made in the judge's chambers. Present were Mr. O'Toole, SC, Mr. Lehane, solicitor, Mr. Andy Cullen, DCC, Wexford, Ms Olive Steward, DCC, Wexford. I was also requested to attend.

When Mr. O'Toole stated that this was an ex-parte application for an order to have the name of Tom Nevin deleted and have the licence issued in the name of Catherine Nevin, I asked why I was present as I was not on notice.

Therefore, it was not a public hearing. It was a private session and a private court. It was not held in a courtroom but in a back room in chambers. The only people present were the judge, officials, the legal team and Inspector Finn. No formal notice, as required by law, was given. In the words of Inspector Finn, "I asked why I was present as I was not on notice". It was a private, *in camera* hearing, with no proper notice given. It was a sleight of judicial hand.

The law is quite clear. It states that the court must be satisfied in regard to three requirements. One requirement is that the applicant for the transfer is not a disqualified person and is of good character. In this case the person was charged by the gardaí two months previously with the murder of her husband. The presiding judge knew that because he was a friend of hers, yet he granted the licence.

This time last year we had the resignation of a High Court judge and a Supreme Court judge, which badly tainted the administration of justice. This judicial episode taints, once again, the administration of justice. The courts are the cornerstone of the Constitution and our democracy. Judges must be above suspicion. They must be people of integrity, substance and calibre. There must be no question mark over their character.

In this particular case, there is a judge who was struck off by the Law Society for bankruptcy and who was restored to the Law Society register and subsequently was appointed a judge. Was the Minister or his officials aware of the fact that this individual had been struck off when his appointment was made? Three or four weeks ago a judge's name was splashed across the newspaper headlines because he was consorting with somebody who subsequently was convicted of murder. This judge gave a highly irregular decision in respect of granting a licence, which he knew well he should not have granted.

The course of justice has been badly compromised. In the interests of public confidence in the judicial system and the administration of justice,

this judge should be asked to stand aside on a temporary basis until such time as the full facts of this case are established by the various inquiries which the Minister has commissioned.

Minister for Justice, Equality and Law Reform

(Mr. O'Donoghue): I accept that some serious issues have been raised in this case to which answers will be required. However, I should put this issue in context. We are not dealing here with an opinion, legal or otherwise, as to application of the relevant law. We are, in fact, dealing with a judicial decision handed down by a judge in the exercise of his judicial functions. It is well established practice and it is a proper practice that the Minister for Justice, Equality and Law Reform does not comment on the correctness or otherwise of a judicial decision. Were I, or indeed, any of my predecessors, to do so, no doubt we would be roundly criticised, and rightly so. There are ample safeguards in the law and legal procedures for reviewing and correcting, if necessary, any judicial decision with which a litigant or other person involved in court proceedings feels aggrieved.

Today it has already been suggested in this House that I should come into the House and make a statement as to whether the particular law was properly applied. I have no problem coming to the House and giving whatever information I can, but I can only do so when I am satisfied that I have the correct facts in so far as they can be established. This morning, therefore, I took the following steps. First, I asked the President of the District Court to examine all the circumstances surrounding the issue of the licence in so far as the particular judge was concerned and to prepare a report on the matter as soon as possible. I can reveal that he had already been in contact with the Judicial Ethics Committee about this matter and will proceed with his task in the light of his contacts with that committee. Second, I requested the Garda Commissioner to prepare a report on the matter. Again, I can confirm that he had already initiated certain inquiries in the matter. Finally, I asked the chief executive officer of the Courts Service for a report in the case in so far as any court staff may have been involved. I can confirm that the Courts Service has already commenced its task. I will examine the three reports when they are to hand and will make a full statement on the matter at the earliest opportunity.

For the sake of completeness, I should mention that my Department had for some time been aware of concerns about the licensing issue to which the Deputy referred and I will deal with this also when I make my statement. I stress, once again, that in matters such as this fair procedures require that the facts must be assembled, the issues are put to the parties directly involved and they be allowed time to respond. This is precisely

[Mr. O'Donoghue.]
 what will happen in this case and is particularly relevant given the conflicting media reports which are emanating. To do anything else at this stage could jeopardise this process and I am sure that on all sides of the House no one would wish this to happen.

One other issue which is worth referring to at this time is why, if concerns were raised about the licensing issue in this case, there were no comprehensive investigations of the kind now in train. The reason simply is that it would have been totally inappropriate to do so against the background where parties centrally involved in the matter were also centrally involved in different ways in an extremely serious criminal case which was adjudicated upon on Tuesday of this week. While, as I have said, certain preliminary inquiries were made and correspondence exchanged, there could be no question of formally conducting an in-depth examination of the kind now under way and, thereby, running the risk of damaging the processing of the criminal proceedings referred to.

I noted that the deputy leader of Fine Gael has awoken from historical slumber to revisit battlefields in which she has been long since vanquished. Whether or not this is a matter of concern to the Fine Gael spokesperson on justice is a matter which is quite irrelevant to me, but it does appear to me that Deputy Owen has assumed the role of some latter day Don Quixote in search of windmills or moonbeams and she seems to have reduced Deputy Jim Higgins to a latter day Sancho Panza. If he is willing to put up with that, that is a matter for him.

CIE Land Disposal.

Mr. Quinn: The Minister for Public Enterprise, Deputy O'Rourke, will be familiar with this case. There is a housing crisis throughout the country and there is certainly one for many of my constituents in constituency of Dublin South-East, who cannot purchase houses at a price which relates to their income. In response, a number of public representatives, including the Minister of State, Deputy Eoin Ryan, and, I took an initiative some years ago to form a local housing association to procure affordable housing for people from the locality.

To date, we have succeeded in constructing 55 dwellings and application for planning permission has been made for another 45. The price per unit of the last group of houses was £53,000 at a time when the relevant market price would have been closer to £100,000. The most recent group of 45 units will sell, subject to confirmation, at around £80,000 compared with a purchase price in the area of about £160,000. The people are vetted by Dublin Corporation and come off the housing list,

and the Corporation gets the benefit of a consequential vacancy in its housing stock.

My net point is that CIE has a strip of land, parallel to the railway line at Serpentine Avenue, which could accommodate 14 dwellings. When contacted by the Ringsend Action Project, now the City Housing Initiative, to see if the company would make that land available for a price to be negotiated but which would not be the full market value because the initiative could not pay such a price, the initiative's representative was informed that this matter was something in which the Minister had taken a direct interest. The initiative was told that the company would require the sanction of the Minister to enable it to enter into direct negotiations with the City Housing Initiative to, first and foremost, by-pass the normal public tendering procedure which one would expect and to dispose of the properties at less than full market value.

In the light of the bona fides of this housing association, the track record of which is available in detail to the Minister, and having regard to the relative value of this property in the context of CIE's overall capital needs, I formally ask the Minister to authorise the board of CIE to enter into negotiations with the representatives of the City Housing Initiative for the purchase of the land at a below market price to be agreed and to enable the CHI representatives to proceed with application for planning permission for approximately 14 dwellings.

Minister for Public Enterprise (Mrs. O'Rourke): First, a Leas-Cheann Comhairle and Deputies, I wish to apologise. I was working to the presumption that the business of the Dáil would conclude at 4.45 p.m. and I regret not having been present. Clearly the Minister for Justice, Equality and Law Reform, Deputy O'Donoghue was here. I am grateful to the Members for their understanding.

I am aware of the matter raised because the Leader of the Labour Party, Deputy Quinn, wrote to me on 23 March, and I replied and forwarded it to CIE. Earlier I was aware of it through the Minister of state, Deputy Eoin Ryan, who had spoken to me about the matter. I expressed an interest in it, but whoever said that I was going to direct it or otherwise was incorrect because I do not have the legal authority to do that.

I know of the housing association and I am aware of the fine work it has done. Some years ago there was a similar such organisation in Athlone, which was able to provide houses, cutting out many of the obstacles. As a result people, who otherwise would not have a home, are now living in these homes.

My understanding of Deputy Quinn's proposal is that the land would be sold at a price less than the full market value for use by the City Housing

Initiative to build houses on the half acre site parallel to the railway line. The site was previously used as social housing for retired CIE employees. Of course, the motives underlying this proposal are entirely laudable, but I could not accede to it for a number of reasons. It would be inappropriate for me to direct CIE to sell property to an interested party — I have never done so since taking up office — even in the context of such a very good body doing excellent work. I know that when the Deputy's party was in Government he spoke to a Minister at that time — I do not know which Minister as we could not locate the correspondence — about this matter.

Mr. Quinn: It would undoubtedly have been Deputy Lowry, the then Minister.

Mrs. O'Rourke: While I understand that the board of CIE has agreed that the property can be put up for sale, I expect it will, in line with normal practice, be offered for sale by public tender and I would not interfere in that process.

I do not know if Deputy Quinn is aware that the site in question was the property of the CIE welfare association and that CIE has given an undertaking that half the sale proceeds will go to the association to assist it in the continuation of its charitable work with CIE pensioners and widows. Therefore, any reduction in the price secured for the land would result in a diminution of the contribution to the association.

We have engaged in an independent review of all CIE properties. The consultants have completed that work and have submitted a final report to me.

The net point is that this is a good organisation and a good initiative. However, any intervention by me by way of telling CIE how and to whom it should dispose of its property is a path I will not pursue as to do so would not be correct. I asked if the rights of the welfare association to half the sale price is legally underpinned, and apparently it is as there was housing for retired people on that land at one time.

I greatly regret that as of now I see no moving forward from the position as I have outlined.

Speech Therapy Service.

Mr. Naughten: I thank the Chair for giving me the opportunity to raise this issue. I raise it because Roscommon is the only county in the Western Health Board region which does not have a language unit. I previously raised this issue with the former Minister last summer, but he failed to act.

There are language units in every county in the Midland and North Eastern Health Board regions. County Westmeath has three units, County Meath has three units and County Louth has two units. Counties Galway and Mayo in the

Western Health Board region are getting additional units, but children from County Roscommon are left with no service.

Approximately 70 children of school going age in County Roscommon are known to have a specific language disorder, or dyspraxia. Some preschool children also have similar disorders. Many of these children are in mainstream schools and receive speech and language therapy in community service clinics. Most are seen approximately once per fortnight if they are lucky, that is if the health board is able to employ a speech therapist to provide such a service. Currently in the county there are a number of vacant speech therapy posts which remain unfilled due to the poor salaries and small number of therapists graduating from Trinity College. Currently, St. Michael's special school in Castlerea and St. Hilda's special school in Athlone are without speech therapists. Does the Minister believe this is acceptable? Because these children cannot shout for themselves, should their cries for help go unheard? The board has further vacancies which remain unfilled.

There is chaos within the health service nationally in relation to the lack of speech therapy services, but this is magnified in counties such as Roscommon. The Minister must immediately review the pay scales of speech therapists. For example, a speech therapist working in a language unit would most probably be on a lower pay scale than that of the teacher in the unit. Is it equitable that while teachers finish at 3 o'clock, speech therapists must continue to work in the community after that time?

There is an urgent need for the establishment of a second degree course in speech therapy. I urge the Minister, in conjunction with the Department of Education and Science, to immediately establish such a school at NUI Galway.

In the longer-term funding must be provided within the next 12 months for a proper language unit in County Roscommon. The geography of the county makes it imperative that two language units are provided, one in the southern and one in the northern part of the county. Children from Roscommon are receiving speech therapy in language units in Counties Galway, Mayo and Westmeath. Why can they not be provided with a service in their own county? The lack of resources for speech therapy is creating serious problems in Roscommon. The available therapists are required to travel unacceptable distances to various clinics and children suffer as a result. We need resources for additional speech therapists locally. We need the provision of two language units and a guarantee that a service will be provided for children in special schools and at local health centres. The provision of language centres in the county would allow children to receive therapy as part of their mainstream edu-

[Mr. Naughten.]

cation. Is this too much to ask in an economy which is awash with money?

Language units have been seen as successful in many parts of the country, yet Roscommon is only one of three counties with no unit. It is unacceptable that children should receive a second class service because of where they reside. I urge the Minister to immediately approve funding for two language units for County Roscommon.

Minister of State at the Department of Health and Children (Ms Hanafin): On behalf of my colleague, the Minister for Health and Children, I am pleased to have this opportunity to clarify the matter of the provision of services, including speech and language therapy services, for children with physical and sensory disabilities.

In the first instance, I must make it clear that the provision of services such as speech and language therapy for children and adults with physical and sensory disabilities is solely the responsibility of the relevant health board, the Western Health Board in the case raised by Deputy Naughten. The Department provides funding to the health boards for the development of such services. Decisions as to the priorities for the allocation of such funding are taken by the health boards in consultation with their regional co-ordinating committees for physical and sensory disabilities. The voluntary sector and people with disabilities are represented on the co-ordinating committees.

A number of health boards, in co-operation with the Department of Education and Science, have developed speech and language therapy units attached to schools for children requiring intensive intervention. Typically, these units are developed so that six to eight children with specific language disorders who would not respond to conventional therapy are given a service on a daily basis over a period of two years after which, ideally, they would be reintegrated into the local primary school with a follow-up service provided by a community therapist.

An additional sum of £7 million ongoing Revenue funding has been provided for the development of services for people with physical and sensory disabilities this year. From this additional funding, the Western Health Board has been allocated a total of £697,000. While the provision of a language unit in County Roscommon has been identified by the co-ordinating committee as a requirement, it has not been prioritised for funding this year. A speech and language unit is currently being developed in Ballinasloe which will provide a service within a 25 mile radius, and some children from County Roscommon may fall within this catchment area.

I suggest that Deputy Naughten raise the issue with the local committee to try to have the matter prioritised.

Student Support Schemes.

Mr. McGinley: I thank the Chair for the opportunity to raise this important matter. Currently there are over 13,000 students from this country studying at third level institutions in Northern Ireland and Britain. In Northern Ireland alone there are 3,200 such students, many from County Donegal and other Border counties. Many of these students qualify for third level maintenance grants, currently amounting to £1,690 per annum. This is provided so students can meet the cost of their accommodation, food and other miscellaneous expenses they encounter during the course of the academic year. However, for those studying in this country, with the huge increase in accommodation costs, the grant is barely able to meet the demand. In many instances the entire maintenance grant goes to meet the cost of accommodation alone and does not cover food and other essential costs.

The position is far more serious for Irish students studying in Northern Ireland and Britain; it is critical. This is due to the fact that when the IR£1,690 is converted into sterling it is reduced by at least 25%, leaving the student with an annual maintenance grant of approximately £1,200 sterling. As a result it becomes extremely difficult, if not impossible, for these students to cope with the many financial expenses they incur during the academic year. The cost of accommodation in Northern Ireland and the United Kingdom has increased dramatically in recent years and it is as expensive as it is in Dublin and other Irish university locations.

Students who depend on maintenance grants to attend third level courses have qualified because of their outstanding academic records. Third level institutions assign their students a tremendous amount of work. Students should use their time to pursue their academic goals and should not have the added pressure of worrying about whether they can afford accommodation or food during the academic year. A diminishing maintenance grant should not be allowed to continue since the recipients come from low income families. The conversion to sterling not only places an intolerable burden on the student but also on their families. These families are forced to make a variety of sacrifices to help their children to obtain an education but they willingly make them. However, these families should not have to make such extreme sacrifices to help their children receive third level education. The Minister must and should take steps to remedy this serious problem.

The maintenance grant is grossly inadequate and needs to be addressed. A sum of approximately £1,600 is insufficient to cover the expenses for which it is intended. The grant for those who study in Northern Ireland and the UK should be

£1,690 sterling to cancel the 25% on the exchange rate. It is widely recognised that the standard of education, training and skills of our young people has contributed most to our economic success. They can adapt and apply themselves to every demand.

If we are interested in maintaining this high level of economic achievement we simply cannot afford to place barriers on the route to further and higher education. It is impossible for third level students, particularly those in Northern Ireland and the UK, to survive on the present maintenance grant. Generous increases must be sanctioned along with an extra allowance to meet current exchange losses for those studying in Northern Ireland and the UK. I urge the Minister to address this grave matter before serious damage is done.

Ms Hanafin: Since 1996, the student support schemes have been extended to provide maintenance grants to under-graduate students pursuing approved third level courses in other EU member states. Prior to this, such grants were only payable to students pursuing approved courses in the Republic and Northern Ireland.

In this context, following discussions with the local authorities regarding the necessary administrative arrangements, it was agreed that students pursuing approved courses in other EU member states, including Northern Ireland, would be paid the value of the grant in the currency of the country in which they were studying. It was further agreed that the value of the maintenance grant to be paid, in all circumstances, would be the Irish value converted to the currency of the relevant country in which the student was studying, at the prevailing exchange rate. The Department of Education and Science confirmed these arrangements in a letter of November 1996 to all local authorities and vocational education committees and a reminder was issued in December 1997. These arrangements are included in the terms of the annual higher education grants scheme.

Previously, students studying in Northern Ireland were paid the grant in sterling, without reference to exchange rates. Those studying in Northern Ireland who were assessed under the student support schemes prior to 1996 continue to receive their grants in sterling, without reference to exchange rates. Students who commenced their studies from 1996 are paid under the revised arrangements.

Following representations in December 1999, the Department advised local authorities and vocational education committees that grants payable to students studying abroad could be paid in Irish pounds, where the student so requested. The Minister for Education and Science is satisfied that the current arrangements are equitable and efficient. While he appreciates the current exchange rate difficulties with sterling, the Mini-

ster is not in a position to supplement grant aid for students pursuing courses in Northern Ireland or elsewhere in the EU. Moreover, such an approach could well give rise to anomalies and to claims of inequitable treatment between students studying in different countries.

It has been the practice in recent years to increase maintenance grants in line with inflation as measured by the change in the consumer price index for the period mid-February to mid-February each year. The value of a full maintenance grant for the current academic year is £1,690 at the non-adjacent rate and £676 at the adjacent rate. Some 55% of certificate and diploma students in the technological sector and 35% of students in the university sector are eligible for maintenance grants. In the 1998-99 academic year, almost 47,000 students received grants under these schemes and the overall cost of the schemes for 1999 was approximately £100 million. It has also been the practice in recent years to increase the reckonable income limits for grant eligibility in line with movements in the average industrial wage.

The Minister is committed to ongoing improvements in third level student support schemes, including increasing the value of maintenance grants and increasing the income limits as resources permit. This Government's priority in relation to the area of student support has been to honour the commitment in An Action Programme for the Millennium to introduce equitable support for students attending post leaving certificate courses. This commitment has been honoured by the introduction, in 1998, of a maintenance grants scheme for students attending PLC courses. The grants payable under this scheme are at the same level as the third-level maintenance grants.

The position of mature students in general and independent mature students in particular, under the student support schemes has also been addressed. The rate of maintenance grant payable is determined by reference to the distance from the student's normal residence to the college which he or she is attending. In the case of independent mature students, their normal residence is taken as their address while in attendance at college. Accordingly, a large proportion of independent mature students only qualified for the lower adjacent rate of grant. With effect from the current academic year, all eligible mature students qualify for the higher non-adjacent rate of maintenance grant.

The Deputy will appreciate that all improvements in the third level student support area must have regard to overall resource constraints and competing demands in the third level sector. The need to target resources at those most in need is well recognised and underpins the Government's approach to tackling disadvantage. There is provision within the national development plan for a

[Ms Hanafin.]
third level access fund totalling £95 million over the lifetime of the plan. The fund will provide additional financial support for disadvantaged students on top of the existing maintenance grants schemes. Departmental officials are developing proposals for the Minister's consider-

ation in relation to these financial supports and he will announce the details of the new arrangements in due course.

The Dáil adjourned at 5.10 p.m. until 2.30 p.m. on Tuesday, 18 April 2000.

Written Answers.

Legal Aid Service.

13. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if he will enter discussions with the representatives of solicitors who operate the free legal aid scheme in order to avoid the strike due to come into operation on 1 May 2000; and if he will make a statement on the matter. [11097/00]

54. **Mr. McDowell** asked the Minister for Justice, Equality and Law Reform the action he will take to settle the dispute with solicitors operating the criminal legal aid scheme in view of the threat to withdraw station visits from 1 May 2000; the implications of this for people in custody; and if he will make a statement on the matter. [11194/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I propose to take Questions Nos. 13 and 54 together.

There is no dispute between my Department and the Law Society in relation to the operation of the criminal legal aid scheme by solicitors. Furthermore, the Law Society has not notified my Department of any threatened withdrawal of solicitors from the scheme with effect from 1 May next.

The position is that my Department has had consultations with the Law Society on the payment of a fee to solicitors for consultations with persons who are detained in Garda stations — at present, solicitors are not paid a fee for such consultations. The background to this matter and the current position with regard to same is as follows;

The Criminal Legal Aid Review Committee was established by my predecessor to review the operation of the criminal legal aid scheme under the Criminal Justice (Legal Aid) Act, 1962 and to make recommendations as to the manner in which the scheme might be improved so that it operates effectively and provides value for money. The committee commenced its review in January, 1997.

In its submission to the Criminal Legal Aid Review Committee, the Law Society drew attention to the fact that there was no arrangement for the payment of a fee to solicitors for consultations with persons detained in Garda stations. This matter was, accordingly, put on the committee's agenda. In September, 1998, my Department wrote to the committee specifically drawing the committee's attention to this matter.

In late 1999, the Law Society wrote to my Department requesting that the issue of paying fees to solicitors for Garda station visits be addressed. My Department informed the Law Society that the terms of reference of the review committee included a review of the level of fees paid to solicitors, including any claims for changes

to the Scheme made by the Law Society in relation to the fees payable under the Scheme and that it had specifically requested the committee to examine the issue of paying a fee to solicitors for consultations with persons detained in Garda stations. The Law Society was also informed that the review committee had agreed to this request.

Early this year, the Law Society wrote to my Department requesting that this issue be addressed as a matter of urgency. In the circumstances, my Department again wrote to the review committee and specifically requested it to consider giving priority to its examination of this matter and to make an interim report to my Department on it. My Department also informed the Law Society of its request to the committee.

The Law Society again wrote to my Department in March 2000 noting that the review committee was addressing the matter and requesting the outcome of its deliberations be made known to it. The Criminal Legal Aid Review Committee, on which of course, the Law Society is represented, convened special meetings to discuss this topic in February and March 2000 and my Department received its interim report in the matter yesterday. The committee's interim report will be made available to the Law Society. I now expect that my Department and the Law Society will engage in early discussions with a view to finalising this matter.

Asylum Applications.

14. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform the amount payable to hotel owners per week to cover accommodation and meals for asylum seekers; if his attention has been drawn to the fact that a company (details supplied) has been attempting to purchase block booking accommodation for asylum seekers; if his Department has any dealings with this company; and if he will make a statement on the matter. [11052/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): The Directorate for Refugee and Asylum Support Services, which was established in November 1999 under the aegis of my Department, is responsible, *inter alia*, for meeting the accommodation needs of asylum seekers. There are two rates payable to owners of hotels and guesthouses for full board accommodation for asylum seekers — £157.50 including VAT per adult per week or £189.00 including VAT per adult per week. The rate applicable depends on the overall standard of the accommodation and facilities provided.

With regard to the company to which the Deputy refers, I wish to emphasise that it does not operate on behalf of the directorate. An approach was made to the directorate on the 23 February, 2000 by the company which indicated that it could supply block booked accommodation for asylum seekers outside Dublin. To

[Mr. O'Donoghue.]
date, however, no firm proposal has been received by the directorate.

Parental Leave.

15. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if he will give details regarding the provision of both paid and unpaid parental leave and the duration in all EU countries; his views on Ireland's comparative rating; and if he will make a statement on the matter. [11133/00]

56. **Mr. Rabbitte** asked the Minister for Justice, Equality and Law Reform when it is intended to commence and complete the review of the Parental Leave Act, 1998, in view of the commitment in the Programme for Prosperity and Fairness; and if he will make a statement on the matter. [11181/00]

60. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the number who have availed of parental leave; and if he will review the attractiveness of unpaid parental leave. [8039/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I propose to take Questions Nos. 15, 56 and 60 together.

The Parental Leave Act, 1998, which implements the Parental Leave Directive (96/34/EC), provides an individual and non-transferable entitlement to both parents to 14 weeks unpaid leave from work to take care of young children. The leave must be taken before the child reaches five years of age, except in certain circumstances in the case of an adopted child. The entitlement applies to parents of children born or adopted on or after 3 June 1996

In developing the Parental Leave Act, 1998, my Department examined the existing parental leave schemes in other countries, including EU member states. However, it is difficult to make direct comparisons with other member states because, in almost every respect, whether it be the upper age limit of the child, the pattern of leave available or the issue of payment, there is considerable variation between member states.

The position in relation to parental leave in EU member states, based on a 1998 publication of the European Commission which has been updated in respect of the UK and Ireland is set out in the

following table. In addition to the parental leave shown in the following table, some member states have special provisions in respect of the illness of a child or disabled children. In addition, agreements between employers and employees may provide for more favourable parental leave provisions. As far as Ireland is concerned, Deputies will be aware that the Parental Leave Act, 1998, provides for limited force majeure leave for urgent family reasons where, owing to injury or illness of a family member, the presence of the employee at the place where the family member is, is indispensable. Additional leave arrangements have also been agreed between some employers and their employees, including those in the public sector.

Implementation of the Parental Leave Act, 1998, on 3 December 1998 provided for the first time a statutory entitlement to parental leave. When the Parental Leave Directive was adopted on 3 June, 1996, most other member states already had provision for parental leave, some for many years. Their present arrangements no doubt reflect improvements on the initial schemes introduced in those member states.

The Programme for Prosperity and Fairness provides that my Department, in 2001, will conduct a review of the operation of the Parental Leave Act, 1998, in consultation with the social partners. This commitment is in accordance with section 28 of the Act, which provides for a review of the operation of the Act within not less than two years and not more than three years of its commencement on 3 December 1998. This review, which will be carried out during 2001, will provide an opportunity to assess provisions of the Act in the light of its operation.

Separate from this review, my Department is currently examining the reasoned opinion from the European Commission, dated 3 April 2000, to the effect that Ireland, by restricting the right to parental leave to employees with children born or adopted on or after 3 June 1996, has not fully complied with its obligations under the parental leave directive. This is with a view to identifying the measures required to be put in place to give effect to the clarifications in the reasoned opinion. There are no statistics available centrally on the uptake of parental leave. Individual employers are however required, under section 27 of the Parental Leave Act, 1998, to keep records of parental leave taken by their employees.

Paid Parental Leave in EU Member States

Country	Paid Parental Leave	Unpaid Parental Leave
Austria	<ul style="list-style-type: none"> — 2 years if parents share; 1½ years for one parent — Attracts a flat rate payment — For employees with at least 1 year employment during the previous 2 years Parental Leave/part-time work allowances <ul style="list-style-type: none"> — Combination of parental leave allowance and part time work; 	

Country	Paid Parental Leave	Unpaid Parental Leave
Belgium	<ul style="list-style-type: none"> — Various options up to 4 years (depending on type of sharing with the partner). — The father & mother can suspend their employment contract for a period of 3 months on account of the birth, adoption or disability of a child. A low flat rate allowance is granted. 	<ul style="list-style-type: none"> — In accordance with a collective agreement employees may opt for 6 months working half-time.
Denmark	<ul style="list-style-type: none"> — Up to 10 weeks may be taken by the father or mother after the 14th week following the birth. The right may be used by only one parent at a time. — 26 weeks leave in respect of children age 0-2 years and 13 weeks for children aged 3-8 years. 	
Finland	<ul style="list-style-type: none"> — Following maternity leave, the mother or father or both in turn are entitled to 158 consecutive calendar days leave except Sundays. During the leave the user receives a parenthood allowance. — Child home care leave is granted after parental leave and until the youngest child is three years old where the child is taken care of at home by the mother or the father. 	<ul style="list-style-type: none"> — Partial childcare leave if the youngest child is aged over 3.
France	<p>Partial Child Care Leave</p> <ul style="list-style-type: none"> — The mother or the father may take part-time child-care leave (i.e. a reduction of working time for family reasons) until the youngest child completes his or her first school term in primary education, provided that both parents (or the single parent) are participants in the labour market. This measure is granted only to one parent at a time. In the case where the youngest child is aged under 3 the parent is also partially compensated for the loss of earnings. 	
Germany	<ul style="list-style-type: none"> — Parental Leave allowance payable to all employees following the birth of the second or subsequent child and until it reaches the age of three; one year's seniority or two years' employment (including unemployment for which benefit was payable) during the previous five years are required. 	<ul style="list-style-type: none"> — For the first child, unpaid leave available to any employee (with one year's seniority) up until the child's third birthday; — Possibility of part-time leave from 16 to 32 hours weekly.
Greece	<ul style="list-style-type: none"> — For employed parents; — Until the child is 3 years old; — Paid for 24 months, unpaid for the third year. 	
Ireland		<p>Either parent is entitled to:</p> <ul style="list-style-type: none"> — Private sector, public corporations and banks: 3.5 months for each parent, child under 3 years. Undertakings employing at least 50 workers. — Civil service: 3 months for each parent, child aged under 2.5. Services with at least 100 employees. — 14 weeks unpaid leave for both father & mother (subject to certain service requirements).
Italy	<ul style="list-style-type: none"> — 6 months of optional leave, 30% replacement rate, can be used in the first year of the child (can be used in fractions); — Transferable to the father, if the mother is an employee 	
Luxembourg Netherlands	Information not available	<ul style="list-style-type: none"> — child aged under 8 — Leave for a period of (added up) 50% of the working time during a period of 6 months.
Portugal		<ul style="list-style-type: none"> — Parental leave applies if child is aged under three and both parents are at work; — Consecutive periods of 6 months up to 2 years; — The father or the mother can use the leave but only one at a time.
Spain		<ul style="list-style-type: none"> — Child aged under 3 years; — Duration of 3 years — For either mother or father when both are working — Working time may be reduced by $\frac{1}{3}$ to $\frac{1}{2}$ in respect of children under 6 years.
Sweden	<p>There are four types of parental leave:</p> <ol style="list-style-type: none"> 1) Full, until the child has reached 18 months or, subject to the parent's receipt of full parental cash benefit, for time thereafter, which means another 15 months; 2) Partial leave in the form of a reduction of working time by one half or one quarter with one half or one quarter parent allowance respectively; 3) Reduction of normal working time (without monetary compensation) by one quarter until, in most cases, the child reaches 8 years; 4) Temporary, for temporary care of a child. 	
UK		13 weeks for both mother & father (subject to one year's continuous service with the employer).

Liquor Licensing Laws.

16. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the number of identity cards issued by the Garda Síochána; if he has satisfied himself that the cards are foolproof; his views on whether they are making a significant contribution to curbing underage drinking; and if he will make a statement on the matter. [11123/00]

118. **Mr. Higgins (Mayo)**: asked the Minister for Justice, Equality and Law Reform the number of identity cards issued by the Garda Síochána; if he has satisfied himself that the cards are foolproof; his views on whether they are making a significant contribution to curbing underage drinking; and if he will make a statement on the matter. [11124/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I propose to take Questions Nos. 16 and 118 together.

I am committed to tackling the issue of under age drinking but there is no one easy solution. It is a health and education issue as well as a question of law enforcement. Indeed dealing with the underage drinking problem should not be seen as the province of State agencies alone — parents, the drinks industry and the media too, must also play its part in helping to address the problem of underage drinking.

Turning to my areas of responsibility, the introduction of a voluntary age card scheme must be looked at as part of a broader strategy which includes amending the law and facilitating stronger enforcement by the Garda Síochána. In particular, the Intoxicating Liquor Bill, 2000, contains provisions to strengthen the law further on underage drinking. It will do so through removal of the “reasonable grounds” defence in any proceedings against a licensee, closure of a licensed premises for a specified period, and an increase in fines generally. Under current law it is a defence for a licensee to claim that he or she had “reasonable grounds” for believing that a person to whom he or she sold intoxicating liquor was of legal age. By removing this defence a greater onus is placed on the licensee to ensure that intoxicating liquor is supplied only to those who are legally entitled to purchase or consume it on licensed premises. In these circumstances, reliance by licensees on the national voluntary age card as a means of verifying the age of an individual will assume greater importance. It should be quite clear that the introduction of a voluntary age card scheme does make a significant contribution to tackling the problem of under age drinking.

Turning to the more specific details raised, the Intoxicating Liquor Act, 1988 (Age Card) Regulations, 1999, provide for a voluntary national age card scheme whereby any person who has attained 18 years of age may apply for an age card at their local Garda Station in order to confirm that they have attained the legal age for the purchase of intoxicating liquor. The Garda community relations section in Harcourt Square have been given responsibility, under the Regulations,

for the issuing of the cards and a total of 7,950 age cards have been issued, to date.

To prevent underage persons from obtaining age cards, applicants must, in person, present their application in writing to the member in charge of the Garda station for the area in which the applicant normally resides. The application must be accompanied by a birth certificate, at least one other document which confirms the identity of the applicant, two photographs and a fee of £5. If satisfied as to the identity of the applicant and that he or she has attained the age of 18 years, the member shall authenticate the application by countersigning the application form, endorsing each of the photographs and stamping the application form with the official stamp of the Garda Síochána station. The application is then forwarded to the Garda community relations section. To prevent the forgery or altering of age cards — which is an offence under the Intoxicating Liquor Act, 1988 — the cards have security features, which include a hologram, incorporated into their design.

Prisons Building Programme.

17. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform the total number of prisoners and staff currently in Clover Hill prison; the total cost of the project; and if he will make a statement on the matter. [11102/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): Currently there are 105 prisoners detained in Cloverhill Prison. The number of staff at the prison is 132. The total cost of the project was £23 million.

Crime Levels.

18. **Mrs. Barnes** asked the Minister for Justice, Equality and Law Reform the number of armed robberies carried out in the first three months of 2000; the number of such robberies carried out in the same period in 1997, 1998 and 1999; and if he will make a statement on the matter. [11062/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): As indicated in the Garda Síochána Annual Report, the two indictable offences of armed robbery and armed aggravated burglary refer to the criminal activity which is more commonly known as an “armed raid”. The table below sets out the data which the Garda authorities have made available to me in respect of armed raids in the first quarter of each of the following years:

Year	Number in first quarter
1997	79
1998	84
1999	87*
2000	97*

*provisional figures

I am informed by the Garda authorities that statistics for 1999 and 2000 are provisional and are subject to change. The Garda Commissioner has informed me that he has put in place an investigation process whereby members of the National Bureau of Criminal Investigation together with local District Units combined their efforts to tackle the problem of armed raids. I am informed that this has met with success in solving a number of such crimes with the result that a number of persons are currently before the courts with a further number serving lengthy sentences. I also understand a number of files are currently with the law officers.

Prison Releases.

19. **Mr. Finucane** asked the Minister for Justice, Equality and Law Reform the number of loyalist and republican prisoners released from prisons here as a result of the Good Friday Agreement. [9645/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): To date 27 prisoners have been released in this jurisdiction under the terms of the Good Friday Agreement. Of these 22 were affiliated to the Provisional IRA, four to the INLA and one was non-aligned. There are no loyalist prisoners in custody in this jurisdiction. The Government has committed itself, under the Good Friday Agreement, to put in place mechanisms to provide for an accelerated programme for the release of prisoners, including repatriated prisoners, who qualify for such a programme under the terms of the Agreement. Part of the mechanism in place under the Agreement is the procedure laid down in the Criminal Justice (Release of Prisoners) Act, 1998, and all proposed releases under the Agreement must go through that procedure.

Prisoners who are affiliated to organisations which have not established or are not maintaining a complete and unequivocal cease-fire will not benefit. Under Section 3(2) of the Act, the Minister for Justice, Equality and Law Reform can decide which prisoners qualify. It is the normal practice that once a decision is reached a prisoner or category of prisoner "qualifies", individual cases may then be referred for advice to the independent commission provided for in the Criminal Justice (Release of Prisoners) Act, 1998, by the Minister. In advising the Minister, the commission will have regard to the factors that are to be taken into account under the Agreement in individual cases, that is, the seriousness of the offences for which the person was convicted and the need to protect the community.

Child Care Provisions.

20. **Mr. Spring** asked the Minister for Justice, Equality and Law Reform the proposals, if any, he has for additional funding for child care in the current year; the level of grant aid available to

child care providers for upgrading premises; the level of employment grants, if any; and if he will make a statement on the matter. [11203/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): My Department will operate a number of funding measures under the Equal Opportunities Childcare Programme 2000-06. The funding will be aimed, in the context of the national development plan, at increasing the quantity of childcare places and improving the quality of child care services and will include capital grants to non-profit organisations and community groups to establish, upgrade or enhance childcare facilities; staffing grants to non-profit organisations and community groups towards the employment of trained childcare personnel; capital grants for self-employed child care service providers catering for up to twenty childcare places; supports for training initiatives; grants to enhance the services of the national voluntary child care organisations; and grants towards the development of local child care networks.

It is my intention to advertise the following measures under my Department's Equal Opportunities Childcare Programme 2000-06 in the national press at the end of April: capital grants for community based — not for profit child care providers; staffing grants for community based — not for profit child care providers; and capital grants for self-employed child care providers catering for up to 20 child care places. The criteria and the eligibility requirements for the measures being provided under the programme are being developed at present. The application forms and guidelines for these initiatives are at the design stage and will shortly be going to print.

Following promotion of these schemes, application forms and guidelines will be available from my Department's equal opportunities child care section. It is envisaged that the application process will be open-ended thus allowing prospective applicants adequate time to prepare their proposals. An appraisal process for the various measures is being established which will take into account various factors such as the location of the facility, cost-effectiveness and the overall quality of the proposal.

The funding measures being put in place over the course of the national development plan will ensure that the objectives of the Equal Opportunities Childcare Programme, (2000 — 2006) are met. The range of these measures will ensure that the supply of quality child care will be increased, particularly in disadvantaged areas, and that these facilities will benefit from staffing supports for qualified childcare workers. At the same time there is provision in the new programme to support the smaller private childcare providers. This will allow both the community based and private childcare sectors to grow to meet the demand for childcare in Ireland.

The Minister for Finance has also announced tax measures for childcare. These measures include an accelerated capital allowance at the

[Mr. O'Donoghue.] rate of up to 100% on expenditure incurred in the construction, refurbishment or extension of premises to be used for childcare purposes. In addition, the provision of free or subsidised childcare facilities by employers, whether in-house or in premises made available by the employer in another location, is exempt from a benefit-in-kind charge on employees benefiting from the facilities.

Liquor Licensing Laws.

21. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the consideration, if any, he has given to the introduction of a compulsory ID scheme in order to combat the problem of underage drinking; if he has commissioned any research to examine the effectiveness or otherwise of such schemes in other countries; the conclusions, if any, drawn; and if he will make a statement on the matter. [11202/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): Regulations to provide for the introduction of a national voluntary age card scheme as provided for in section 40 of the Intoxicating Liquor Act, 1988, were made by me on 19 January 1999 and came into effect on 19 April, 1999. The Act of 1988 provides only for the introduction of a voluntary age card scheme and I have no plans, as Minister for Justice, Equality and Law Reform, to amend the law to provide for a mandatory scheme. The card is, after all, to be used by persons who are legally entitled to consume alcohol in that they have already attained 18 years of age. It would hardly be appropriate to compel persons to carry a card in those circumstances.

There are substantial changes provided for in the Intoxicating Liquor Bill, 2000, to deal with underage drinking. I am of the view — a view shared by the Government — that the subject matter requires the comprehensive approach that is taken in the Bill. The provisions extend to a new sanction of temporary closure of a premises, an increase in existing penalties and the removal of the “reasonable grounds” defence in any proceedings against a licensee. The removal of the “reasonable grounds” defence will place a greater onus on the licensee of a licensed premises to ensure that intoxicating liquor is supplied only to those who are legally entitled to purchase or consume it on licensed premises. The removal of the “reasonable grounds” defence is complementary to the voluntary age card scheme.

The time to review the operation of the voluntary age card scheme will be when some experience is gained of the law on the basis of removal of the defence of reasonable grounds. However, any such review will need to consider also the extent to which the other important changes in the Bill as enacted will have impacted on the problem of underage drinking.

I accept the value of taking into account any development in the law in other countries and that those developments should be associated with continuing review of the law on underage drinking by my Department.

Crime Levels.

22. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the number of murders reported to the Garda since 1 January 2000 and since 1 January 1999; the number of these which were regarded as gangland killings; the number of cases in each category in which charges have been brought; and if he will make a statement on the matter. [11200/00]

50. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the extraordinary number of unlawful killings and attacks which have taken place in the past 12 months; if these attacks or killings indicate any particular pattern; if his Department has taken any extra measures in view of these happenings; if any attempt has been made to identify a general cause or contributory factor; if so, the action proposed to deal with the issue; and if he will make a statement on the matter. [11213/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I propose to take Questions Nos. 22 and 50 together.

As the House is aware, indictable crime statistics can be found in the annual reports of An Garda Síochána, copies of which are available in the Oireachtas Library. The most recent annual report details the crime statistics for 1998.

While Garda crime statistics for 1999 have not yet been formally published, I am informed by the Garda authorities that provisional statistics for that year indicate that 38 murders were recorded. Nine cases of manslaughter were recorded during 1999. I should emphasise that these figures are provisional and subject to change as Garda investigations progress. The annual report of An Garda Síochána will contain the final figures in respect of 1999 when it is published later in the year.

In relation to the first quarter of 2000, I understand that the number of murders known to the Garda is 11, seven of which have been detected, with three cases of manslaughter recorded, all three of which have been detected. Again these figures are provisional and are liable to change.

I am further informed by the Garda authorities that the number of murder and manslaughter cases for the 12 months ending 31 March 2000 is, 5% lower than the comparable figure for the previous 12 months.

In relation to the motivation behind these crimes, the Deputy will appreciate while the term ‘gangland killing’ is widely used by the media, it does not correspond to the manner in which the Garda Síochána classifies crime. All murders are

the subject of exhaustive investigation by the Garda regardless of the circumstances of how they occurred. Finally, the Garda cannot rule out the possibility that organised criminal gangs may have been involved in some of these murders.

Legal Aid Service.

23. **Mr. S. Ryan** asked the Minister for Justice, Equality and Law Reform the latest position regarding the proposed move of the headquarters of the Legal Aid Board to Caherciveen; if agreement has been reached with staff concerned; the number of staff, and the grades in each case, who have indicated that they are not willing to transfer to Caherciveen; the number of new staff who will have to be recruited; the estimated total cost of the proposed move; and if he will make a statement on the matter. [11179/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I refer the Deputy to my comprehensive answer to Parliamentary Question No. 24 of 7 March 2000 which outlined the current position in relation to these matters.

Further to my reply of 7 March 2000 I understand that the Department of Finance has since issued a draft interdepartmental circular to the relevant staff representative unions for their observations and that their responses are expected shortly. While I cannot pre-empt the outcome of this consultative process, I understand that it may be possible for the Department of Finance to issue the circular throughout the Civil Service next month seeking applicants for decentralisation to the Legal Aid Board office in Caherciveen.

I am also informed that matters relating to the acquisition of a site for the relocated head office of the board are still in progress and that the Office of Public Works is currently drawing up a panel of developers-contractors who will be invited to tender for the design and construction of the new premises once matters relating to the purchase of the site are finalised.

Services for People with Disabilities.

24. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the proposal contained in the report, *Towards Equal Citizenship*, published by his Department in 1999, that people with a disability should be given a legal right to health and social services; and if he will raise this proposal again with the Department of Finance and request it to reconsider its rejection of the proposal in view of the recent record Exchequer figures. [11184/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): The recommendations of the Commission on the Status of People with Disabilities, which deal with rights to health and social services are contained primarily in Recommendations Nos. 31, 41, 43, 44, 45, assessment of

needs, and Recommendation No. 53, cost of disability payment. The recommendations envisage a broad based assessment of needs procedure underpinned by a graduated cost of disability payment where services are not or cannot be provided. The implementation of these recommendations are primarily matters for the service-providing Departments and agencies involved.

The role of my Department is to guide and monitor progress in relation to implementation of the recommendations of the report of the Commission on the Status of People with Disabilities. I am aware that the Department of Health and Children is already active in implementing assessment of needs procedures for people with intellectual, sensory and physical disabilities.

The National Intellectual Disability Database was established in 1995 under the aegis of the Department of Health and Children to provide comprehensive and accurate information for decision-making in relation to the planning, funding and management of services for persons with intellectual disability. The objective of the database are: to improve the accuracy of data available to health boards on the population of people with an intellectual disability; to assess the needs of clients with an intellectual disability; and to support planning for the future development of services.

The physical and sensory database development committee was established in December, 1998 under the aegis of the Department of Health and Children to prepare detailed proposals for the development of a national database on the specialised health and personal social service needs of persons with physical or sensory disability. Four sites have recently been chosen for the implementation of phase one of the database, which will ensure that accurate and standardised information is collected.

I am also aware that the Programme for Prosperity and Fairness contains a commitment that "the Department of Health and Children, the Department of Social, Community and Family Affairs and the Department of Finance will set up and participate in a Working Group which will consult with the social partners to examine the feasibility of introducing a Cost of Disability Payment".

In the progress report, *Towards Equal Citizenship*, the Department of Finance, in reply to Recommendations Nos. 31, 41, 43, 44 and 45, responded that, "The Department of Finance cannot accept these recommendations which imply the underpinning by law of access to and provision of services for people with disabilities as a right. This right, if given a statutory basis, would be prohibitively expensive for the Exchequer and could lead to requests from other persons seeking access to health and other services without regard to the eventual cost of providing these services". As requested by the Deputy, I will raise the matter with the Minister for Finance in an effort to facilitate the service-providing Departments in implementing the

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recommendations of the commission and in the light of recent Exchequer returns.

DNA Database.

25. **Mr. Crawford** asked the Minister for Justice, Equality and Law Reform the reason he has not authorised the establishment of a DNA database; and if he will make a statement on the matter. [11070/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): As the Deputy may be aware, section 2 of the Criminal Justice (Forensic Evidence) Act, 1990, provides that certain bodily samples may be taken without the consent of a person in custody for the purpose of forensic testing. These samples include hair other than pubic hair, a nail and any material found under a nail.

The report of the expert group on criminal law, appointed to consider changes in the criminal law which were recommended in the report of the steering group on the efficiency and effectiveness of the Garda Síochána, recommended a number of changes to the law relating to forensic samples. In particular it recommended that, as an aid to DNA testing, saliva be re-classified as a sample which can be taken without consent. These recommendations are being examined by my Department with a view to bringing forward proposals for inclusion in a Criminal Justice Bill.

I am well aware of the benefits of a DNA database and while the proposed Criminal Justice Bill is intended to deal primarily with the recommendations of the expert group, any necessary further measures, practical or legal, with particular regard to the use of DNA and DNA testing, will be considered in consultation with the Forensic Science Laboratory, the Garda and the Attorney General's office.

Visa Applications.

26. **Mr. Shatter** asked the Minister for Justice, Equality and Law Reform his views on whether non-EU doctors appointed to hospital posts should be entitled to have their spouses and children accompany them and reside with them; his further view on whether the current visa regulations, which prevent this for the first year of a doctor's appointment, are unreasonable and destructive of family life; and if he will take the action required at Government level to effect a change to these regulations. [9893/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): As I have previously advised the House, my Department is reviewing its policy in respect of the admission of persons who require a visa and who are family members of persons who are legally employed in the State.

At present a person who requires a visa may join a spouse who is in possession of a valid work permit once the worker has become established in the State, usually after 12 months, and is likely

to be here for at least a similar period, provided the person is in a position to support his or her family members without recourse to public funds.

My Department applies a similar approach in respect of the family members of temporary registered doctors who do not require a work permit to take up medical appointments here and who are generally granted temporary registration by the Irish Medical Council for six months at a time.

I expect that my Department's review in this regard will be completed in the near future.

Cross-Border Police Operations.

27. **Mr. Flanagan** asked the Minister for Justice, Equality and Law Reform the steps he will take to facilitate a more effective arrangement of cross Border police co-operation between the Garda Síochána and the RUC. [11126/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): As the Deputy will be aware, the Patten report on policing in Northern Ireland acknowledged that there was already a very high level of co-operation between An Garda Síochána and the RUC. That report set out a number of recommendations for improved co-operation between the police service of Northern Ireland and the Garda. It is intended that implementation of these recommendations will be pursued under the auspices of the British-Irish Intergovernmental Conference.

Garda IT Systems.

28. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform if the new PULSE computer system crashes regularly; the backlog of PULSE forms at Fitzgibbon Street Garda station; the total cost of the new system; and if he will make a statement on the matter. [11087/00]

64. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the operation of the new Garda PULSE computer system; if his attention has been drawn to concerns that it has led to an increase in paperwork on the part of the Garda; and if he will make a statement on the matter. [11193/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I propose to take Questions Nos. 28 and 64 together.

Development work on the new Garda IT systems, known as the PULSE project, began in August 1996 and was expected to take four years to complete. What was aimed at in this project was to provide the Garda with state-of-the-art systems in 17 operational areas. Much of the development work involved original design of software and systems.

I understand it has always been the intention to introduce PULSE on a phased basis. Work on the first two planned releases was completed last

year and these are being rolled out to Garda stations. In the meantime, planning and design of a further two releases for later this year is ongoing.

The new PULSE systems represent a major change in how gardaí record incidents and crimes, and a major feature of the PULSE project is to equip and skill all members of the Garda to use the systems. To progress the training that is needed in a manageable and coherent way, it was decided to break into two phases, the first where gardaí would be taught how to make inquiries and retrieve information on the new systems and the second, and perhaps more critical phase, where members would be taught how to input information into the systems.

To allow training to progress in this way a team of gardaí from divisions around the country were brought together and trained to input data which would initially be sent to them from stations in paper form. This is the task which is being done at Fitzgibbon Street. However, this is purely a temporary expedient. As the input training to which I referred progresses, this unit will gradually be disbanded and its members will bring the knowledge and skills they have acquired back to their divisions, thus helping to further the overall training process.

As to the question of problems with the new PULSE systems, I am informed that there are some teething problems but nothing beyond what might normally be expected either inside or outside the public sector in the early stages of live operation of such a new and complex system. I am told that the problems which have arisen are solvable and that necessary adjustments are being made.

In relation to a backlog of forms at Fitzgibbon Street, I am informed that this grew up mainly as a result of the industrial relations problem at the end of last year and that it is being sorted out. I understand that all forms sent to the data entry centre from the beginning of this year have been dealt with immediately and that, in terms of current data, the system is, therefore, up-to-date.

The approved budget for development and installation of the PULSE system is approximately £43.5 million.

Garda Investigations.

29. **Mr. L. Burke** asked the Minister for Justice, Equality and Law Reform if the Garda investigation into the Omagh bombing has been scaled down; his views on whether it is unlikely that the perpetrators will be apprehended; and if he will make a statement on the matter. [11057/00]

43. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform the position regarding the Garda investigation into the Omagh bombing of August 1998; if the investigation will continue; and if he will make a statement on the matter. [11192/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I propose to take Questions Nos. 29 and 43 together.

I am advised by the Garda authorities that their investigations into the Omagh bombing are ongoing and that every lead coming to the knowledge of An Garda Síochána is being vigorously pursued in conjunction with the RUC. No effort is being spared in ensuring that the perpetrators of this crime are brought to justice.

Prisons Service.

30. **Mr. Callely** asked the Minister for Justice, Equality and Law Reform the evaluation carried out on the work-training service; the total cost of this service in 1999; the likely cost in 2000; and if he will make a statement on the matter. [11129/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): The European Social Fund evaluation unit carried out an evaluation of the work and training service and published its report in July 1998. This was a helpful and timely report.

Work and training for prisoners had received EU funding since 1982. At the mid-term review of the 1994-1999 round of Structural Funding, my Department sought additional money to enable work and training to be developed to establish effective pathways which people in custody could follow to obtain employment after their release from prison. The evaluation was conducted in this context.

The evaluation was comprehensive. It identified strong and weak points in relation to work and training provision and it made specific recommendations. My Department has accepted these recommendations in general and is proceeding to develop work and training in the prisons accordingly.

The CONNECT project in the prisons is an important part of this development. CONNECT was introduced in 1998 as a collaboration between my Department and the National Training and Development Institute of the REHAB group. It was funded by the EU INTEGRA programme within the remit of enhancing the employability of people at a disadvantage with respect to labour market participation. The results of the CONNECT project have been most encouraging and have led me to believe that the goals of the project can be achieved and, in conjunction with this, that the recommendations of the EU evaluation unit report will be implemented.

The Government has made provision in the national development plan for an integrated programme to combat crime by addressing social inclusion through employment. The programme will be delivered as an integrated initiative by the Prisons Service, the Probation and Welfare Service and the Garda Síochána. It will also be co-ordinated with the social inclusion measures of Departments. A provision of £45.8 million has

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been made for work and training in prisons over the period 2000-06. Work has commenced already on this initiative which involves developing CONNECT further and expanding it throughout the prison system.

The costs incurred in 1999 by my Department attributed directly to the work and training service and which have been booked to the relevant subheads, amount on a provisional basis to £1.1 million.

The planned expenditure for the year 2000 for the work and training service, as provided in the national development plan, is £4 million. It is necessary to exercise caution in comparing the figures for 1999 and 2000. The level of service planned in 2000 is greater than applied in 1999. Furthermore, several costs included in the 2000 figure were not attributed directly to the work and training subhead in 1999.

Internet Advisory Board.

31. **Mr. Bell** asked the Minister for Justice, Equality and Law Reform the terms of reference of the recently established Internet Advisory Board; and if he will make a statement on the matter. [11187/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): The Internet Advisory Board is a non-statutory body established in March, 2000, with a general remit to monitor and oversee the self-regulation structures recommended by the working group on the illegal and harmful use of the Internet, whose report was published in July 1998.

The board has no formal terms of reference, but its functions within the above general remit are set out in the report.

Compensation Claims.

32. **Mr. Bell** asked the Minister for Justice, Equality and Law Reform the total amount paid out during the past five years in compensation to gardaí and prison officers for injuries they sustained on duty; and if he will make a statement on the matter. [11188/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): The total amount paid out during the past five years in compensation to gardaí and prison officers for injuries they sustained on duty, exclusive of legal costs, is £16.8 million and £4.7 million respectively.

Asylum Seekers.

33. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform the plans, if any, he has to make regulations under section 2 of the Local Government (Planning and Development) Act, 1999, providing that the planning Acts shall not apply to any proposed development to provide accommodation for asylum seekers in view

of the Government announcement of 28 March 2000; and if he will make a statement on the matter. [10021/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): As I have explained previously to the House, the number of asylum seekers entering the country has increased dramatically in recent years and especially since July of last year. The Directorate for Asylum Support Services, established in November 1999 under the aegis of my Department is responsible, *inter alia*, for meeting the accommodation needs of asylum seekers. Following advertisements for accommodation placed in the media it became clear that a sufficient supply of suitable privately owned accommodation was not available to meet the needs of asylum seekers and that other measures would need to be examined.

The Office of Public Works, acting on behalf of my Department, have identified the lands and properties detailed below as suitable for development under the asylum seeker accommodation programme: lands attached to the premises formerly known as Magee Barracks, Kildare, County Kildare; lands attached to the premises known as the Military Barracks, Tralee, County Kerry; and lands attached to the Department of Education premises at Athlone, County Westmeath.

On 29 March 2000, I made three orders under section 2(2) of the Local Government (Planning and Development) Act, 1993, which allows, by reason of emergency, for the provision of accommodation for use by asylum seekers on these properties.

On 10 April 2000 I made three further orders under section 2(2) of the Local Government (Planning and Development) Act, 1993 which allows, by reason of emergency, for the provision of accommodation for use by asylum seekers and the provision of certain ancillary services; at the premises situated at 88, 90 and 92 Pembroke Road, Dublin 4 and known as "88 Pembroke Road"; (5) at the Parnell West Hotel, 38/39 Parnell Square, Dublin 1; and at the Viking Lodge Hotel, 34/36 Francis Street, Dublin 8.

The orders provide that the provisions of the Local Government (Planning and Development) Act, 1963 — 1999, or the provisions of Part XIII of the Local Government (Planning and Development) Regulations, 1994, shall not apply to these developments.

34. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the proposed establishment of a new agency to deal with the reception of asylum seekers and the integration of refugees; its terms of reference; if it will be independent of the Department; if it will have its own budget; and if he will make a statement on the matter. [11183/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): On 28 March 2000 the

Government agreed with my recommendations for a statutory agency, under the aegis of my Department, to be called the reception and integration agency. Pending the enactment of legislation, the agency will operate on a non-statutory basis.

This decision follows an earlier decision of the Government that the recommendations in the report of the interdepartmental working group on the integration of refugees in Ireland should form the framework for integration policy and be implemented. The establishment of a single organisational structure — within the overall framework of structures for asylum and immigration — for co-ordinating and implementing integration policy is one of the key recommendations of the working group. The reception and integration agency will be the vehicle for implementing this recommendation and its establishment will facilitate a cohesive, co-ordinated approach to both the reception of asylum seekers and integration of refugees. The agency will have responsibility for planning and co-ordinating the provision of services to both asylum seekers and refugees; co-ordinating and implementing integration policy for all refugees and persons who, though not refugees, are granted leave to remain; and responding to conflict crises which result in relatively large numbers of refugees arriving in Ireland within a short period of time; for example, the Kosovar nationals who were invited here by the Government this time last year.

I intend to bring legislative proposals to Government to put the reception and integration agency on a statutory basis at the earliest possible date. As the Government has not yet had the opportunity to consider proposals, any definitive comment by me at this stage in relation to delegation of authority or budgetary control would be pre-emptive. However, I can say that in line with the Government's Strategic Management Initiative and the approach adopted in relation to other agencies in the justice area, I will be recommending that the reception and integration agency will have operational independence in its day to day activities, have its own board and its own budget.

Community Law Centres.

35. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the basis on which community law centres are funded; the criteria applied; if his attention has been drawn to a campaign to establish a law centre in Ballymun, Dublin 11; his views on this proposal; and if he will make a statement on the matter. [11132/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): As the Deputy will be aware I provide grant-in-aid to the Legal Aid Board who are responsible for 30 law centres around the country. My Department also provides grant-in-aid to free legal advice centres. My Department

does not provide funding for community law centres.

I have been informed by the Legal Aid Board that they have agreed to liaise with the group proposing the establishment of a community law centre in Ballymun. The board will also support the work of the community law centre within the scope and terms of the provisions of the Civil Legal Aid Act, 1995, by taking appropriate cases referred to them by the community law centre.

Crime Levels.

36. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform his views on whether the IRA may have been involved in killing a man in Dublin recently; his further views on whether the IRA has killed as many as a dozen suspected drug dealers in the North since the ceasefires began; and his further views on whether the IRA guns are silent. [9505/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I am not clear to which incident in Dublin the Deputy may be referring, and of course I cannot comment on the details of criminal investigations in Northern Ireland. More generally, however, I am satisfied that the IRA ceasefire remains in place.

Alternatives to Prison.

37. **Ms McManus** asked the Minister for Justice, Equality and Law Reform his views of the report, "Alternatives to Fines and the Uses of Prison", published by the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights; if he will implement the recommendations of the report; and if he will make a statement on the matter. [11189/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I welcome the report of the Sub-Committee on Crime and Punishment of the Oireachtas Joint Committee on Justice, Equality and Women's Affairs entitled "Alternatives to Fines and The Uses of Prison" as a contribution to the ongoing debate on the important areas of the uses of imprisonment and the strengthening of alternatives to prison such as fines. The sub-committee has written to me requesting the views of my Department on the report. The time and care which has evidently gone into the preparation of this report requires that the response be based on a careful examination of the issues.

As the report raises a large number of issues, it will be necessary to draw together the views from a number of organisations under the aegis of my Department as well as those of the various divisions within my Department. A substantive response will be made to the committee as soon as this process is complete.

Child Care Services.

39. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform his views in relation to the place of parents in his child care strategy; if it is his intention to provide support by way of parental payments to enable parents to take time off work to care for their children, as is common practice in most other EU states; and if he will make a statement on the matter. [11204/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): My Department chaired the Partnership 2000 Expert Working Group on Childcare which developed a national child care strategy for the development of the child care sector to meet the needs of society in general. The membership of the group included representatives of parents. The group made a series of recommendations in relation to the development of quality child care services to meet the increasing demand by parents for child care places.

As the Deputy will be aware my Department has responsibility for funding the development of child care services and co-ordinating child care service delivery under the national development plan. The roles stem from my Department's responsibility for equality issues.

Since 1994 my Department has provided supports to develop child care services. The supports have mainly been concentrated in disadvantaged areas facilitating the development of facilities which could provide affordable services to low income families. My Department developed the equal opportunities childcare programme in 1998 which provides funding under a broad range of initiatives from a social inclusion and equal opportunities perspective. Over 1998 and 1999, £11 million of Exchequer and EU funding has been committed to projects under the programme.

The Government identified child care as a priority area for investment in the National Development Plan 2000 — 2006 which provides £250 million to my Department's equal opportunities childcare programme. The money will be invested in a range of initiatives designed to increase the quantity of child care places and the quality of child care services to meet the needs and interests of both children and parents. It is my intention to advertise measures for capital and staffing grants for child care services in the national and local newspapers at the end of this month. My Department will also be working closely with other Government Departments which have funding for child care to ensure a co-ordinated approach.

My Department is also responsible for co-ordinating child care service delivery over the course of the national development plan. This involves the establishment of national and local structures to include the key players in the future development of child care. The structures include: an interdepartmental committee which is chaired by my Department to focus on co-operation and co-ordination between Departments and State agen-

cies with a role in child care; a national co-ordinating child care committee chaired by my Department to oversee the development of an integrated child care infrastructure throughout the country; county child care committees to advance child care service provision at local levels. Membership will comprise local representatives of the statutory and non-statutory sectors including parents.

The structures provide a forum for consultation and sharing of expertise and information on development relevant to the future of the child care sector and the child care needs of parents.

My Department's co-ordinating role is a subset of the broader national children's strategy which is currently being developed by the Department of Health and Children in line with the commitments entered into by Ireland when it ratified the UN Convention on the Rights of the Child. My Department is working closely with the Department of Health and Children for the planning and delivery mechanisms required for the expenditure of £250 million in the national development plan. A Department of Health and Children official is the vice-chair of the co-ordinating committees chaired by my Department.

As the Deputy will be aware the issue of child care will also be dealt with within the completion process outlined in the Programme for Prosperity and Fairness. It is intended that the process will be progressed rapidly.

In addition the Programme for Prosperity and Fairness provides that my Department will, in 2001, conduct a review of the operation of the Parental Leave Act, 1998, in consultation with the social partners. This commitment is in accordance with section 28 of the Act, which provides for a review of the operation of the Act within not less than two years and not more than three years of its commencement on 3 December 1998. This review, which will be carried out during 2001, will provide an opportunity to assess provisions of the Act in the light of its operation.

Probation and Welfare Service.

40. **Mr. Spring** asked the Minister for Justice, Equality and Law Reform the strategy he has to recruit the 154 staff required in view of the fact his Department's review of the probation and welfare service indicated a need for an additional 91 probation and welfare officers and 63 additional staff have been identified as being required for the implementation of the Children Bill, 1999; the action, if any, he has taken in this regard; and if he will make a statement on the matter. [11134/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): Since taking up office I have taken steps to address the staffing difficulties in the Probation and Welfare Service. As the Deputy is already aware I arranged for an expert group to examine the service generally and in particular its staffing requirements. Following the expert group's recommendations in relation to

staffing I secured Department of Finance sanction for an additional 39 staff for the Service. The recruitment of these staff is now well under way and I understand that offers of assignment have been made by the Civil Service Commission to over 40 candidates following their successful participation in a recent recruitment competition conducted by them on behalf of my Department.

Indeed, in the period since 1 July 1999 to 10 April 2000 inclusive, 15 probation and welfare officers have been recruited to the Service from the two recent competitions. My Department will continue to recruit new probation and welfare officers until all vacancies and the new posts have been filled. In this regard I am informed that my Department is currently in contact with the Civil Service Commission regarding the holding of a recruitment competition for probation and welfare officers this year in order to meet both existing and anticipated staffing requirements. I understand that efforts have already been made to streamline the recruitment process and that this matter will be explored further with the Civil Service Commission.

Garda Civilianisation.

41. **Mrs. B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform the progress made to date in discussions between Garda management and representative organisations regarding the proposal to remove more than 600 gardaí from administrative and specialist non-policing jobs and to replace them by civilians; the main categories of positions being considered for civilianisation; and if he will make a statement on the matter. [11198/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): The Deputy is referring to a working document containing proposals to develop civilianisation in the Garda Síochána. This document is under consideration by the Garda SMI Implementation Steering Group established by the Government in early 1998 to oversee the implementation of the report on the efficiency and effectiveness of the Garda Síochána.

The working document is the subject of ongoing consultations with the relevant staff associations and unions. I expect that following completion of these consultations and final consideration by the steering group of the working document that the civilianisation proposals will be submitted to the Government for its consideration.

The objective of the proposed civilianisation programme is to release highly trained gardaí from administrative and technical posts to operational policing posts more appropriate to their training and skills thereby increasing the operational capacity of the force.

The Deputy will however appreciate that until the consultation process that I have described is concluded, it would not be appropriate to enter

into the detail of the proposals contained in the civilianisation working document.

Crime Statistics.

42. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the plans, if any, he has to review the manner in which Garda crime statistics are compiled in view of the apparent contradiction between figures produced in the CSO's Quarterly National Household Survey and official Garda figures and the high level of non-reporting reflected in the CSO figures; and if he will make a statement on the matter. [11178/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): As I have said in the House on a number of occasions, I welcome the publication of the Central Statistics Office survey data. It was the first time that a nation-wide survey of this scale was carried out by the Central Statistics Office but as we do not have a similar survey from a different time period, it is not therefore possible to identify any trends or to draw conclusions from it. There is, no evidence, therefore that under-reporting of crime, for example, is any higher now than it was at any other time.

It should be remembered, however, that victimisation surveys cannot be directly compared with the Garda statistics. The CSO itself drew attention to the fact that "the survey results are not directly comparable with crime statistics published in the Garda Síochána annual report, as there are fundamental differences in sources, definitions and classification methodology". It is also worth noting that the CSO have highlighted that the survey data is subject to sampling variation and that some of the results should be interpreted with extreme caution.

When comparing the survey data to the Garda statistics, in simple terms we are not comparing like with like and this is always crucial when comparing any two data collection systems if robust conclusions are to be drawn. In relation to under-reporting of crime, for example, I would, of course, urge the public to report any crime to the Garda.

I have indicated before in the House that my Department is considering the implications of the results of the CSO survey and I understand that the National Crime Council is also considering the results of the survey.

Garda Complaints Board.

44. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of complaints which have been made by the general public against members of the Garda Síochána in 1998 and 1999; the number of these complaints found to have substance; if his attention has been drawn to the fact that there is a general scepticism among the general public about making complaints to the Garda Complaints Board; and if he will make a statement on the matter. [11220/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): The statistical information for 1998 sought by the Deputy is published in the annual report of the Garda Síochána Complaints Board for 1998, copies of which are available in the Oireachtas Library. I have not yet received the report for 1999.

I believe that the broad thrust of current legislation allows complaints against members of the Garda Síochána to be dealt with effectively and fairly. That is not to say that improvements to the present system cannot be made, where appropriate. Indeed, an ongoing review of the Garda Síochána (Complaints) Act, 1986 is taking place and I hope that I will be in a position to bring proposals for improvements in the Act, to Government in the near future.

Juvenile Offenders.

45. **Mr. Stagg** asked the Minister for Justice, Equality and Law Reform if he will give details of the restorative justice projects for juvenile offenders in Nenagh and Tullaght; the basis on which their effectiveness is being evaluated; the plans, if any, he has to extend such projects to other parts of the country; and if he will make a statement on the matter. [11130/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): In 1999 my Department set up two restorative justice pilot projects for juvenile offenders in Nenagh, County Tipperary and Tullaght, County Dublin.

The Nenagh community reparation project is a development between representatives of the local community and the probation and welfare service of my Department. The Tullaght mediation service in partnership with the probation and welfare service has developed a six phase mediation model. Funding has been approved for both projects. A court may in certain circumstances consider remanding an offender following the establishment of guilt, to enable mediation between the victim and the offender to commence. The offender and victim must agree to participate in the mediation process. One key objective of the mediation process is to develop an agreement in relation to reparation to be made by the offender to the victim.

Both projects are innovatory. The aim of both projects is to increase the involvement of the community in positive activity to reduce crime and to minimise repeat offending by confronting the offender with the impact of the crime on the victim. The projects also aim to contribute to the creation of an environment for victims to have an input into the restorative aspects of justice.

An evaluation of both pilot projects will be carried out after one year and will be submitted to my Department when completed. I have established these two projects as part of an exploration of alternatives to imprisonment and should they prove successful over time. I will consider

extending the concept of restorative justice to other areas.

Centre for Human Rights.

46. **Ms McManus** asked the Minister for Justice, Equality and Law Reform when he expects the Government to complete its consideration of the possible incorporation of the Convention of Human Rights into Irish law as required by the terms of the Good Friday Agreement in view of his speech at the opening of the Irish Centre for Human Rights; and if he will make a statement on the matter. [11197/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): As I explained in my speech at the opening of the Irish Centre for Human Rights, I have been giving detailed consideration, as required by the terms of the Good Friday Agreement, to the question of possible incorporation of the European Convention on Human Rights into our law. The question of whether and how to incorporate the convention is quite a complex one, raising as it does difficult constitutional, legal and technical questions. I hope to be in a position shortly to finalise my proposals in the matter and bring them before the Government for approval. When the Government makes its decision in the matter, it will be announced in the usual way.

Juvenile Offenders.

47. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the total number of places of detention available for underage offenders with particular reference to correction and rehabilitation and incorporating modern best practices; and if he will make a statement on the matter. [11214/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): For the purposes of this question, underage or juvenile offenders are taken to be those under the age of 18 years. There were 116 offenders under the age of 18 years in custody on Monday 10 April 2000. The following table outlines the institutions in which they were held:

Institution	Offenders Aged 15 to 17
St Patrick's Institution	60
Fort Mitchel	26
Wheatfield	10
Castlereagh	1
Limerick (Male)	7
Shanganagh	6
Mountjoy (Female)	1
Cork	3
Cloverhill	2
Total	116

Male offenders aged 16 and 17 — and up to the age of 21 — may be committed on remand or to

serve a period of detention at St. Patrick's Institution. Male offenders aged 17 years and over may be committed on remand or sentenced to imprisonment to the five adult committal prisons — Mountjoy, Cork, Limerick, Portlaoise and Castlereagh. Sentenced male offenders aged 16 and 17 may be transferred from any of the five adult committal prisons and from St. Patrick's Institution to Wheatfield Place of Detention, Fort Mitchel and Shanganagh Castle to serve their sentences. When the new remand prison at Cloverhill is fully operational, all male remand offenders will be held there, including juveniles who will be accommodated separate from adults.

Female offenders aged 17 years and over may be committed on remand or sentenced to imprisonment to Mountjoy and Limerick Women's Prisons. However, very few female offenders aged 17 years are committed to penal institutions each year.

Offenders under the age of 15 years cannot be committed to prison under any circumstances. Fifteen year old male offenders and 15 and 16 year old female offenders can be committed to prison only in exceptional circumstances. This can occur only in cases where the court certifies under the provisions of Sections 97 and 102 of the Children's Act, 1908, that the young person is so unruly or depraved of character that he/she cannot be detained in a place of detention provided under Part V of the Act. Such committals are used only as a last resort by the courts and the number of 15 year old males and 15 or 16 year old females committed to prison each year is low.

Every effort is made to segregate juvenile offenders from the general prison population in each institution at all times. The few who are held in adult prisons are accommodated with other young offenders or with carefully selected older prisoners.

Particular emphasis is placed on the rehabilitation of young offenders in custody and, accordingly, a wide range of services are made available as set out hereunder. Efforts are made locally by the governor of each institution to co-ordinate the work of the various services.

Education Service: This service is provided in conjunction with vocational education committees. A wide range of academic subjects are covered enabling inmates to cover the normal school curriculum and to study for and sit examinations set by the Department of Education and Science.

Vocational Training: Training in various vocational skills is available to offenders including juveniles with some inmates going on to take City and Guilds examinations. Vocational training is intended to not only provide an occupation for prisoners while they are in custody but also to produce skills which are relevant for offenders after they leave prison.

Library Service: Library facilities are provided in conjunction with the public library service.

Sports/Physical education: A wide range of sports and recreational facilities are available to inmates.

Psychology Service and Probation and Welfare Service: The prison psychology service and probation and welfare service provide counselling to help offenders to deal with their offending and cope during their time in custody.

Medical Services: A full range of medical services are available to inmates including medical drug detoxification programmes.

Addiction Counselling: Addiction counselling is provided in conjunction with and by various outside agencies such as Alcoholics Anonymous, Gamblers Anonymous and Narcotics Anonymous. In certain cases juvenile offenders with a drugs problem may be granted temporary release conditional upon their attendance at a community based addiction counselling centre.

Chaplaincy Service: The work of the chaplaincy service involves extensive counselling of offenders, not just in spiritual matters but in everyday human activity.

The legal provisions for the committal of offenders under the age of 18 years will change on enactment of the Children Bill, 1999 which proposes that where a court imposes a detention on a child, it shall, (a) where the child is under 16 years of age, order the child to be detained in a children's detention school operated by the Department of Education and Science; (b) where the child is 16 or 17 years of age, order the child to be detained in a place of detention provided by the Minister for Justice, Equality and Law Reform.

Under the provisions of the Bill, separate, dedicated secure detention centres will be required for the accommodation of male and female juvenile offenders 16 and 17 years and these will be provided. The director general of the prison service is currently examining the feasibility of providing two dedicated secure detention centres, one in the Dublin area and one in the Munster area.

Land Registry.

48. Mr. Penrose asked the Minister for Justice, Equality and Law Reform the progress made in dealing with the huge backlog at the Land Registry and Registry of Deeds; and if he will make a statement on the matter. [11177/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I refer the Deputy to my answer to his previous Parliamentary Question, No. 81 on 2 February 2000, where I outlined to the Deputy some of the causes of the unprecedented increase in the level of business to be transacted in the Land Registry in recent years. In fact, I can inform the Deputy that even in the first quarter of this year, there has been a further increase of 14% in the number of dealings lodged in the Land Registry.

I am pleased to inform the Deputy that, following the Department of Finance sanction, at my request, for the allocation of additional staff to the Land Registry, additional staff appointments

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are currently in the process of being filled. I am confident that the appointment of the full allocation of extra staff, who will receive comprehensive training, will have a significant impact of the backlog of cases on hand in the Land Registry.

I am also pleased to inform the Deputy that the Land Registry has reverted its policy on restricting its telephone answering service. I understand that telephone inquiries are being answered throughout normal hours of business.

The Deputy may be assured that every effort is being made to address the problems which have developed over a period of time in the Land Registry. Progress in this regard is under constant review and policy will be revised from time to time to implement whatever measures are considered necessary and possible to achieve the Land Registry's objectives of clearing the backlog of cases and of providing an optimum service.

As I have previously informed the Deputy, I am satisfied that the provision of additional staff together with the implementation of the new title registration information system will, in time, facilitate the required result.

Clover Hill Prison.

49. **Mr. Broughan** asked the Minister for Justice, Equality and Law Reform the progress made in dealing with problems regarding the fire alarm system at Clover Hill prison; when the prison will be able to take its full complement of prisoners; and if he will make a statement on the matter. [11190/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I am informed by the director general of the Prison Service that good progress is being made in rectifying the difficulties with the fire alarm system in Cloverhill Prison. The progress is being monitored on a continuous basis. Work is on target to be completed on 1 May and I am assured that the prison will take its full complement of prisoners at that stage.

Victims Commission.

51. **Mr. Currie** asked the Minister for Justice, Equality and Law Reform the most recent occasion when he raised the issue of the disappeared with representatives of the republican movement; and if he will make a statement on the matter. [7772/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): As the Deputy will be aware, the Irish and British Governments established the Independent Commission for the Location of Victims' Remains in May 1999. The objective of the commission is to facilitate the location of the remains of victims of violence.

On the basis of information provided to the commission in the weeks following its establishment, the remains of three persons were recovered. Despite extensive excavations at a number

of sites no further remains were discovered and the searches were suspended in the hope that further information of a character which would justify a resumption of the excavation work would be forthcoming. In the intervening period the commission held extensive consultations with intermediaries, An Garda Síochána and family members and announced on 29 March that sufficient additional information had been received to justify the resumption of limited searches at the various sites. These searches will resume shortly when the conditions at the sites are favourable.

Finally, I can confirm that this issue has been raised on several occasions during the course of contacts which have been ongoing with Sinn Féin representatives.

Asylum Seeker Accommodation.

52. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform his proposals for the provision of adequate accommodation for asylum seekers; and if he will make a statement on the matter. [11185/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): In November 1999 the Government established the directorate for asylum support services to co-ordinate the sourcing of suitable accommodation for asylum seekers and their resettlement at locations around the country. Until then most asylum seekers had been accommodated in Dublin's inner city. This is no longer possible due to a serious shortage of accommodation in the capital.

The directorate, in consultation with the appropriate authorities, is continuing to examine the suitability of accommodation offered by proprietors of hotels, hostels, guesthouses and other privately owned properties throughout the country in response to media advertisements placed by my Department in the autumn. It is anticipated that approximately 2000 places can be made available in this way. It is clear, however, that there will not be a sufficient supply of privately owned accommodation to meet requirements.

On the basis of the current inflow of applicants to Ireland for asylum, the estimated accommodation requirement this year, over and above existing accommodation, is approximately 8,000 places. The ideal way to meet this requirement, obviously, is by providing permanently built accommodation and this is what I intend to do. The Government has decided that permanent accommodation for 4,000 asylum seekers is to be constructed. It is not possible to provide such accommodation immediately however, and other measures have to be taken in the short to medium term to ensure that sufficient accommodation of an adequate standard is available.

Consequently, on 28 March, 2000 the Government approved my proposals for a mix of temporary accommodation to meet current projections

in relation to the number of places required. The Deputy will appreciate however, that requirements must be kept under continuous review in the light of the number of persons applying for asylum.

Specifically, the Government has approved the provision of 4,000 places in prefabricated accommodation, 1,000 places in mobile homes, and 1,000 places in flotel.

Asylum System.

53. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the ways in which the Australian system for dealing with asylum seekers may offer a model for Ireland; and if he will make a statement on the matter. [8027/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): While I would not normally comment in detail on the asylum systems in place in other states, I can tell the Deputy that such systems, including legislative provisions in place in other states, such as those of the European Union and other common law jurisdictions like Australia, are kept under regular review for the purpose of the on-going development and operation of our asylum procedures and the development of our refugee code. The refugee law comparative study, undertaken for my Department by the Law Faculty, University College Dublin, which was made available publicly recently, is an example of the on-going analysis of the different systems and legal codes in place in other jurisdictions. The recommendations in the comparative study fall to be considered by the refugee advisory board which will be set up in the near future under the Refugee Act, 1996.

This practice of comparison and review will continue in line with our international obligations.

Courts Service.

55. **Mr. B. O'Keefe** asked the Minister for Justice, Equality and Law Reform the number of access orders granted up to the end of 1999. [8723/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I am informed by the chief executive officer of the Courts Service that the courts have jurisdiction to make access only orders and combined custody and access orders and that it is not possible to distinguish the access only element of a joint custody and access order.

I am also informed that the provisional figure for the number of access orders and custody and access orders which were granted in the District Court during the legal year ended 31 July 1999 is 1,785. The actual number of such orders granted in the District Court during the legal year ended 31 July 1998 was 1,742. A breakdown of these figures is set out in the following table.

Access Orders granted by the District Court

	Provisional Figures for Year ending 31/07/1999	Actual Figures for Year ending 31/07/1998
Access Only Orders	1,354	1,177
Custody and Access Orders	431	565

Access orders are made occasionally in the Circuit and High Courts. I am informed by the Courts Service that statistics in relation to access orders granted by the Circuit Court for the year ended 31 July 1999 are currently being compiled and will be forwarded to the Deputy as soon as they are finalised. Statistics in respect of such orders in the High Court are not maintained and could only be compiled by examining each individual court file which would require the allocation of a disproportionate staff resources at the expense of other operational duties which would not be warranted.

Departmental Legislation.

57. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform when it is intended to commence and complete the review of the Maternity Protection Act, 1994, in view of the commitment in the Programme for Prosperity and Fairness; and if he will make a statement on the matter. [11182/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): A review of the Maternity Protection Act, 1994, is being undertaken by my Department, in accordance with the Government's Action Programme for the Millennium, which provides that key priorities regarding women's rights will include the review and improvement of maternity protection legislation. My Department has sought and received views from representatives of employers and employees, other interested bodies and relevant Departments and agencies on the legislation. A working group of the various parties has been established to discuss the comments received and to identify the areas where improvements in the legislation might be warranted. The first meeting of the working group is scheduled to take place on 14 April. In accordance with the commitment in the Programme for Prosperity and Fairness, it is intended to complete this review by September 2000.

Garda Investigations.

58. **Mr. Higgins (Mayo)** asked the Minister for Justice, Equality and Law Reform if the gardaí have investigated in the past four weeks the circumstances surrounding the death of a person (details supplied) in a Dublin hospital; and if he will make a statement on the matter. [11084/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I am informed by the Garda authorities that the matter to which the question refers has not been and is not currently the subject of a Garda investigation.

Probation and Welfare Service.

59. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform his views on the role of rehabilitation in the criminal justice system; his targets in relation to prisoner access to rehabilitation programmes for drug users and sex offenders; and if he will make a statement on the matter. [11205/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): The rehabilitation of offenders is an important element of the criminal justice system. The Probation and Welfare Service of my Department, through its work in the community and in the prisons, contributes in a significant way to this process. The Probation and Welfare Service mission is to foster public safety and promote the common good by advancing the recognition and use of community based sanctions thereby reducing the level of re-offending.

These community sanctions enable probation staff to assist offenders address their criminal behaviour directly and in a way that challenges them to respond, making them aware of the options open to them and supporting them in pursuing a crime free way of life.

The Probation and Welfare Service has developed training workshops, resource centres and probation residences to buttress and support the process of supervision in the community. This enables viable programmes to be put in place for offenders who might not otherwise be manageable in the community and extends the range of choice for courts.

Furthermore, programmes such as intensive probation supervision, court alcohol education programmes, developmental probation projects, specialised remedial projects and youth development programmes all have an important rehabilitative focus.

The ultimate aim of the prison service is to develop and put in place a wide range of rehabilitative measures which will be made available to all prisoners.

The prison service has already developed the following programmes to tackle drug misuse among the prison population: all committals to Mountjoy and St. Patrick's who misuse drugs are offered a 14-day detoxification programme; ongoing addiction counselling and education programmes; community based agencies visit prisons to provide support services and information, including individual counselling as required; an information forum is provided by the Education and Welfare Services to prisoners informing them of the risks posed by communicable diseases; a detoxification and drug free unit is in operation in Mountjoy and an intensive drug free therapy

programme co-ordinated by the Probation and Welfare Service and delivered by a multi-disciplinary team is in place.

I am pleased to inform the Deputy that a second drug treatment programme began at the health care unit in Mountjoy in March 2000. The emphasis will be on offering detoxification and intensive therapeutic counselling over six weeks to prisoners nearing release with a view to returning them drug free onto a structured drug treatment programme in the community.

The action plan on drug misuse and drug treatment in the prison system which I approved last year provides a detailed strategy to raise the level of treatment for drug addicted offenders. This includes the expansion of detoxification facilities, more drug free areas and the provision of methadone maintenance. The provision of addiction counselling support services is central to the plan. The plan builds on a medical policy which has been agreed between my Department and the Eastern Health Board in that it seeks to provide the same access to treatment for prisoners as patients have within the community.

At my request the director general of the Prison Service recently established a national steering group for prison based drug treatment services with a view to implementing the action plan.

There are four forms of direct therapeutic intervention available to sex offenders within the Irish prison system at present. All four are aimed at enabling such offenders gain some measure of control over their personal tendencies towards offending behaviour. The first intervention is individual counselling from my Department's psychology service and from the Probation and Welfare Service. The second intervention is a multi-disciplinary thinking skills group work programme which focuses on issues such as anger management, evasion of personal responsibility and relapse prevention and has been in place in Cork Prison and Arbour Hill Prison since 1998. This programme will be expanded to the Curragh by the end of September and staff are currently being selected to deliver the programme. The third intervention is an extremely intensive offence focused group work programme which is available in Arbour Hill Prison and which is delivered by officers of the probation and welfare and psychology services of my Department. All convicted sex offenders, regardless of the institution in which they are held, are invited to apply for inclusion in this programme. The fourth intervention involves the psychiatric service which provides extensive support to prisoners in this category.

A working group is currently overseeing the introduction of a number of interventions for sex offenders in the Curragh. The prison service is also investigating the possibility of extending the range of multi-disciplinary group work programmes with sex offenders here based on successful interventions which have been developed in prisons in Scotland and England in recent

years. This particular study is not expected to be completed until early next year.

The ultimate objective for the Prison Service is to develop and put in place a wider range of rehabilitation programmes for sex offenders than are currently available. It is the intention that these programmes will be accredited by an independent accreditation board and delivered by multi-disciplinary teams under the supervision of the psychology service. These programmes will be delivered to every sex offender in custody who is willing to participate at some level in their personal rehabilitation and relapse prevention. I fully support the Probation and Welfare Service and the prison service in all their efforts in the field of rehabilitation.

Asylum Seekers.

61. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the recent report, African Refugee Needs Analysis, which found that almost nine out of ten African asylum seekers and refugees had experienced racism here; the proposals, if any, he has to combat the increasing evidence of racist attitudes among a minority; and if he will make a statement on the matter. [11186/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): The issues raised in the report, referred to by the Deputy, were addressed in the report of the interdepartmental working group on integration, which emphasised the importance of promoting a tolerant inclusive society. The working group's report has been accepted by Government as the framework for integration policy in Ireland. The Government has agreed on the need for initiatives to combat racist attacks through informing public opinion and promoting a more tolerant inclusive society. It has approved proposals for an evaluation of the strategy and resources needed to plan, implement and review the development of such initiatives, within a very short time frame. The working group recommended that the National Consultative Committee on Racism and Interculturalism should carry out the evaluation. The evaluation is due to be completed within the next two months and I hope to be able to bring proposals for comprehensive public awareness initiatives to Government before the summer.

Release of Sex Offenders.

62. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the total number of sex offenders who were released from custody in 1998 and 1999 having served sentences; the number of such offenders who had completed a dedicated sex offenders treatment course; the steps he will take to ensure that all sex offenders have access to these courses; and if he will make a statement on the matter. [11201/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I believe a considerable degree of misunderstanding prevails in relation to the management of sex offenders in custody and I welcome the opportunity to respond on this matter. The reality is that many sex offenders in custody are either unsuited or are unwilling to participate in intensive group programmes like the course at Arbour Hill referred to by the Deputy due to insufficient motivation, emotional immaturity or otherwise.

All convicted sex offenders, regardless of the institution in which they are held, are invited to apply for inclusion in this Arbour Hill programme. All applicants are interviewed by the programme delivery team to determine suitability. Where the number of suitable applicants exceeds the number of places available on the programme, priority is given to offenders whose release dates are closest.

I have asked the director general of the Irish Prisons Service to ensure that the treatment of sex offenders throughout the prison system is given priority attention. I have since been assured by him that this matter is being given personal attention by him. Given that there are more sex offenders in custody in the Curragh than any other prison — 90 plus — except Arbour Hill, efforts are being concentrated there at present.

Public discussion and commentary about this issue frequently implies there is only one form of rehabilitation programme in place for sex offenders in Irish prisons and that it reaches a very limited number of prisoners annually. This is incorrect.

There are actually four forms of direct therapeutic intervention available to sex offenders within the Irish prison system at present. All four are aimed at enabling such offenders gain some measure of control over their personal tendencies towards offending behaviour. The first intervention method is individual counselling from my Department's psychology service and from the Probation and Welfare Service. This is a largely demand led service to individual prisoners who ask for help. The second intervention is a multi-disciplinary thinking skills group work programme which focuses on issues such as anger management, evasion of personal responsibility and relapse prevention. This programme is in place in Cork Prison and Arbour Hill Prison since 1998. The third intervention which tends to receive most media coverage is an extremely intensive offence focused group work programme which is available in Arbour Hill Prison and which is delivered by officers of the Probation and Welfare and psychology Services of my Department. The fourth intervention which perhaps deserves greater acknowledgement involves the psychiatric service which provides extensive support to prisoners in this category. This is done on a sessional basis, and a call-out basis as well as in response to particular individual crises.

Of the 103 sex offenders released on completion of their sentences during 1998, 11 had

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completed the specialised sex offender group treatment programme in Arbour Hill Prison. There were 80 sex offenders released during 1999. Of these five had completed the Arbour Hill group programme prior to their release. In addition many of those released would also have undergone individual counselling either from my Department's psychology service or the Probation and Welfare Service. These would also have had access to the thinking skills programme which targets offending behaviour and relapse prevention and about which I will have a further word to say later in this reply. I am also advised that the prisoners who were released in the period in question included as well as those who participated in the intensive group programme referred to, prisoners who decided not to participate in this programme, prisoners who after professional assessment were deemed not to be suitable to participate in it or where it was determined that it was beyond their ability to participate in it.

A working group chaired by the Prisons Service Director General and comprising representatives of all the relevant agencies and prison disciplines is currently overseeing the introduction of a number of interventions for sex offenders in the Curragh. Prisoners and staff at the Curragh have all now been notified of the inception of the new prisoner programmes there, one exclusively involving specialist staff as in the intensive Arbour Hill programme and the other programme on the same pattern as the thinking skills programmes in Cork and Arbour Hill which are delivered by multi-disciplinary teams including specially selected and trained prison officers.

The first step being taken involves the expansion of generic therapeutic services in the Curragh. The Probation and Welfare Service and the psychology service of the Department are recruiting extra staff at present and it is intended that the Curragh will have priority in the allocation of resources. A member of the psychology service and a probation officer have already been assigned to duties in the Curragh. They will be joined in their work with offenders at the Curragh by further members of their services as the roll out of support services for sex offenders at the prison continues.

The sequence which will be followed at the Curragh will be as follows. Analysis of response by individual prisoners and staff to circular from governor as to their willingness to participate in the new programme. Training of local staff in all disciplines and services in thinking skills programme is ongoing. Delivery of first modules of thinking skills programme, late summer 2000. Roll-out of intensive sex offenders treatment programme later in the year 2000 drawing particularly on successful offender participants in the thinking skills programme at the Curragh.

The thinking skills course referred to above was introduced in Arbour Hill and Cork prison early in 1998. It is designed to target a range of

offenders including sex offenders, particularly with a view to motivating the latter group to engage in the most intensive programmes. The course is run by multi-disciplinary teams, including prison officers, probation and welfare staff and teaching staff under the guidance of my Department's psychology service. The skills taught in this programme include general strategies for recognising problems, analysing them and considering non-criminal alternatives, how to consider the consequences of their behaviour — to think before they act, how to go beyond their own view of the world and consider the thoughts and feelings of other people and how to develop the ability to control their own behaviour and avoid acting impulsively. This programme is considered by the director general and his advisers to be the preferred first line of approach to rehabilitating sex offenders in custody as in many cases it builds up their frequently low personal motivation to address offending behaviour in depth.

When the intensive sex offenders treatment programme is introduced in the Curragh during the current year it will be operated by the probation and welfare service and psychology service in the same mode as the current Arbour Hill programme.

I have also been advised by the director general that he has deputed a senior member of his transition team at prison governor level and another colleague to investigate the possibility of extending the range of multi-disciplinary group work programmes with sex offenders here based on successful interventions which have been developed in prisons in Scotland and England in recent years. This particular study is not expected to be completed until early next year.

The ultimate objective for the Irish Prisons Service is to develop and put in place a wider range of rehabilitation programmes for sex offenders than are currently available, to ensure they operate on independently accredited selection, training and service methods and that they reach every sex offender in custody who is willing to participate at some level in their personal rehabilitation and relapse prevention. The latter point about willingness by prisoners convicted of sex offences to co-operate in personal rehabilitation programmes is significant because it is the experience in many prison jurisdictions including Ireland that a significant percentage of prisoners decline the opportunity to partake in this work. Compulsion is not a realistic or indeed legal option in such cases.

Finally I would like to make it known that a major review of the effectiveness of the intensive Arbour Hill sex offender programme is currently under way between the psychology service of this Department and the Department of Psychology, University College, Dublin.

Coroners Act, 1962.

63. **Mrs. B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform the

progress made in regard to promised reform of the Coroners Act, 1962; and if he will make a statement on the matter. [11199/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I refer the Deputy to my reply to Parliamentary Question No. 6837/00 on Tuesday, 7 March 2000 where I indicated that the working group on the review of the coroner service will shortly be concluding its deliberations which include an examination of the 1962 Coroners Act. I expect to have the group's final report within the next few months.

Family Courts.

65. **Mr. Shatter** asked the Minister for Justice, Equality and Law Reform if he will introduce a system of regional family courts and the reform of the family court structure as recommended in a variety of reports; and the progress made to date in this regard. [11050/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): The Deputy will be aware that the issue of regional family courts has been the subject of parliamentary questions to which I replied on 26 January and 7 March last.

The current position is that family law cases throughout the country can be heard at the appropriate local court venue which has jurisdiction in the matter at Circuit and District Court level.

Two reports, the Law Reform Commission Report on family courts in 1996 and the final report of the working group on a Courts Commission in 1998, have included recommendations on the future development of family law courts. These recommendations have covered many areas such as regional family courts, information centres, mediation and judicial training. All the recommendations of both groups are now being addressed by the Courts Service.

As far as the Government is concerned, one of the key issues in the Government Action Plan for the Millennium is the establishment of regional family courts. The Courts Service has been informed of this objective in the context of the future development of Courts Service policy.

I can assure the Deputy that the Government is fully committed to responding positively to the recommendations contained in these reports. As Minister, I share with the authors of the reports the common aim of ensuring that the proper service is provided to the public and that the rights and interests of children and all those involved in the family law process are fully protected.

Proof of our commitment can be seen by the resources provided by this Government to the courts which in the current year stands at £59 million, an increase of 24% over 1999. Within that provision, all the areas touched on in these reports will be provided with the necessary financial support so that the structural changes in the

family law system which are proposed can be progressed.

Gaming Offences.

66. **Mr. Callely** asked the Minister for Justice, Equality and Law Reform the prosecutions taken in recent years against offenders under the Gaming and Lotteries Act, 1956 to 1979; the seizures made; if he has satisfied himself that there is no abuse of matters relating to gaming and lotteries; and if he will make a statement on the matter. [11128/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I have been informed by the Garda authorities that the number of prosecutions taken in the years 1997 and 1998, under the Gaming and Lotteries Acts 1956 to 1986 were 67 and 136, respectively. Statistics for 1999 have not been compiled and are not yet available.

With regard to statistics on the number of seizures made under the Gaming and Lotteries Acts 1956 to 1986 I have been informed by the Garda authorities that they are not readily available and could only be obtained by diverting staff resources from other important work.

The Deputy may be aware that I established an interdepartmental group last year to undertake the review of the Gaming and Lotteries Acts, 1956 to 1986. The group has completed its deliberations and I expect their report to be submitted to me shortly. I intend to publish the report in the near future.

Disability Services.

67. **Mrs. T. Ahearn** asked the Minister for Justice, Equality and Law Reform the mainstreaming proposals planned for people with disabilities; the assurances being given to people with disabilities that there will be no diminution in services on the proposed dissolution of the National Rehabilitation Board on 30 March 2000 and the establishment of the National Disability Authority; the steps taken in these changes to protect existing services and to provide genuine practical access to new services; and if he will make a statement on the matter. [11127/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): A decision to mainstream the provision of services for people with disabilities and to establish the National Disability Authority was taken by this Government in July 1998. As a result of the new mainstreaming arrangements, vocational training and employment services for people with disabilities will be provided by FÁS, under the aegis of the Department of Enterprise, Trade and Employment; information, advice and advocacy services for people with disabilities will be provided by Comhairle, a new agency being established under the aegis of the Department of Social, Community and Family Affairs; psychology services for schoolchildren with disabilities will be provided by the national educational

[Mr. O'Donoghue.]

psychology service — NEPS — under the aegis of the Department of Education and Science; and audiology and non-vocational work and training services for people with disabilities will be provided by the health boards, under the aegis of the Department of Health and Children. The National Disability Authority — NDA — is a new statutory body being established under the aegis of the Department of Justice, Equality and Law Reform.

The establishment group responsible for overseeing the mainstreaming process is chaired by a senior official from my Department and is finalising arrangements for the transition of these services from their current locus under the national rehabilitation board and for establishment of the NDA. It is an essential part of the work of mainstreaming to ensure that the changes are effected with minimum disruption to the needs of existing service users. A detailed and complex planning approach, involving each of the Government Departments and State agencies concerned, has been taken. I am satisfied that the necessary care and consideration is being given to this process to protect and ensure continued provision of services for people with disabilities and to provide the basis for the development of services for people with disabilities based on inclusion.

Textile Industry Support.

68. **Mr. Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the plans she has to provide essential support to the textile industry in view of the recent number of job losses in this sector. [11233/00]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Due to the nature of the world economy and Ireland's improving standard of living, Ireland is no longer a low cost labour location. As a result of this, the clothing and textile sector will continue to face the relocation of labour intensive activities to lower cost countries.

The Irish clothing industry is in a period of great change, as the effects of a strong economy influence the economic factors underlying the sector. In recognition of this significant change I established a review group to develop a revised strategy for the sector. The review group, whose report I launched recently, comprised the Irish Clothing Manufacturers Federation, Enterprise Ireland, FÁS and my own Department.

The review group's report concluded that outsourcing is a reality in the international garment market, a reality that must be accepted, particularly in the high volume low value sector. The report identifies the many challenges facing the sector. Developing new ways of attracting and retaining people in the sector, meeting competition from lower cost countries and identifying and developing new technologies and working

practices are all identified as issues that need redress. My Department is pursuing the implementation of the recommendations in the report with the industry and the State agencies. The agencies will continue to support the Irish clothing sector but will do so in a realistic manner, recognising that activities such as outsourcing from lower cost countries are vital if the Irish clothing industry is to survive.

The Irish textile industry is an industry that is based on traditional strengths. The changes within the industry have been market driven. In recent years the market has been a niche one supplying top end manufacturers and designers with wool and linen products. This market still remains but customers within it have become more demanding in terms of design and finishes.

In response to these market demands, Enterprise Ireland in conjunction with the industry identified a number of areas that could be improved in design and finishing. A number of initiatives to improve these areas have been undertaken recently. They include trend forecasting twice yearly, market study visits abroad, new product development support and design improvement incentives.

Most recently, there was a joint North-South initiative involving Enterprise Ireland, the Northern Ireland Industrial Development Board, Irish Linen Guild, the International Fund for Ireland and nine companies, four from the North and five from the South. This initiative, "Fabric Ireland", was launched at Premiere Vision — leading world textile show — in Paris on 2 March. The objective is to increase sales of those companies participating by 30% over two years.

County Waterford Pier.

69. **Mr. Allen** asked the Minister for the Marine and Natural Resources if an application has been made for funding towards the reconstruction of the pier in Tramore, County Waterford. [11254/00]

Minister for the Marine and Natural Resources (Mr. Fahey): The need for coast protection works at the location in question was drawn to my Department's attention by Waterford County Council last year. The proposal will be assessed in the context of the strategic priorities for the multi-annual coast protection programme and available funding.

Grant Payment.

70. **Mr. M. Moynihan** asked the Minister for the Marine and Natural Resources if forestry premium payment will be made to a person (details supplied) in County Cork. [11243/00]

Minister for the Marine and Natural Resources (Mr. Fahey): The premium payment for the applicant concerned will issue within two weeks.

European Court Judgments.

71. **Proinsias De Rossa** asked the Minister for Foreign Affairs if judgments made and publicised through the European Court of Human Rights are accessible to people here; where they are available; and if he will make a statement on the matter. [11241/00]

Minister for Foreign Affairs (Mr. Cowen): The European Court of Human Rights was founded in 1950 to allow individual applicants to lodge complaints against contracting states for alleged violations of the European Convention on Human Rights and Fundamental Freedoms.

Judgments made by the court are public domain documents and can be accessed directly and free of charge by members of the public by contacting the Council of Europe information service in Strasbourg. Alternatively, a comprehensive data base of all Court judgments and associated case law is accessible free-of-charge through the Council of Europe Human Rights Internet service. Members of the public wishing to gain access to this documentation can do so freely through Internet terminals supplied for public use in libraries across the State. The Council of Europe service also provides general information on the court, and on pending cases. The Internet address for this service is: www.dhdirhr.coe.fr. The Department of Foreign Affairs can provide advice on procedures in any case where difficulty is experienced accessing information.

Visa Application.

72. **Mr. Allen** asked the Minister for Foreign Affairs if he will investigate the reason there has been no response to an application to the Irish embassy in Beijing in September 1999 by a person (details supplied) in the Peoples Republic of China. [11242/00]

Minister for Foreign Affairs (Mr. Cowen): The Embassy in Beijing has no record of having received a visa application from the person details of whom have been supplied. I suggest that she use a more reliable way of communicating with the Embassy than she has been using.

The Deputy's queries were not made to my Department nor to the Embassy. I understand that they were made to the Department of Justice, Equality and Law Reform, to which most applications received by the Embassy are referred for decision, but which also has no record of having received any application. Following the queries received, the two Departments tried to trace the application but without success. They are now trying to contact the person's husband with a view to assisting her to make an application.

Bovine Diseases.

73. **Mr. Penrose** asked the Minister for Agriculture, Food and Rural Development the reason

it is necessary to have cattle, which are going to the factory for killing, tested by a veterinary surgeon where it is deemed that such cattle have not been subject to a herd test for 12 months or more in spite of the fact that, when such cattle are killed, the veterinary inspector will be in a position to indicate whether or not that animal is affected by tuberculosis; and if he will make a statement on the matter. [11272/00]

Minister for Agriculture, Food and Rural Development (Mr. Walsh): Due to the existing levels of bovine TB in this country, it is necessary for all herds to undertake a TB test each year in order to maintain our officially TB free status. As the post-mortem examination in the factory is not a substitute for a TB test, it is therefore necessary to require that all animals presented for slaughter at a factory must have been tested for TB within the previous 12 months.

Control of Farm Pollution Scheme.

74. **Mr. Deenihan** asked the Minister for Agriculture, Food and Rural Development when the new farm pollution grant scheme will be introduced; and if he will make a statement on the matter. [11273/00]

Minister for Agriculture, Food and Rural Development (Mr. Walsh): In the context of the national development plan, an amount of £167 million is allocated for a scheme of farm waste management for the period 2000-2006.

This measure will form part of the new regional operational programmes for the Border, midland and western regions and the southern and eastern region. These programmes are now being drafted under the responsibility of the respective regional assemblies and will shortly be formally submitted to the European Commission for approval. The negotiation process is expected to take a few months and accordingly, the measure is unlikely to be implemented until later in the year.

In the meantime, it is intended that the existing national scheme for the control of farm pollution will remain in operation and open to applications.

Farm Retirement Scheme.

75. **Mr. Neville** asked the Minister for Agriculture, Food and Rural Development when farm retirement pension will be paid to a person (details supplied) in County Limerick. [11274/00]

Minister for Agriculture, Food and Rural Development (Mr. Walsh): Payment of the pension will commence at the end of May 2000 retrospective to 17 August 1999, the date on which a valid application was received.

Grant Payments.

76. **Mr. Ring** asked the Minister for Agriculture, Food and Rural Development when a person (details supplied) in County Mayo will

[Mr. Ring.]

receive 1999 cattle and sheep headage in view of the fact he has submitted evidence of ownership of his land. [11275/00]

Minister for Agriculture, Food and Rural Development (Mr. Walsh): As stated in my reply to Parliamentary Question No. 237 of 26 January 2000, the person named had undertaken to provide the area aid unit with further proof of his entitlement to claim commonages in his 1999 area aid application. He has since forwarded this further proof. On examining all the proof provided, it is only sufficient to justify a claim of 8.75 hectares on a particular commonage, whereas his total claim on this commonage amounted to 25.70 hectares.

My Department is again contacting the person named to give him a final opportunity to substantiate his claim.

77. **Mr. Ring** asked the Minister for Agriculture, Food and Rural Development when a person (details supplied) in County Mayo will receive 1999 cattle headage in view of the fact he returned maps to the area aid unit recently. [11276/00]

Minister for Agriculture, Food and Rural Development (Mr. Walsh): As stated in my reply to Question No. 70 of 22 March 2000, the person named included commonage in his 1999 area aid application, but did not provide proof of his entitlement to claim this commonage. The herdowner was contacted in this regard and subsequently returned maps to the area aid unit. These maps are not proof of his entitlement, so he has been contacted once again requesting commonage evidence. No payments can issue until this matter has been resolved.

Staff Conditions.

78. **Mr. Gormley** asked the Minister for Finance if he will report on the progress made in relation to employment conditions for foreign language teachers working at the language training unit in Lansdowne House, Ballsbridge, Dublin 4; the remuneration of these teachers; and the impediments, if any, standing in the way of a resolution of this dispute. [11252/00]

Minister for Finance (Mr. McCreevy): Discussions about the employment conditions for hourly paid language teachers in the Civil Service language training unit are ongoing between officials of my Department and the appropriate staff representatives. A meeting was held last week and a further meeting is scheduled for next month. The rate of pay for hourly, paid language teachers in the Civil Service language training unit is currently £27.99 per hour rate effective 1/4/00.

Tax Allowances.

79. **Mr. Hogan** asked the Minister for Finance if a widower with three children who is paying £200 per week in child care expenses is accommodated by the recent changes in the Finance Act, 2000, under the specific measure to deal with caring for children. [11253/00]

Minister for Finance (Mr. McCreevy): There are two provisions in this year's Finance Act which relate to child care. Section 12 introduced a new tax allowance for home carers. The allowance may be claimed by married couples who are jointly assessed where one spouse cares for one or more dependent persons. Dependent persons include children for whom child benefit is payable, this covers all children under 16 and children under 19 in full-time education. Section 63 made certain changes to the capital allowances for buildings used for certain child care purposes. Neither of these two provisions would directly benefit a taxpayer in the circumstances described by the Deputy. A number of proposals have been made to extend the allowance for home carers to other caring situations and I will look at these requests for next year's budget.

All taxpayers, including widowed taxpayers will benefit from the general tax improvements introduced in the Finance Act, 2000, i.e. the increase in personal allowances of £500 single, the widening of the standard rate band by £3,000 and the 2% reduction in both the standard and top income tax rates. In particular, the individualisation of the standard rate band benefits working parents, including widowed parents. They will also benefit from the budget increase in the child benefit rates of £8 per month for the first and second child and £10 per month for subsequent children.

The Finance Act, 2000, also introduced reform in the tax treatment of widowed persons in particular. These include the doubling and standard rating of the widowed person's allowance, the widowed parent bereavement allowance and the increase in the mortgage interest relief ceiling to the same level as that which applies to married couples.

Both the general and specific measures outlined above should assist widowed parents in meeting child care expenses.

Mileage Allowance.

80. **Dr. Upton** asked the Minister for Finance if, further to Parliamentary Question No. 89 of 6 April 2000 in relation to a mileage allowance for bicycles, his reply applies to all Government Departments; and if he will make a statement on the matter. [11286/00]

Minister for Finance (Mr. McCreevy): The mileage allowance referred to in my reply to Parliamentary Question No. 89 of 6 April 2000 and which is paid to officials who use their private

bicycles on official business, applies to all Government Departments.

Garda Barracks.

81. **Mr. O'Shea** asked the Minister for Finance the position regarding the new Garda barracks for Kilmacthomas, County Waterford; and if he will make a statement on the matter. [11306/00]

Minister of State at the Department of Finance (Mr. Cullen): The Commissioners of Public Works have recently received a brief of accommodation requirement for a new Garda station at Kilmacthomas, County Waterford. The relevant planning consultation documents are now being prepared.

Departmental Staff.

82. **Ms Shortall** asked the Minister for Finance if he will report on the overall staffing levels in the office of the Revenue Commissioners for each of the past five years; and in regard to the current staffing, if he will provide a breakdown of all the units or sections in which the staff are deployed; the person who decides on the order of priority of work to be undertaken; the staff allocation and the criteria on which these decisions are taken; and if he will make a statement on the matter. [11337/00]

Minister for Finance (Mr. McCreevy): I have been informed that the authorised staffing levels for the office of the Revenue Commissioners for the past five years were as follows:

Date	Number
1 January 1996	6,383
1 January 1997	6,383
1 January 1998	6,044
1 January 1999	6,089
1 January 2000	6,089

In addition, I have recently approved significant increases in the Revenue's staffing resources to deal with audit, investigation, enforcement, taxpayer service and other work, and these will be coming onstream shortly.

I have also been informed that the allocation of the current serving staff in Revenue is as follows:

Division	Number
Board	9
Revenue Solicitor's Office	34.5
Corporate Management Division	234
Human Resources Division	230
Collector-General's Office	622
Customs & Residence Division	294.5
Information & Communications Technology Division	328.5

Division	Number
Capital Taxes Division	152.5
Direct Taxes International & Administration Division	42.5
Direct Taxes Policy & Legislation Division	28
Indirect Taxes Policy & Legislation Division	43.5
C&E Collections & Enforcement Divisions	1318.5
Office of the Inspector of Taxes	2721
Total	6058.5

I have been advised that the board of the Revenue Commissioners decides on the overall deployment of staff to various work programmes. These decisions are linked to the priorities identified in the Revenue Commissioners' statement of strategy, the divisional business plans and other priorities which emerge. Division heads would, of course, have certain flexibility in day-to-day deployment. In deploying staff resources, the Commissioners seek to achieve a balance between staff deployed on customer service, on audit and on investigation and enforcement. The need to ensure that the budget target for collecting the various taxes and duties is met is always a priority. The Commissioners, as with any large organisation, must adopt an approach to the deployment of staff which enables them to respond in a flexible and timely manner to emerging situations.

Tax Yield.

83. **Ms Shortall** asked the Minister for Finance the number of taxpayers who are currently declaring income from rental property (residential); the number of properties concerned; the number of staff in the Revenue Commissioners who are allocated for monitoring this tax liability from landlords; his views on the adequacy of this level of staff; and if he will make a statement on the matter. [11338/00]

Minister for Finance (Mr. McCreevy): I am informed by the Revenue Commissioners that the latest relevant information available on rental income is in respect of income tax year 1997-98 for individuals, and in respect of accounting periods ending in 1997-98 for companies. Some 49,715 individuals and 3,961 companies included rental income from lettings in their tax returns for that year. It is not possible to distinguish the type of property from which that income was derived or the number of properties involved. Rental properties are owned by individuals and companies from all vocational categories. Generally, rental income is only one of a number of sources of income of individuals and companies. However, the totality of taxpayers liability from all sources is monitored by Revenue and, accordingly, staff are not separately allocated to moni-

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toring the tax liability on rental income received by the landlord. In addition to the large number of staff examining tax returns in compliance and audit districts in Dublin and throughout the country, there is a complement of five staff in the special inquiry branch monitoring information on rental activity in the Dublin area.

I am further informed by Revenue that compliance in the rental income sector, generally, is governed by the principles underlying self assessment. This means that the individual landlords, other than those with small rental income coded into their PAYE tax free allowances, are obliged to make annual returns of all income including rental income, and to pay preliminary tax on 1 November of the tax year in which the rental income arises and are subject to Revenue audit for verification purposes. Information on rent payment and rent subsidies are cross checked with the landlords' returns and returns are audited where appropriate. Landlords who have not made a return are targeted in the same way as other non-filers for appropriate action by the Revenue to ensure that the returns are made. I have been advised by Revenue that there is no evidence that compliance levels in the rental income sector are not comparable to compliance levels generally.

Capital Acquisitions Tax.

84. **Mr. N. Ahern** asked the Minister for Finance the changes in relation to capital acquisitions tax in the Finance Act, 2000, in relation to siblings not living under the same roof; the threshold at the time capital acquisitions tax was first introduced; the current threshold and the threshold if indexed linked to the consumer price index; if the tax has changed over the years, the thresholds compared to average industrial pay; the plans he has to amend this threshold in the next year to two years; the thresholds for probate tax; if threshold is allowed where a higher figure for estate exists; the number caught in the capital acquisitions tax net in recent years; and if the figures prove the system is geared more towards ordinary PAYE earners. [11339/00]

Minister for Finance (Mr. McCreevy): As the Deputy is aware, I introduced substantial changes to the capital acquisitions tax, CAT, legislation in the Finance Act, 2000. These measures, which included the introduction of a single CAT rate of 20% to replace the previous rates of 20%, 30% and 40%, will reduce the CAT liability of all beneficiaries, including siblings.

I also increased the three tax free thresholds for gifts and inheritances. The tax free amount now applying on transfers between siblings is £30,000. When CAT was first introduced in 1976, the threshold on transfers between siblings was £10,000. If this figure had been indexed linked to the consumer price index since 1976, the amount which would now apply is approximately

£126,000. Prior to the increase in the exemption thresholds this year, the thresholds were indexed annually to the consumer price index since 1990.

There is no data available from the Central Statistics Office for the average industrial wage in 1976. However, data is available for the average manufacturing weekly wage for that year, which was £52.50. In 1999, the average industrial weekly wage was £315.67, based on figures to date.

When considering the increase in the three group thresholds in this year's Finance Act, I decided against further increases because of Exchequer costs. However, as I indicated during the discussions of the Finance Bill, I will review the issue of the structure of the tax for the next Finance Bill.

The probate tax threshold was increased in the Finance Act, 2000, from £11,250 to £40,000. Probate tax is charge at a rate of 2% on estates in excess of this threshold. Relief is allowed where the taxable value of an estate marginally exceeds the threshold. In such cases, the tax liability will not exceed the amount by which the taxable value exceeds the threshold.

The package of measures introduced in this year's Finance Act constitutes the single biggest reduction in the incidence of CAT since its introduction in 1976 and, as I have stated above, will reduce the tax liability for all beneficiaries.

Occupational Therapy Service.

85. **Ms Shortall** asked the Minister for Health and Children if he has satisfied himself that the number of training places for occupational therapists is sufficient to meet the demand and high turnover at service levels; the discussion, if any, he has had with any education providers to increase the number of training places; and if he will make a statement on the matter. [11257/00]

Minister for Health and Children (Mr. Martin): Since my appointment as Minister for Health and Children, I have been aware that some employers are currently experiencing difficulty in recruiting occupational therapists. Having considered the issue, I have now approved the terms of reference for a needs analysis of the therapy grades, including occupational therapy, which will be carried out without delay.

In order to deal with the issue in the short-term, I have asked my colleague, the Minister for Education and Science, and the Higher Education Authority to look urgently at the scope for increasing the number of places in occupational therapy training from October 2000. I am committed to taking all possible steps to address recruitment issues in this area.

Ophthalmic Service.

86. **Mr. Perry** asked the Minister for Health and Children if a person (details supplied) in County Sligo will be called immediately for an eye examination in view of the fact she is studying

for school examinations and needs spectacles; and if he will make a statement on the matter. [11277/00]

Minister for Health and Children (Mr. Martin): As it is the statutory responsibility of the North Western Health Board to provide ophthalmic services to eligible persons in County Sligo, I have asked the chief executive of that board to investigate the position in relation to this case and to reply to the Deputy directly as a matter of urgency.

Dental Service.

87. **Mr. Perry** asked the Minister for Health and Children if a person (details supplied) in County Sligo will be called for dental treatment; and if he will make a statement on the matter. [11278/00]

Minister for Health and Children (Mr. Martin): As the provision of orthodontic treatment to eligible persons in County Sligo is the statutory responsibility of the North-Western Health Board, I have asked the chief executive officer of that health board to investigate the position in relation to this case and to reply to the Deputy directly as a matter of urgency.

Hospital Waiting Lists.

88. **Mr. Perry** asked the Minister for Health and Children if a person (details supplied) in County Sligo will be called for a hip replacement in view of the fact her condition has deteriorated and she is confined to her home; and if he will make a statement on the matter. [11279/00]

Minister for Health and Children (Mr. Martin): The provision of medical treatment to eligible persons in County Sligo is the statutory responsibility of the North-Western Health Board in the first instance. My Department has asked the chief executive officer of the board to investigate this case and to reply to the Deputy directly as a matter of urgency.

Suicide Incidence.

89. **Mr. Neville** asked the Minister for Health and Children the number, by gender, of people who died by suicide in 1999. [11280/00]

Minister for Health and Children (Mr. Martin): Data on mortality are routinely published in the annual and quarterly reports on vital statistics compiled by the Central Statistics Office. The most recent figures available refer to the third quarter of 1999 and show that there were 241 male deaths and 54 female deaths from suicide. These figures are provisional as they refer to deaths registered during January to September 1999 rather than deaths which actually occurred during that period.

Food Safety.

90. **Mr. Allen** asked the Minister for Health and Children if his attention has been drawn to a study presented to a recent conference organised by the Royal College of Physicians on the side effects from excessive menthol consumption; and if he will consider the introduction of risk statements and clear labelling of ingredients on packets of extra strong mints. [11281/00]

Minister of State at the Department of Health and Children (Dr. Moffatt): I am not aware of the study to which the Deputy refers. The FAO/WHO Joint Expert Committee for Food Additives, JECFA, has evaluated menthol and has set an acceptable daily intake of 0.4mg/kg body weight which, using the 60kg body weight norm, gives an acceptable daily intake of 240mg or 0.24g of menthol. In this light, the Food Safety Authority of Ireland, FSAI, has advised me that labelling on packets of mints would not be justified and may only serve to worry consumers unnecessarily. Such labelling would have to be agreed at EU level as it would be contrary to the workings of the internal market.

Health Action Plan.

91. **Mr. Allen** asked the Minister for Health and Children if a group has been appointed by his Department to draw up a new health strategy to replace Shaping a Healthier Future; and, if so, the terms of reference of the group. [11282/00]

Minister for Health and Children (Mr. Martin): Shaping a Healthier Future which was published in 1994 sets out a national strategy for the development of the health services. Within the next 12 months I am committed to the development of a new health strategy to replace Shaping a Healthier Future and I am considering how best this project can be advanced.

Child Care Services.

92. **Mr. Higgins (Mayo)** asked the Minister for Health and Children the amount of money allocated to the child care sector in each of the years from 1995 to 1999; the number of applications for funding received; the number of applications granted; the organisations or projects to which financial assistance was made available; the criteria used to assess applications; the mechanisms in place for monitoring the use of funds; and the amount of moneys made available directly to parents to help with the cost of child care. [11283/00]

Minister of State at the Department of Health and Children (Ms Hanafin): The additional revenue funding allocated to the child welfare services in each of the years from 1995 to 2000 is detailed on the following table:

1995	1996	1997	1998	1999	2000
£m 9.000	£m 6.500	£m 12.000	£m 8.000	£m 15.000	£m 31.75

Additional funding is issued each year by my Department to the health boards to enable them to strengthen and further develop services to meet their statutory responsibilities under the Child Care Act, 1991, the Adoption Acts and other legislation that enables courts to request welfare reports from the board. The funding is allocated by the boards for specific services, including voluntary agencies in their area, depending on each individual board's priorities and the policy priorities as indicated by the Department in the annual letter of net determination. The health boards are obliged to submit for approval each year annual service plans in which they outline their proposals for development funding that they have been allocated. In addition they are obliged to submit an annual report on the adequacy of the child care and family support services available in its area under section 8 of the Child Care Act, 1991. There are also regular contacts between officials of my Department and officials of the health boards.

My Department does not collect, as a matter of routine, the details of all the organisations which apply to the boards for funding. Where applications are made directly to the Department they are referred to the health boards for their observations and attention. Some years there are a small number of projects in which funding was specifically earmarked in the net determinations. In addition, grants are allocated from the national lottery to voluntary organisations. There is a set protocol for issue of these grants. When an application is received it is referred to the relevant health boards for their assessment, evaluation and recommendation and all applications are then considered in the context of the recommendation and the overall level of funds available.

My Department is compiling a list of all organisations that made applications and received such grants for the years requested and I will forward this to you the near future. I will also forward a list of the specific organisations indicated in the letters of determination.

Consultant Appointments.

93. **Mr. Higgins** (*Mayo*) asked the Minister for Health and Children if he will approve the appointment of two additional rheumatologists to serve the Western Health Board area; and if he will make a statement on the matter. [11284/00]

Minister for Health and Children (Mr. Martin): The provision of services in this instance is the statutory responsibility of the Western Health Board. I understand from the board that to identify and address in a structured manner all issues associated with current service provision, they are

currently in the process of drawing up a strategic plan for the development of rheumatology services in the western region over the next five year period. This plan is currently at an advanced stage of preparation. The plan will identify the consultant manpower requirements to meet service needs and the organisational structure necessary to promote optimum efficiencies, quality, accessibility and resource utilisation. The need for outreach clinics at other hospitals apart from the main base in Galway will be examined.

I understand that when the draft strategy is finalised it will be presented to the board for formal adoption following consideration by the Acute Services Standing Committee and will then be forwarded to my Department.

Physiotherapy Services.

94. **Mr. Ring** asked the Minister for Health and Children the reason there is no physiotherapy service in Ballina, County Mayo (details supplied). [11285/00]

Minister for Health and Children (Mr. Martin): The development of services, including physiotherapy services, for people with physical and sensory disabilities is a matter for the relevant health board. From the additional £7 million provided this year for the development of these services, the Western Health Board was allocated a total of £697,000 for its agreed priority service developments. Health boards decide priorities for the allocation of such funding in consultation with its regional co-ordinating committee for physical and sensory disability services. The Deputy's question has been referred to the chief executive officer, Western Health Board with a request that she examine the query and reply directly to the Deputy, as a matter of urgency.

Orthodontic Service.

95. **Mr. Durkan** asked the Minister for Health and Children when orthodontic treatment will be made available to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [11292/00]

Minister for Health and Children (Mr. Martin): As the provision of orthodontic treatment to eligible persons in County Kildare is the statutory responsibility of the Eastern Regional Health Authority, I have asked the regional chief executive of that health authority to investigate the position in relation to this case and to reply to the Deputy directly as a matter of urgency.

Blood Transfusion Service.

96. **Mr. O'Shea** asked the Minister for Health and Children if he will report on the relationship between a person (details supplied) of the Blood Transfusion Service Board, Cork, and the Dublin based executive of the board (details supplied); if this is impacting in a negative way on the func-

tioning of the board in Cork; the steps, if any, he has taken to resolve the situation; and if he will make a statement on the matter. [11304/00]

Minister for Health and Children (Mr. Martin): Responsibility for human resource issues in individual health agencies, including the Irish Blood Transfusion Service, formerly known as the Blood Transfusion Service Board, is a matter for the agencies themselves, having regard to relevant employment legislation.

Child Care Services.

97. **Ms Shortall** asked the Minister for Health and Children if he will provide funding for a project (details supplied) in Dublin 11 which caters for at risk children in view of the fact that assistance has been refused by the Department of Justice, Equality and Law Reform on the basis the project does not assist parents who wish to take up employment; if he has responded to correspondence from that Department on this project; and if he will make a statement on the matter. [11318/00]

Minister of State at the Department of Health and Children (Ms Hanafin): The Eastern Regional Health Authority has informed me that no application for funding regarding this project has been made to the Northern Area Health Board, which is the health board with responsibility for the delivery of health and personal social services for the Dublin 11 area.

I understand from my colleague, Deputy Eoin Ryan, Minister of State at the Department of Tourism, Sport and Recreation, that this project is being jointly funded by the Ballymun Drugs Task Force and the Ballymun Partnership. The project is currently being independently evaluated along with other projects funded through the local drugs task forces to determine future funding arrangements.

In addition, I understand from my colleague, Deputy Woods, Minister for Education and Science, that a request received by his Department from the Ballymun Drugs Task Force for funding for the project is under consideration at present.

Nursing Staff.

98. **Ms Shortall** asked the Minister for Health and Children the number of first year nurse training places in 2000; the number of unsuccessful applicants for these places; if he will introduce a special training scheme geared towards some of those unsuccessful candidates in order to bring additional staff into the system as soon as possible in view of the chronic shortage of nurses; and if he will make a statement on the matter. [11320/00]

100. **Ms Shortall** asked the Minister for Health and Children his views on the success of the university based nurse training compared to the hospital based vocational type training; the diffi-

culties to which the new type of training has given rise; and if he will make a statement on the matter. [11322/00]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 98 and 100 together.

In response to the nursing shortage, and as part of the settlement of the nurses' pay dispute, an additional 300 nurse training places are being provided nationally, bringing the total number of places available this year to 1,500. As this year's competition for places on the three-year nursing registration-diploma programme is currently under way, it is not possible to provide the Deputy at this early stage with any details of the number of unsuccessful applicants. However, the Nursing Careers Centre received some 5,000 applications this year. This is most encouraging, bearing in mind that the overall number of places has increased by 25% over last year, and the decline in the volume of applications for positions in the public services generally.

I have no plans to introduce a special training scheme for unsuccessful applicants along the lines proposed by the Deputy. It is open to such applicants to apply for the following year's competition. I might mention that each year a number of applicants are eliminated from the competition because they do not meet the minimum educational requirements for entry to nurse training.

A major transformation has taken place over the last six years in the area of pre-registration nursing education. The transition from the traditional apprenticeship model to the diploma based programme in all nursing disciplines has now been completed. While the new model of education has enhanced the way in which students are prepared for the nursing profession, it is important to stress that, in the development of the diploma programme, care was taken to preserve the best elements of the traditional system.

The nursing profession is currently gearing itself up for enhancing further the way in which nursing students are prepared for the profession. This is being done in the wake of publication of the report of the Commission on Nursing. The commission has recommended a revised educational framework that takes account of the need to ensure that nurses are equipped to meet the rapidly changing and complex demands of the health service into the future. It has made a cogent case for moving pre-registration nursing education to a four year degree programme.

As a first step, the Commission on Nursing recommended the establishment of a representative nursing education forum to prepare a strategy for the implementation of this change. This forum was established by my predecessor early last year. Its membership includes representatives of schools of nursing, third level institutions, health service providers, An Bord Altranais and relevant Departments. The forum is at an advanced stage in its work, and I expect to receive its report next September.

Hospital Waiting Lists.

99. **Ms Shortall** asked the Minister for Health and Children when a person (details supplied) in Dublin 9 will have a tonsillectomy in view of the fact she has been on the waiting list for Temple Street since July 1999 and for Beaumont Hospital since September 1997; if he has satisfied himself that he has provided adequate funding to both of these hospitals to ensure that children do not have to wait for longer than six months for any procedure; and if he will make a statement on the matter. [11321/00]

Minister for Health and Children (Mr. Martin):

The course of treatment and the scheduling of patient admissions is a matter for the hospital authorities in the first instance, based on a clinical assessment of need. Given the particular circumstances of this case, I have asked the regional chief executive of the Eastern Regional Health Authority to investigate the position regarding this patient and to reply to the Deputy as a matter of urgency.

Since coming into office, I am acutely aware of the importance of reducing waiting lists and waiting times, particularly for children. Over the last number of years, my Department has provided substantial additional funding under the waiting list initiative with a view to achieving a significant reduction in the number of children awaiting elective procedures. To this end, my Department has allocated £237,000 to Temple Street Hospital under the waiting list initiative for 2000. Some £1.719 million has also been allocated to Beaumont Hospital, a proportion of which will be utilised to undertake additional paediatric procedures. The overall objective is to ensure that no child is waiting more than six months for treatment in particular target specialties, including ENT.

Litter Pollution.

101. **Ms Shortall** asked the Minister for the Environment and Local Government if he has satisfied himself with the fine imposition to fine collection ratio in respect of on-the-spot litter fines; the reason so many fines are not paid; the action, if any, he is taking to address the problem; and if he will make a statement on the matter. [11255/00]

Minister of State at the Department of the Environment and Local Government (Mr. D. Wallace): Responsibility for the enforcement of the Litter Pollution Act, 1997, including the enforcement of on-the-spot fines, is a matter for individual local authorities. I have recently written to local authorities calling for further intensification of their enforcement action.

The national anti-litter forum, which was established last July, is reviewing a wide range of issues associated with litter pollution, including local authority enforcement action generally, and is due to report shortly with proposals for

additional anti-litter measures. The forum recommendations, including any relating to enforcement, will be given detailed consideration in my Department.

Grant Payments.

102. **Mr. Hogan** asked the Minister for the Environment and Local Government if he has received an application for a conservation grant from a person (details supplied) in County Kilkenny; if the grant has been approved and if he will make a statement on the matter. [11258/00]

Minister for the Environment and Local Government (Mr. Dempsey):

A scheme of grants for protected structures was introduced last year under the Local Government (Planning and Development) Act, 1999. The terms and conditions of the scheme are set out in my Department's Circular PD 5/99, a copy of which is being placed in the Oireachtas Library.

The administration of individual applications for grants is a matter for the relevant local authority. Where the local authority proposes to approve a grant in excess of the standard maximum it needs the approval of my Department. No such request has been received in relation to the case referred to by the Deputy.

Motor Vehicle Disposal.

103. **Mr. P. Carey** asked the Minister for the Environment and Local Government if his attention has been drawn to the large number of motor vehicles left to deteriorate on the streets in all parts of Dublin city; and if he will make a statement on the matter. [11259/00]

Minister of State at the Department of the Environment and Local Government (Mr. Molloy):

I refer to the reply to Question No. 93 of 8 March 2000. In addition, powers are available under the Road Traffic (Removal, Storage and Disposal of Vehicles) Regulations, 1983 to 1998 to the Garda and local authorities to remove, store and dispose of vehicles which are abandoned or unlawfully parked on a public road or in a local authority car park. Separate powers under the Road Traffic Act, 1994 (section 41) Regulations, 1995 and 1998 provide for the detention, removal, storage and disposal of vehicles detained by gardaí where the driver has no motor insurance cover, where the road tax is more than three months out of date or where the vehicle is being driven by an under age driver.

Local Authority Staff.

104. **Mr. Ring** asked the Minister for the Environment and Local Government the number of male full-time clerical officers appointed to county councils, on a county by county basis, in each of the past ten years. [11260/00]

105. **Mr. Ring** asked the Minister for the Environment and Local Government the number of female full-time clerical officers appointed to county councils, on a county by county basis, in each of the past ten years. [11261/00]

Minister for the Environment and Local Government (Mr. Dempsey): I propose to take Questions Nos. 104 and 105 together.

The information requested by the Deputy is not available in my Department.

The gender breakdown of the overall total number employed in the local authority service in the grade of clerical officer as at 31 December for the years 1992-98 is set out in the following table. The corresponding statistics for 1999 will not be available until later in the year.

Gender breakdown of the number of clerical officers employed in the local authority service, including job-sharers, as at 31 December of each year:

Year	Male	Female
1992	482	1,229
1993	467	1,243
1994	474.5	1,376.5
1995	479.5	1,317
1996	479.5	1,413.5
1997	487.5	2,625.5
1998	527	2,770

There is no corresponding gender breakdown available for the years 1990 or 1991 but the total number of clerical officers serving in the local authority service at 31 December in 1990 and 1991 was 1,671 and 1,677 respectively. With regard to the table, the main factor behind the significant increase post-1996 in the number of clerical officers was that the grade of clerk-typist was re-graded to clerical officer with effect from 1997.

Registration of Landlords.

106. **Ms Shortall** asked the Minister for the Environment and Local Government if he will give details of the number of landlords registered with each local authority for 1999. [11331/00]

Minister of State at the Department of the Environment and Local Government (Mr. Molloy): The most recent information available on the number of landlords registered in each local authority area is published in my Department's Housing Statistics Bulletin, September quarter, 1999 copies of which are available in the Oireachtas Library. The annual Housing Statistics Bulletin is currently being finalised and copies will be placed in the Library as soon as they are available.

Water and Sewerage Schemes.

107. **Mr. Bradford** asked the Minister for the Environment and Local Government if he will respond favourably to the recent request from

Cork County Council to sanction a further extension to the proposed Doneraile sewage scheme, County Cork and if he will make a statement on the matter. [11332/00]

Minister for the Environment and Local Government (Mr. Dempsey): This scheme has been included in the water services investment programme as a scheme to advance through planning. A revised preliminary report incorporating a number of outlying areas has recently been submitted to my Department and is under consideration.

Local Authority Funding

108. **Mr. Stanton** asked the Minister for the Environment and Local Government if he has received a request from Cork County Council to provide funding for the upgrading of Midleton library; if so, the amount of money requested; when he will make these moneys available and if he will make a statement on the matter. [11333/00]

Minister for the Environment and Local Government (Mr. Dempsey): My Department has received proposals from Cork County Council for a branch library at Midleton the construction of which is estimated by the local authority to cost £549,250.

Last year I approved a multi-annual expenditure programme for library development which, together with projects already under construction, involves a commitment of over £25 million in grant aid in the period 1999 to 2002. The programme includes the funding of Macroom branch library and two mobile libraries for Cork County Council.

The intention, arising from the Branching Out review of public library policy, is to complete a major redevelopment of our public library infrastructure over an eight year period from 1999 to 2006. I expect that the Midleton library will be provided under this programme but it is not possible at this stage to be more specific on the timescale.

Local Authority Housing

109. **Mr. McGrath** asked the Minister for the Environment and Local Government the number of house starts approved for each local authority in each of the past five years; and the allocation for the next four years. [11335/00]

Minister of State at the Department of the Environment and Local Government (Mr. Molloy): Information on the number of local authority house starts allocated to each authority over the past five years is available in the annual housing statistics bulletins published by my Department, copies of which are available in the Oireachtas Library.

Details of housing starts allocated under the multi-annual programme 2000-03 are set out in the following table.

Housing Programme 2000-03	
Local Authority	Starts
<i>County Council</i>	
Carlow	195
Cavan	250
Clare	310
Cork	1,130
Donegal	900
Dún Laoghaire/Rathdown	900
Fingal	1,000
Galway	548
Kerry	500
Kildare	650
Kilkenny	240
Laois	300
Leitrim	210
Limerick	500
Longford	200
Louth	200
Mayo	480
Meath	480
Monaghan	218
Offaly	220
Roscommon	320
Sligo	200
South Dublin	1,000
Tipperary N.R.	146
Tipperary S.R.	250
Waterford	198
Westmeath	218
Wexford	480
Wicklow	480
<i>County Borough</i>	
Cork	1,000
Dublin	2,400
Galway	460
Limerick	370
Waterford	500
<i>Borough Corporation</i>	
Clonmel	100
Drogheda	250
Kilkenny	70
Sligo	210
Wexford	190
<i>Urban District Council</i>	
Arklow	100
Athlone	100
Athy	60
Ballina	30
Ballinasloe	60
Birr	60
Bray	250
Buncrana	60
Bundoran	30
Carlow	138
Carrickmacross	20
Carrick-on-Suir	58
Cashel	26
Castlebar	30
Castleblayney	12
Cavan	108
Clonakilty	60
Clonas	20
Cobh	70
Dundalk	250
Dungarvan	100
Ennis	80
Enniscorthy	100

Local Authority	Starts
Fermoy	40
Kells	50
Killarney	75
Kilrush	40
Kinsale	50
Letterkenny	120
Listowel	45
Longford	120
Macroom	70
Mallow	100
Midleton	70
Monaghan	60
Naas	100
Navan	80
Nenagh	40
New Ross	120
Skibbereen	67
Templemore	16
Thurles	64
Tipperary	38
Tralee	200
Trim	30
Tullamore	100
Westport	30
Wicklow	100
Youghal	80

Driving Tests.

110. **Mr. McGrath** asked the Minister for the Environment and Local Government if an Irish citizen who has held a full clean driving licence in the US for 45 years should be required to take a driving test upon returning to live here; if so, the reasons for this; and the procedure to be followed if he wants a driving licence. [11336/00]

Minister of State at the Department of the Environment and Local Government (Mr. Molloy): Ireland does not have a bilateral agreement with the United States of America for the exchange of driving licences due to the diverse nature of the driver testing and licensing regimes in the different states in the USA. On taking up Irish residence a person who holds a driving licence issued in the USA must obtain a provisional licence and undergo a driving test in order to obtain a driving licence.

Social Welfare Benefits.

111. **Mr. McGrath** asked the Minister for Social, Community and Family Affairs the amount paid by his Department through health boards by way of rent allowance in each of the past five years. [11334/00]

Minister for Social, Community and Family Affairs (Mr. D. Ahern): The total expenditure on rent supplements under the supplementary welfare allowance scheme for the past five years was as follows:

Year	Rent Supplement
	£m
1995	54.70
1996	62.60
1997	75.30
1998	88.00
1999 (Provisional Outturn)	101.00

A sum of £113.4 million has been provided in the current year's estimates for rent supplement.

112. **Mr. N. Ahern** asked the Minister for Social, Community and Family Affairs if, in payments made to a person (details supplied) in County Dublin, the occupational injury element is constant or subject to annual increase or reduction; the reason increases were given to her and she has only been awarded £4 increase from May 2000 rather than £7 and if he will make a statement on the matter. [11340/00]

Minister for Social, Community and Family Affairs (Mr. D. Ahern): The Government is committed in its action programme to providing substantial social welfare increases. Specifically, the recent review of the Action Programme for Government has set a priority for the attainment of a minimum rate of £100 a week for all social welfare old age pensioners by 2002, and to increasing these pensions in line with increases in average industrial earnings.

Last December's budget made further progress towards achieving the £100 target rate for old age pensioners. For instance, from the beginning of May this year, the old age contributory pension will be increased to £96 a week, while the old age non-contributory pension will increase to £85.50 a week.

The person in question, who is over 66 years of age, is in receipt of a widow's pension under the occupational injuries benefit scheme. This particular payment is paid at a higher rate than other social welfare payments. In the circumstances, therefore, special additional increases over and above the general social welfare increases are not required in order to achieve the Government's £100 target rate.

Following the implementation of the budget increases from the beginning of May, her basic weekly rate of payment will increase to £99.40. This is £10.30 a week higher than the equivalent social insurance widow's pension which is paid in normal circumstances. The person in question also qualifies for the £6 weekly living alone allowance. In addition, she receives an additional £8 fuel allowance during the fuel season, from mid-October to April.

As part of the Government's expenditure review process, my Department is currently undertaking a review of the various income maintenance schemes for people who are ill and people with disabilities, including the occupational injuries benefits scheme. One of the particular issues which is being addressed in this

review is the question of differences of treatment of people depending on the nature of the illness or accident. The findings of this review will guide future policy in this regard, and I look forward to receiving the results in due course.

Architectural Heritage.

113. **Mr. Lawlor** asked the Minister for Arts, Heritage, Gaeltacht and the Islands the plans, if any, she has to upgrade the historic Anna Liffey Mill at Lucan to a grade one listed building; if her attention has been drawn to the fact that Fingal County Council may have a bid to acquire the mill which is due for sale by public tender in early May; the further plans she has to consult with and assist the council in bringing the mill into public ownership; if her Department officials will approach the current owner of the mill in that regard; and if she will agree to meet with representatives of the Lucan Community Council which is endeavouring to turn the mill into a living heritage centre with considerable tourism potential. [11244/00]

Minister for Arts, Heritage, Gaeltacht and the Islands (Miss de Valera): As the Deputy may be aware, in 1998 the Government decided on a new framework to protect the architectural heritage of the State that placed the primary responsibility in this regard on planning authorities. I should emphasise that my role is mainly to provide advice to planning authorities in the exercise of their functions. Funding was subsequently made available for the planning authorities to recruit conservation officers. A scheme of grants for the conservation of protected structures was also introduced. The new system was given legislative effect through the Local Government (Planning and Development) Act, 1999. A number of seminars were held for planning authorities last year to outline the revised arrangements and their enhanced role in the protection of our architectural heritage.

I am advised that the Anna Liffey Mill and associated buildings were on list 2 of the Fingal county development plan. Under the provisions of the Planning Act, 1999, with effect from 1 January 2000 any buildings that had been listed for preservation or protection in that development plan, including the Anna Liffey Mill, were deemed to be included on the new record of protected structures. It is, accordingly, a matter for Fingal County Council, in the first instance, to take whatever action it considers appropriate, consistent with its new powers, to protect the architectural integrity of the relevant structures, including the interiors thereto.

The new Act also places a responsibility on the owners and occupiers of protected structures to ensure that the structure or any part of it, which contributes to its special interest, is not endangered in any way.

I understand that the property will be sold by public tender on 4 May 2000. There is no record

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in my Department of any request for assistance or advice in respect of this property from Fingal County Council. Should such a request be made I would be happy to make my officials available.

The Deputy will appreciate that it would not be feasible to provide protection for the nation's architectural heritage through a programme of acquisitions. The best solution is to see continued use of buildings suitably safeguarded using the new powers under the Planning Acts. These new powers can safeguard the integrity of protected structures and require owners to do so also. In placing protection within the context of the Planning Acts there is also a better likelihood that a future sympathetic use of buildings such as the Anna Liffey Mill will be achieved.

Grant Payments.

114. **Mr. Ring** asked the Minister for Arts, Heritage, Gaeltacht and the Islands if the proposed 2000 payment under the ewe compensation scheme has been approved by the EU and if she will make a statement on the matter. [11245/00]

Minister for Arts, Heritage, Gaeltacht and the Islands (Miss de Valera): As I advised the Deputy in my reply to his earlier question on 2 March 2000, consultations between my officials and the EU Commission relating to the scheme of compensation payments for losses arising from designation of natura 2000 sites, which includes Exchequer funded payments made under what is commonly known as the ewe compensation scheme, are continuing.

City Canals Plan.

115. **Mr. Gormley** asked the Minister for Arts, Heritage, Gaeltacht and the Islands the number of submissions Dúchas received in relation to the city canals plan for Portobello and if she will make a statement on the matter. [11325/00]

Minister for Arts, Heritage, Gaeltacht and the Islands (Miss de Valera): The city canals plan has been developed under a joint initiative between Dúchas, the Waterways section of my Department, and Dublin Corporation to upgrade two pilot stretches of the city canals. The proposals were put on public display last February at a number of venues. The majority of the submissions in relation to the city canals plan were received by Dublin Corporation. I understand that approximately 40 submissions relate to the Portobello area and that all the submissions will be considered.

It should be noted that Waterways Ireland, a North-South Implementation Body for inland waterways, was established on 2 December 1999 on foot of the British-Irish Agreement and the supplementary implementation bodies agreement signed in March 1999. It has the functions of management, maintenance, development and restoration of certain inland navigable waterways sys-

tems throughout the island, principally for recreational purposes.

Accordingly, Waterways Ireland, together with Dublin Corporation, will now have responsibility for considering the issues arising out of the public consultation process.

116. **Mr. Gormley** asked the Minister for Arts, Heritage, Gaeltacht and the Islands her views on whether seating as part of the city canals plan in the Portobello area would attract unruly elements; the research carried out in this regard and if she will make a statement on the matter. [11326/00]

Minister for Arts, Heritage, Gaeltacht and the Islands (Miss de Valera): In 1998 a joint project between Dúchas, the Waterways section of my Department, and Dublin Corporation was initiated to upgrade two pilot stretches of the city canals, from La Touche Bridge, Portobello to Robert Emmet Bridge, Harold's Cross on the Grand Canal and from Newcomen Bridge to Russell Street Bridge on the Royal Canal. The proposals were placed on public display last February at a number of venues including The Civic Offices, Rathmines Library, Charleville Mall Library, and the Department of Arts, Heritage, Gaeltacht and the Islands Mespil Road. The response from the public and interested bodies has been generally constructive.

It should be noted that Waterways Ireland, a North-South Implementation Body for inland waterways, was established on 2 December 1999 on foot of the British-Irish Agreement and the supplementary implementation bodies agreement signed in March 1999. It has the functions of management, maintenance, development and restoration of certain inland navigable waterways systems throughout the island, principally for recreational purposes.

Accordingly, Waterways Ireland, together with Dublin Corporation, will consider all the submissions that have arisen out of the public consultation process including the issue of seating.

117. **Mr. Gormley** asked the Minister for Arts, Heritage, Gaeltacht and the Islands when the city canals plan for the Portobello area will be complete and if she will make a statement on the matter. [11327/00]

Minister for Arts, Heritage, Gaeltacht and the Islands (Miss de Valera): The city canals plan, which has been developed under a joint initiative between Dúchas, the Waterways section of my Department, and Dublin Corporation to upgrade two pilot stretches of the city canals, was placed on public display last February at a number of venues. I understand that it is hoped to commence works at Portobello towards the end of this year, and that further works will be carried out on a phased basis with a view to completing the programme within a three year period.

It should be noted that Waterways Ireland, a North-South Implementation Body for inland waterways, was established on 2 December 1999 on foot of the British-Irish Agreement and the supplementary implementation bodies agreement signed in March 1999. It has the functions of management, maintenance, development and restoration of certain inland navigable waterways systems throughout the island, principally for recreational purposes.

Accordingly, Waterways Ireland will now have responsibility, together with Dublin Corporation, to press forward with implementing the city canals plans.

Programme for Prosperity and Fairness.

119. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform the way in which the Government will fulfil the commitment in paragraph 3.12.33 of Framework III of the Programme for Prosperity and Fairness to introduce a comprehensive strategy for the integration of refugees, including employment and training issues; the timetable for the publication of this strategy; if budgetary provision will be made in the Estimates for 2001; and, if so, the extent in this regard. [8715/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): The report of the interdepartmental working group on the integration of refugees in Ireland will form the basis for implementation of the commitment in the Programme for Prosperity and Fairness to which the Deputy refers.

In November 1998 I established an interdepartmental working group to examine the best means of integrating recognised refugees and others granted permission to remain in Ireland. The group's report was launched on 10 February 2000 and I have welcomed its findings. The Government has accepted my recommendation that the report should form the framework for Government policy on refugee integration.

The report makes a number of recommendations and it is my intention that these will be implemented without delay. Progress has already been made. The introduction of a single organisational structure for co-ordinating and implementing integration policy is one of the key recommendations of the working group and last month the Government approved my proposals for an appropriate organisation structure. A statutory agency to be called the reception and integration agency is to be established under the aegis of my Department to plan and co-ordinate the provision of services to both asylum seekers and refugees. It will also co-ordinate implementation of integration policy for refugees and persons who, though not refugees, are granted leave to remain. Pending the enactment of legislation, the agency will operate on a non-statutory basis.

The interdepartmental working group also recommended the conduct of research to obtain

information on the specific needs of refugees. The report states that there may be issues refugees have to deal with on a daily basis and which have not yet been identified. The working group rightly points out that further research, involving an input from refugees, is required before comprehensive measures to respond to need can be developed. In this regard, I will be commissioning a research project with a view to the development of a comprehensive strategy for integration. This strategy will identify in further detail the scope to maximise existing resources in both the State and voluntary sectors to facilitate integration.

Another recommendation relates to public awareness. The interdepartmental working group has recommended that the National Consultative Council for Racism and Interculturalism — NCCRI — should have a central role in co-ordinating public awareness initiatives and in disseminating information on anti-racism issues and respect for cultural diversity generally. The Government has agreed that the NCCRI will undertake an evaluation of how public opinion can be better informed with a view to promoting a tolerant, inclusive society. This evaluation will be completed in a short timeframe and I intend to bring proposals for comprehensive public awareness initiatives to Government before the summer.

The report also points out that while mainstream services are equally available to Irish citizens and refugees, they are not always equally accessible. This is because refugees lack knowledge about Irish society and systems that operate here. They also have language difficulties which can hinder participation in education, training and employment. The report makes many useful suggestions for intervention to bridge this gap, for example, the provision of support at the initial stages of integration, comprehensive information and interpretation services and training of service providers. All of these recommendations will be examined in consultation with the relevant State agencies and implemented as early as possible.

When the research, referred to above, aimed at developing a comprehensive strategy has been concluded I will be in a better position to fully cost the necessary initiatives for refugee integration. As already stated however, the strategy will examine the scope to maximise the use of existing resources. The question of budgetary provision for next year will be examined in the usual way in the context of the Estimates exercise for 2001.

Detention Centres.

120. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform if the UCD study on comparative refugee law commissioned by his Department in June 1998 and made available in January 2000 encompasses the suggestion of detention centres; and, if not, the reason in this regard. [9495/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I refer the Deputy to chapter 5, pages 251 to 352, of the refugee law comparative study and, in particular, section F, which deals with the issue of places of detention with particular reference to the practice in other EU member states.

Registration of Title.

121. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the steps, if any, he will take to expedite an application for registration of a person (details supplied) in County Westmeath and if he will make a statement on the matter. [11246/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I am informed by the Registrar of Titles that this application refers to a transfer of part which was lodged on 16 March 2000.

I can inform the Deputy that this dealing is being expedited by the Land Registry and, subject to no queries arising, will be completed within four to five weeks.

Garda Operations.

122. **Mr. Callely** asked the Minister for Justice, Equality and Law Reform the progress made to reduce the amount of time spent by gardaí in court and to maximise time on operational duties and if he will make a statement on the matter. [11247/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I assume the Deputy is referring to section 6 of the Criminal Justice (Miscellaneous Provisions) Act, 1997.

This section allows gardaí, in respect of arrests other than those executed under a warrant, to give evidence by certificate of certain procedural matters, including evidence relating to arrest, charge and caution with the purpose of relieving them from the obligation of attending in person in court to give such evidence orally. The certificate is tendered in court by a Garda court presenter.

The Garda authorities have advised me that a Garda working group was established to assess the implications of these new provisions and that this resulted in a pilot scheme being developed to implement the provisions. This pilot scheme was initially confined to selected courts, specifically Bridewell courts 44 and 46, which process approximately 33% of all court cases emanating from the Dublin Metropolitan region.

A statistical study of the pilot scheme for 1999 revealed the following information: 19,077 cases were dealt with by the six court presenters attached to the Bridewell; 16,193 Garda members were not required to attend court as a result; 2,794 cases were dealt with to a conclusion by the court presenters, thereby eliminating the need for the arresting Garda member to attend court at any time during the processing of these cases;

hearing dates were fixed for a further 2,021 cases and it was only on this date that the arresting member was required to attend court; and warrants were issued in 3,014 cases.

To date this year the pilot scheme has resulted in 6,996 cases being dealt with by the court presenters. This has resulted in 5,967 Garda members not being required to attend court.

The Garda authorities have also advised that the court presenters pilot scheme has resulted in more members being available for operational duties in their home stations. The success to date of the pilot scheme in Bridewell courts 44 and 46 has resulted in the scheme being extended to Bray, Kilmainham, Tallaght, Swords and Dún Laoghaire district courts. A preliminary evaluation indicates that similar reductions in the number of Garda members required to attend these courts should also be achieved in these areas.

Crime Prevention.

123. **Mr. Callely** asked the Minister for Justice, Equality and Law Reform the crime prevention programme and plan over the next five years; the targets contained in such crime prevention and if he will make a statement on the matter. [11248/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): As the Deputy may be aware, under the current National Development Plan 2000-2006 a provision of £87 million was made for the first time for my Department to fund a broadly based programme aimed at preventing crime through measures to achieve social inclusion and labour market participation. The co-ordinated programme has three components, Garda projects for youth diversion, probation and welfare services projects and a prisoner's project. The programme is a unique opportunity to address the complex issues that arise in the Government's commitment to achieving progress towards social inclusion.

In relation to the garda youth diversion programme, the Government has decided to provide £16 million over the life of the NDP to support the establishment of a number of additional projects in both rural and urban areas under the Garda youth diversion programme. The programme aims, through intervention and prevention and through community and multi-agency co-operation, to divert young people from becoming involved in crime. The long-term objective is to enable the target group — ten to 18 year olds — to integrate into the labour force in a systematic manner and to prevent them from becoming unemployable. The Department, in conjunction with the Garda Síochána, has identified a number of locations as being appropriate for the establishment of Garda youth diversion projects encompassing the various regions.

The projects will be developed at local level on an inter-agency basis in partnership with other

State agencies providing services and developing capacity in the skills, education, self-improvement and employment areas. In order to ensure a coherent service to the target group a process of consultation and co-ordination with other Government Departments and statutory agencies is currently under way. Final decisions on specific locations will then be made following completion of this process.

I am pleased to say that I have also obtained provision of £25 million in the NDP for the probation and welfare service for social integration projects. The funding will be used to foster a number of specialised and targeted programmes directed at persons coming to the attention of the criminal justice system and/or the courts and to address behaviours and symptoms which are characteristic of social inclusion.

In implementing the strategy the Probation and Welfare Service will focus on the following areas: engaging the community; the provision of probation centres; development centres; and measures to tackle social exclusion.

I have also secured provision of £46 million over the next six years for a prisons project aimed at preparing prisoners for labour market participation after their release. The pioneering programme in this area is the CONNECT project. It is an action-research project run by the my Department in collaboration with the National Training and Development Institute. All actions initiated by CONNECT and other projects under this programme aim to develop and evaluate a more effective system to improve the employability of offenders while in custody.

Prison Education Service.

124. **Mr. Callely** asked the Minister for Justice, Equality and Law Reform the evaluation carried out on the prisons education service; the total cost of this service in 1999; the likely cost in 2000 and if he will make a statement on the matter. [11249/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): The Prison Education Service consists of a partnership between the Department of Justice, Equality and Law Reform, acting primarily through the co-ordinator of education, prison staff and a range of educational agencies from the community outside. Vocational educational committees and the public library services throughout the country make the largest contribution to, and are the mainstay of, the prison education service. The service also includes as partners the Open University, the Arts Council, the National College of Art and Design — NCAD — and a number of other public and community groups.

Prison education has grown greatly in recent decades, achieving a substantial presence in all prisons and engaging more than half of all prisoners voluntarily in classes. The key to this progress has been the commitment of, and the

development of specialist expertise by, these education bodies.

The kind of evaluation carried out on the work of the educational agencies in the community is applied in prisons also. Thus, the vocational education committees themselves and the inspectorate of the Department of Education and Science evaluate the programmes of the VEC teachers in prisons. Most education units in prisons conduct reviews of their programmes periodically in conjunction, usually, with prison management, the relevant VEC and the co-ordinator of education. In addition, the co-ordinator of education in my Department has the responsibility for monitoring the activities of education staff in prisons and he reports regularly on the state of the prison education service. His most recent published report is for the two years 1995 and 1996. A strategy statement for the prison education service for the period 1999 to 2001 is also available.

The cost of prison education, under subhead G of the Prison Vote, was £577,000 in 1999, and £656,000 has been allocated for the year 2000. Elements of some other subheads of the prison Vote would also relate to the provision of education and library services in prisons. The salaries of VEC teachers in prisons are paid by the Department of Education and Science. For the academic year 1998-99, the Department of Education and Science allocated 172.45 wholetime teacher equivalents to prisons. In 1999-2000 the allocation is 178.21. That Department estimates an average wholetime teacher costs £26,500, making the cost of their contribution to prisons for this year to be in the region of £4,722,565.

Family Law Courts.

125. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the number of cases awaiting adjudication before the family law courts; the further resources, if any, he will make available to these courts and if he will make a statement on the matter. [11250/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I am informed by the Courts Service that as the circuit courts are in session at present, any statistics immediately available on the number of family law cases awaiting hearing are out of date and would no longer reflect the true position in relation to the number of cases currently awaiting hearing before the circuit courts. However, in order to provide the Deputy with the most up to date information possible, I have arranged for the Courts Service to forward to the Deputy, as soon as possible, statistics on the number of cases awaiting hearing as at the end of the current legal term — end of April.

While current statistics on the number of cases on hand are not available, I am pleased to be able to inform the Deputy that delays in hearing family law cases have been significantly reduced and in the majority of circuits any case in which both

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parties are ready to proceed will be listed for hearing at the next sittings of the Circuit Court. In the Dublin Circuit Court there is no delay in dealing with consent applications for judicial separation, divorce or nullity and there is an approximate five month waiting period for hearing contested cases.

Family law cases before the High Court which are ready for hearing are currently being given dates for the Easter and Trinity terms, that is, up to 31 July. There are currently 56 cases which are not ready to proceed to full hearing in the list of the Master of the High Court.

There is no significant delay in the hearing of family law cases in the District Court.

The Courts Service is currently reviewing delays in the hearing of court cases, the manner in which cases are listed for court and the resources available to deal with same, with a view to introducing a case tracking system for monitoring cases' progression through the courts system and targeting resources to areas which need them most.

In terms of resources, the Government is fully committed to providing the appropriate level of funding to ensure that the Courts Service provides the optimum service to the public in all areas, including family law. In that context, it should be noted that in the current year the budgetary provision for the courts is £59 million, up 24% on 1999.

Naturalisation Applications.

126. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform if an application for naturalisation by a person (details supplied) in County Sligo will be processed in view of the fact he has met all the necessary qualifications and has lodged his application; when a decision will be made and if he will make a statement on the matter. [11251/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): An application for naturalisation from the person referred to by the Deputy was submitted to my Department in January 2000.

Due to the various procedures involved in processing an application for a certificate of naturalisation in respect of a person of full age, together with the high number of applications being received, the average processing time is in excess of 18 months. It is likely, therefore, that this case will not be completed until the middle of next year.

As soon as full consideration has been given to this application, I will advise both the applicant and the Deputy of my decision.

Community Service Orders.

127. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if community service orders are being utilised in every case possible

and if he will make a statement on the matter. [11293/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): The Deputy will appreciate that this matter is one for the courts which are, subject only to the Constitution and the law, independent in the exercise of their judicial functions. It is not open to me to comment or intervene in any way on the conduct or decision of any individual court case which is a matter entirely for the presiding judge. This is a long standing principle of our system of justice and it would not be appropriate for me to comment on the type of sanctions being imposed by the courts.

Nevertheless, the Courts Service has informed me that the provisional figure for the number of community service orders made by the District Court during the legal year ended 31 July 1999 is 4,227. The actual number of such orders made by the District Court during the legal year ended 31 July 1998 was 4,312.

Crime Levels.

128. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if organised crime is or has been responsible for the large number of unlawful shootings and killings in recent times; the specific action, if any, he will take in this regard and if he will make a statement on the matter. [11295/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): The Garda authorities have informed me that since 1 January 2000 there have been 15 unlawful killings and a small number of shooting incidents where persons were injured.

The Garda authorities have also informed me that the majority of these killings and shootings are not connected to organised crime.

All such incidents are the subject of exhaustive investigation by the gardaí regardless of the circumstances in which they have occurred.

Prison Statistics.

129. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the average number of prisoners on a weekly basis in 2000 and if he will make a statement on the matter. [11296/00]

130. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the total number of prison spaces available and if he will make a statement on the matter. [11297/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I propose to take Questions Nos. 129 and 130 together.

The average number of prisoners in custody on a weekly basis to date in 2000 is set out in the following table.

Week ending Saturday	Average number in custody
8 January, 2000	2578
15 January, 2000	2650
22 January, 2000	2721
29 January, 2000	2769
5 February, 2000	2822
12 February, 2000	2868
19 February, 2000	2887
26 February, 2000	2892
4 March, 2000	2936
11 March, 2000	2922
18 March, 2000	2912
25 March, 2000	2891
1 April, 2000	2884
8 April, 2000	2898

The bed capacity of each institution is outlined in the following table.

Institution	Bed Capacity
Mountjoy (male)	670
Mountjoy (female)	70
St Patrick's Institution	205
Cork	270
Limerick (male)	200
Limerick (female)	12
Castlereagh	182
Cloverhill	400
Wheatfield	362
Portlaoise	231
Arbour Hill	138
Fort Mitchel	102
Training Unit	96
Curragh	94
Loughan House	85
Shanganagh Castle	60
Shelton Abbey	58
Total	3,235

Mountjoy Prison consistently operates above bed capacity. St Patrick's Institution, Cork, and Limerick male and female prisons also operate above bed capacity on a regular basis. Cloverhill Prison has not yet reached full operating capacity although it is expected to do so shortly. Portlaoise operates below capacity for structural reasons around the need to segregate various groups. In addition, the open centres operate periodically below capacity due to insufficient numbers of offenders from time to time.

Crime Levels.

131. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if organised crime, with particular reference to drugs, is on the increase; if drug barons are reorganising and if he will make a statement on the matter. [11298/00]

134. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself that he has sufficient resources to combat the drugs crime syndicates and if he will make a statement on the matter. [11301/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I propose to take Questions Nos. 131 and 134 together.

Never in the history of the State has the Garda Síochána been better resourced or equipped. Garda strength is rapidly heading towards 12,000, an all time historic high. We are on target for increasing the capacity of the prison system by one third. Our tough anti-crime policies are yielding the anticipated good results with a further fall of 5% in crime figures last year leading to a cumulative fall of approximately 21% since the Government came into office.

My policy for dealing with drugs and organised crime is one of strong legislation backed up by tough enforcement to tackle drug dealing and trafficking. I have put in place the Criminal Justice Act, 1999, which provides for a minimum mandatory ten year prison sentence for persons convicted of dealing in drugs with a value of £10,000 or more. This Act has also introduced a range of new measures designed to prevent the intimidation of witnesses, jurors, those who are assisting the Garda in the investigation of an offence and their families, and provides for a maximum ten year sentence for such offences.

The Proceeds of Crime Act, 1996, which I introduced while in Opposition, has been successfully utilised by the Criminal Assets Bureau to deprive those involved in criminal activity from enjoying the benefits of their ill-gotten gains. This legislation and the activities of the Criminal Assets Bureau have received much praise both at home and abroad.

On the enforcement side, the Garda Síochána have enjoyed considerable success in its operations both at national and local level. During the period from January 1998 to December 1999 drug seizures amounting to an estimated street value in excess of £120 million were made. In the period January, 1998 to September 1999, Garda operations Dóchas, Cleanstreet and Mainstreet, aimed at combating drug dealing at local level, yielded seizures of illicit drugs with an estimated street value in excess of £12 million and resulted in over 15,700 arrests.

Overall, my policy of strong legislation backed up by tough law enforcement has resulted in record drug seizures, many Irish based drug trafficking organisations being dismantled, major drug barons fleeing abroad and a high percentage of persons who are prosecuted being convicted and sentenced to prison.

Criminal Prosecutions.

132. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of convictions secured in 2000 in respect of drug related crime; and if he will make a statement on the matter. [11299/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I have been informed by the Garda authorities that the information requested

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in relation to the number of convictions secured in 2000, in respect of drug related crime is not readily available. The statistics for the annual report of the Garda Síochána 1999 are currently being compiled and the report will be published in due course.

Crime Statistics.

133. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the total number of crimes reported in each of the past six months; and if he will make a statement on the matter. [11300/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): Crime statistics are published in the annual reports of the Garda Síochána, copies of which are available in the Oireachtas Library. The reports contain information on a national, regional and divisional basis. The most recent annual report details the crime statistics for 1998. I am informed by the Garda authorities that statistics for each of the past six months are not readily available, and could only be obtained by means of a disproportionate expenditure of Garda time and resources.

135. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of unlawful killings in each of the past two years; and if he will make a statement on the matter. [11302/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I can inform the Deputy that indictable crime statistics can be found in the annual reports of the Garda Síochána, copies of which are available in the Oireachtas Library. The most recent annual report details the crime statistics for 1998.

As set out in the annual report, 38 murders were recorded in the year 1998. While Garda crime statistics for 1999 have not yet been formally published, I am informed by the Garda authorities that provisional figures for that year also indicate that 38 murders were recorded. The number of murders recorded over the past two years is in fact lower than the number which were recorded in 1996 and 1995, which was 43 and 42 respectively. In 1999, nine cases of manslaughter were recorded, compared with 13 cases of manslaughter in 1998. These figures compare to a total of 16 which were recorded in 1997. Again, I should stress that the statistics for 1999 are provisional and are subject to change.

I am satisfied that the current arrangements for the investigation of murder and manslaughter cases is satisfactory and I am informed by the Garda authorities that all such crimes are investigated to a conclusion.

136. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he has carried out any investigations into the extent, scale and nat-

ure of unreported crimes; and if he will make a statement on the matter. [11303/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): As the Deputy may be aware, last year the Central Statistics Office published the results of a crime and victimisation survey module which was included in the quarterly household survey for the last quarter of 1998. This module was the result of consultations between my Department, the Garda, the Central Statistics Office and other relevant bodies. The survey found that the percentage of crimes contained in the sample reported to the Garda varied considerably, from over 95% in the case of car thefts to less than 40% in the case of vandalism. The level of reporting of crimes depended on such factors as the seriousness of the crime and whether an insurance claim was being made.

It should be remembered, however, that victimisation surveys cannot be directly compared with the Garda statistics. The CSO drew attention to the fact that "the survey results are not directly comparable with crime statistics published in the Garda Síochána annual report, as there are fundamental differences in sources, definitions and classification methodology". It is also worth noting that the CSO has highlighted that the survey data is subject to sampling variation and that some of the results should be interpreted with extreme caution. In simple terms, we are not comparing like with like and this is always crucial when comparing any two data collection systems if robust conclusions are to be drawn. My Department is considering the implications of results of the CSO survey and I understand that the National Crime Council is also considering the results of the survey. I understand that in terms of international comparisons for surveys of this type Ireland compares favourably with similar countries.

A recent survey by the Economic and Social Research Institute on victims of recorded crime in Ireland, observed that crime is often inconvenient rather than traumatic and that victims tend not to be the most vulnerable members of society. Perhaps this explains some level of under-reporting. Nevertheless, I would urge the public to report any crime to the Garda.

Court Accommodation.

137. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the proposals, if any, he has in regard to the courthouse in Kilmacthomas, County Waterford; and if he will make a statement on the matter. [11305/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): As the Deputy is aware the Courts Service now has responsibility for the provision and maintenance of court houses. I have been informed by the Courts Service that it is preparing a five to seven year building programme to provide modern court facilities

throughout the country. I understand that refurbishment projects are prioritised on the basis of certain criteria, including office locations, the number of sittings, caseload, etc. On this basis the venues located in county towns are receiving priority as they usually accommodate the District and Circuit Courts and the High Court on Circuit and the offices of the District and Circuit Courts.

I am informed by the Courts Service that the District Court sits in Kilmacthomas once per month and the position of the court house there will be considered in the context of the ongoing building programme of the Courts Service.

Garda Stations.

138. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the position regarding the new Garda barracks for Kilmacthomas, County Waterford; and if he will make a statement on the matter. [11307/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I can inform the Deputy that a brief of requirements for a new area headquarters station to be located at Kilmacthomas has recently been agreed. The matter is now with the Office of Public Works to draw up a sketch scheme of the new station. When this has been done, it will be passed to the Garda authorities for agreement. I cannot say at this stage when construction of the new station will commence as this is dependent on a number of factors, including the availability of funding and overall Garda priorities.

Peace Commissioners.

139. **Mr. N. Ahern** asked the Minister for Justice, Equality and Law Reform the year persons (details supplied) were appointed peace commissioners; if they still hold the position; if they were qualified to sign documents for the Balbriggan area; the knowledge, procedures and information which should have been available to them; the way in which they were authorised or qualified to certify their approval regarding an application for certificate of suitability in relation to a bookmakers premises (details supplied); if the area of bookmakers licences and premises is under the FOI procedure; and if the procedure for FOI requests can be outlined. [11310/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): The persons referred to by the Deputy cannot be readily identified from the details supplied as having been appointed as peace commissioners for the Balbriggan area. If, however, the Deputy provides details regarding the addresses of the persons concerned at the time that the application for a certificate of suitability of premises in relation to a bookmaker's licence was made, I will be glad to examine the matter further and provide an early response.

The procedures to be followed in relation to certificates of suitability of premises are set out

in section 10 of the Betting Act, 1931. In brief, the applicant is required to publish notice of his/her intention at least once in each of two newspapers circulating in the district within the prescribed time limits; then submit a completed application form with copies of the advertisements attached for the approval and signature of two peace commissioners for the district before the application is made to the local Garda superintendent. While no specific instructions are issued by my Department to peace commissioners regarding the certificate in question, they are, of course, not expected to sign any document unless they are satisfied as to the appropriateness of doing so.

The position in relation to freedom of information is that apart from a very limited number of exceptions, any records held by a "public body", namely, a public body that is subject to the Freedom of Information Act 1997, are covered by that Act. The procedure for making a request under the Freedom of Information Act is that a request is submitted in writing or other approved form to the appropriate public body — or bodies — stating that the request is being made under the Freedom of Information Act and containing sufficient particulars to enable the records sought to be identified.

Departmental Funding

140. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the reason for the delay in providing promised funding to the Irish Pre-school Playgroups Association national resource centre; his views on whether this delay is leading to increased costs and uncertainty as to the future for the child care organisations which will be accommodated in the new building; if he will take immediate steps to deal with this situation; and if he will make a statement on the matter. [11323/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I wish to advise the Deputy that the Irish Pre-school Playgroups Association was in contact with my Department in 1999 in relation to funding for the refurbishment of the IPPA's new premises in Walkinstown. At that stage, the director of services at the IPPA was advised that my Department's budget allocation for capital grants for the period 1998 and 1999 under the equal opportunities child care programme, was fully committed and that future development under the programme would have to await this year's budget and beyond. The IPPA was advised that their proposal was noted for further consideration in the event that additional moneys was made available to my Department.

As the Deputy is aware, my Department was allocated £250 million to operate a number of funding measures under the Equal Opportunities Childcare Programme, 2000-2006. The funding will be aimed, in the context of the national development plan, at increasing the quantity of child care places and improving the quality of

[Mr. O'Donoghue.] child care services. This grant aid will include support to national voluntary child care organisations, such as the Irish Pre-school Playgroups Association, to enhance their services to their members.

The funding sought by the IPPA towards the development of their national resource centre will be considered in this context and will be subject to the appraisal process being established under the programme. I understand however that the IPPA is currently revising its proposal for the premises. When their revised proposals have been submitted to the Department, they will be assessed in the context of the supports for the national voluntary child care organisations under the equal opportunities child care programme.

Departmental Staff.

141. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the total number of members on the Partnership 2000 committee of the Land Registry and Registry of Deeds; the number based in Waterford; and if he will make a statement on the matter. [11324/00]

Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I have been informed by the Registrar of Titles that the total membership of the Partnership 2000 Committee of the Land Registry and Registry of Deeds, at present, is 21. The number of members based in Waterford is two.

Tourism Industry Development.

142. **Mr. Hogan** asked the Minister for Tourism, Sport and Recreation if grant assistance for the provision of extra bedrooms and a leisure centre is available through his Department; and if he will make a statement on the matter. [11240/00]

Minister for Tourism, Sport and Recreation (Dr. McDaid): The National Development Plan, 2000-2006, has been published and includes an outline of the Government's proposals for the development of the tourism industry over that period. The plan provides for two regional operational programmes, the Border, Midlands and Western — BMW — regional OP and the Southern and Eastern — SAE — regional OP, which will incorporate the specific provisions being made for the development of tourism product in these regions.

These operational programmes, which are likely to be published in the first half of this year, will outline in more detail the type of product eligible for support. While full details of the regional operational programmes have not been finalised, it is not envisaged that accommodation or leisure centres attached to accommodation will be eligible for support.

As I have stated previously, in response to Dáil questions on this subject, it has been the policy of

my Department, for some time, not to provide for direct financial support for tourist accommodation projects, on the basis of the proven ability of the commercial accommodation sector to respond, without grant assistance, to growth in visitor numbers.

Project Funding.

143. **Ms Shortall** asked the Minister for Tourism, Sport and Recreation if he will provide funding for a project (details supplied) in Dublin 11 which caters for at risk children in view of the fact that assistance has been refused by the Department of Justice, Equality and Law Reform on the basis the project does not assist parents who wish to take up employment; if he has responded to correspondence from that Department on this project; and if he will make a statement on the matter. [11319/00]

Minister of State at the Department of Tourism, Sport and Recreation (Mr. E. Ryan): The project in question is being jointly funded by the Ballymun drugs task force and the Ballymun partnership. The partnership allocated over £112,000 to the project, of which £105,250 was spent by 31 December last. It has also received funding from the Ballymun drugs task force totalling £81,000, including interim funding, to cover the period up to end June, 2000.

The project is currently being independently evaluated, along with over 140 other projects being funded through the local drugs task forces. If the evaluation finds that it is operating successfully and achieving its objectives, it will be "mainstreamed", i.e. it will receive continued funding through the City of Dublin Vocational Education Committee in line with protocols which were agreed between the National Drugs Strategy Team and the local drugs task forces and approved by the Cabinet Committee on Social Inclusion.

I understand that the Department of Education and Science is also considering a request to fund the project in its entirety. If it agrees to its future funding, the issue of mainstreaming the project, as outlined above, will not be necessary.

The project promoters are being kept informed of developments in relation to its future funding through the Ballymun drugs task force and the correspondence received from the Minister for Justice, Equality and Law Reform is being responded to on these lines.

Secretarial and Caretaking Services.

144. **Ms Shortall** asked the Minister for Education and Science the progress to date in deciding the way in which the additional funding with respect to school caretakers and secretaries is to be allocated; if he will ensure that all schools are sufficiently funded so that they will comply with the Programme for Prosperity and Fairness; and

if he will make a statement on the matter. [11256/00]

Minister for Education and Science (Dr. Woods): My Department provides funding towards the cost of secretarial and caretaking services in primary schools under two separate schemes. One scheme is the 1978-79 scheme for the employment of school secretaries and caretakers in primary schools, under which my Department meets the full cost of salary. This would, of course, include any pay increases that will apply to these school secretaries and caretakers under the terms of the Programme for Prosperity and Fairness. Currently there are approximately 450 secretaries and caretakers employed under this scheme.

Arising from the Programme for Economic and Social Progress — PESP — a second scheme was introduced in 1992 whereby my Department provides additional per capita grants for primary schools towards the cost of secretarial and caretaking services. Under this scheme qualifying schools have, up to now, been receiving grants of £30 per pupil — £15 per pupil in respect of each service — subject to a maximum grant of £15,000 — maximum of £7,500 in respect of each service.

With effect from January of this year, all primary schools with 100 or more pupils became eligible for a grant towards secretarial and caretaking services under this scheme. In addition, I increased the rates of grant from by 33% to £40 per pupil. This has also resulted in the maximum grant payable to schools under this scheme increasing from £15,000 to £20,000. My Department issued these grants to schools on 4 April and a circular outlining the terms of the scheme has issued this week.

Furthermore, with effect from January 2001, I will be extending the scheme to all primary schools. In addition, I will be setting a minimum grant of £2,400 which will be payable to all schools with 60 pupils or less.

The improvements outlined above mean that with effect from January 2001, all primary schools will be receiving an annual grant to assist them with the provision of secretarial and caretaking services. The Government's commitment in this regard can also be measured by the fact that the funding allocated for this purpose, which was approximately £5.6 million in 1999 has increased this year to approximately £11.2 million and will further increase in 2001 to approximately £16.8 million.

These grants are paid as additions to the standard per capita grants. This scheme does not provide for the linking of the additional per capita grants to any particular pay scale. The scheme, by its nature, is flexible and gives boards of management discretion as to the manner in which secretarial and caretaking services are provided. Secretaries and caretakers employed by schools are employees of the individual schools and my Department does not have any role in determining the pay and conditions under which they are

employed. The question of the application of the terms of the Programme for Prosperity and Fairness is a matter to be resolved between the management authorities of the schools and the employees.

Schools Building Projects.

145. **Mr. Hogan** asked the Minister for Education and Science if he has received an application at Coláiste Eamon Ris, Callan, County Kilkenny, in respect of an extension to the school, which would include a sports hall, computer room and art room; if funding will be made available to provide these facilities; and if he will make a statement on the matter. [11262/00]

Minister for Education and Science (Dr. Woods): An application for the provision of additional accommodation has been received from the managerial authorities of the school to which the Deputy refers.

To determine the amount of accommodation, if any, that the school may require, the planning unit of my Department has been requested to comment on the long-term projected enrolments for this school. As soon as the planning unit has reported in this matter, the school's application will be considered further.

Industrial Disputes.

146. **Mr. Allen** asked the Minister for Education and Science the steps, if any, he has taken to deal with a situation where urgent enquiries from Oireachtas members to his office are not being dealt with because of administrative problems within his Department; and the steps he is taking to deal with this problem. [11263/00]

155. **Dr. Upton** asked the Minister for Education and Science the sections of his Department affected by industrial action; the steps, if any, he has taken to resolve this; and if he will make a statement on the matter. [11288/00]

Minister for Education and Science (Dr. Woods): I propose to take Questions Nos. 146 and 155 together.

Members of the Public Service Executive Union — PSEU — in my Department are currently engaged in industrial action in pursuit of a staffing claim. The PSEU has instructed its members not to carry out certain aspects of their normal work. All sections of my Department which have staff in grades represented by the PSEU have been affected.

My Department is engaged in intensive negotiations with the PSEU in relation to their claim. Strenuous efforts have been made to date to reach agreement and negotiations are at a crucial stage.

School Staffing.

147. **Mr. Neville** asked the Minister for Education and Science when a resource teacher will take up a position to assist a person (details supplied) in County Limerick in view of the fact that this was sanctioned in September 1999. [11264/00]

Minister for Education and Science (Dr. Woods): My Department has sanctioned the delivery of three and a half hours resource teaching support per week to the child in question.

It is a matter for the school authorities to appoint a suitably qualified teacher to provide this tuition service.

148. **Mr. Allen** asked the Minister for Education and Science the steps, if any, he will take to maintain staffing level in St. Vincent's convent school, St. Mary's Road, Cork, in view of the fact there is a risk of losing two mainstream class teachers in the coming year. [11265/00]

Minister for Education and Science (Dr. Woods): The staffing schedule for primary schools in the 2000-01 school year has not yet been finalised. My Department has held discussions recently with the managerial authorities of primary schools and the INTO on the issue.

The schedule will be finalised in the near future and the board of management of the school will be advised of the staffing position for the 2000-01 school year.

State Examinations.

149. **Mr. P. Carey** asked the Minister for Education and Science if, in a recent circular issued by his Department in relation to the conduct of the leaving and junior certificate examinations, certificates will bear a comment on the reverse side stating that reading and writing skills were not tested in this particular examination and will carry an asterisk on subjects where this happened; his views on whether this is demeaning to students involved; and if he will make a statement on the matter. [11266/00]

Minister for Education and Science (Dr. Woods): The report and recommendations of the expert advisory group on certificate examinations in relation to the arrangements for the assessment of candidates with special needs in certificate examinations was published recently. This followed lengthy consultation and consideration by the group of this complex and difficult area.

The group recognised that there are cases where many of the elements of a subject that are marked in the examination are accessible to a student but some, because of a particular difficulty the student has, are not. An example is the aural component of a language subject that may not be accessible to a student with a hearing impairment. The group pointed out that it is reasonable that the student sit for examination in

the components of the subject in which achievement was possible and that he/she be exempted from the specific and identifiable component. What this means is that the national standard for assessment should be modified to accommodate the student and this modification is enabled by including an explanatory note with the results.

These measures make the examination system more flexible and responsive to the needs of students who would otherwise have difficulty with some examination subjects because of their special needs. This represents a significant advance in the inclusiveness of the examination system.

In implementing these measures my Department will of course confine any explanatory note to the assessment issue involved. In fact the circular to which the Deputy refers made clear that any explanatory note will provide detail only on how the assessment procedure was altered in the subject concerned. It will not record or make any reference to the nature of the candidate's disability.

Special Educational Needs.

150. **Mr. P. Carey** asked the Minister for Education and Science if he will examine the needs of a person (details supplied) in Dublin 11 regarding her son's educational needs, including the provision of a special needs class or other additional teaching resource to the school involved; and if he will make a statement on the matter. [11267/00]

Minister for Education and Science (Dr. Woods): I have asked my Department's inspectorate to investigate the special educational needs of the child referred to by the Deputy, with a view to the provision of appropriate educational services.

As soon as the inspector's report is received and considered, my Department will be in touch with the school authorities.

151. **Mr. P. Carey** asked the Minister for Education and Science if he will be able to assist a group of parents and children with autism in the provision of classroom and other spaces for their children for the school year beginning September 2000 in view of the fact they have been unable to identify a suitable location; and if he will make a statement on the matter. [11268/00]

Minister for Education and Science (Dr. Woods): I can assure the Deputy that my Department is most anxious to assist parents of children with autism in the provision of school accommodation and appropriate educational services to meet their children's special needs.

If the Deputy will provide me with details of the children in question, I will arrange to have the matter investigated by my Department's inspectorate.

Schools Building Projects.

152. **Mr. Ring** asked the Minister for Education and Science the position with regard to the provision of a new secondary school in County Mayo; if a site has been purchased; if a planning application has been submitted; the funding allocated to this project; when the school will be operational; and if he will make a statement on the matter. [11269/00]

Minister for Education and Science (Dr. Woods): Agreement has been reached on the purchase of a site for the proposed new school in Mayo, subject to signing of contracts and planning permission being granted in due course.

Architectural planning has commenced. Planning permission will be sought at stage three of this process, developed sketch scheme.

I cannot say at this juncture when construction will commence or be completed but I can assure the Deputy that the project will be expedited by the planning and building unit of my Department.

School Transport.

153. **Mr. Perry** asked the Minister for Education and Science if he will authorise an alternative school bus route for a person (details supplied) in County Sligo; and if he will make a statement on the matter. [11270/00]

Minister for Education and Science (Dr. Woods): The school transport section of my Department is examining the matter. The Deputy will be informed of the outcome as soon as possible.

Schools Refurbishment.

154. **Dr. Upton** asked the Minister for Education and Science further to Parliamentary Question No. 168 of 6 April 2000, the position regarding the refurbishment of a school (details supplied) in Dublin 8; and if he will make a statement on the matter. [11287/00]

Minister for Education and Science (Dr. Woods): As I indicated in the reply to Question No. 168 on 6 April, my Department has a large number of school building projects on hand at present and within this constraint the project for the school in question is being dealt with as quickly as possible.

The funding of capital projects depends on factors such as the rate of progress of architectural design, the granting of planning permission and the outcome of the tender competition. Assuming that no delays arise at any point in the process, a building project can, by its nature, take a considerable period of time to process. However, every effort will be made to ensure that the project is processed as quickly as possible.

Teacher Training.

156. **Dr. Upton** asked the Minister for Education and Science if, further to Parliamentary Question No. 167 of 6 April 2000, he has responded to correspondence from the school concerned (details supplied); the reason this school was cut from the teacher-training component of the IT2000 programme before the review by his Department was completed; the criteria on which schools were excluded; and if he will make a statement on the matter. [11289/00]

Minister for Education and Science (Dr. Woods): The school concerned has been contacted by my Department to determine the exact position with regard to the ICT training course referred to by the Deputy.

The staff of the school completed an ICT phase one training course in 1999 and had arranged to do a phase two course during the current year. This course was being organised through the University of Limerick which is a course provider recognised by the National Centre for Technology in Education, NCTE, for the delivery of courses to post-primary teachers.

Under the schools IT 2000 initiative a budget of £1.4 million was allocated for the teacher skills initiative during the current year. Recognised providers of courses were asked by the NCTE to submit a budget for training courses to be delivered in their particular areas and at relevant levels. A budget was allocated to each provider earlier this year but was not possible to fully meet the entire demand for courses.

Each provider then made the decision as to which courses could be funded. This decision was based on the following criteria: to ensure that, in so far as it was possible, the demand for ICT phase one courses was met, and; to ensure that the needs of all schools were being met within the context of the available budget.

As I stated in my reply to Question No. 167 of 6 April 2000 the needs of this school will be considered in the context of future provision for ICT training.

Schools Building Projects.

157. **Mr. O'Shea** asked the Minister for Education and Science the position regarding the extension to St. Declan's community college, Kilmacthomas, County Waterford; and if he will make a statement on the matter. [11308/00]

Minister for Education and Science (Dr. Woods): The extension project at St. Declan's community college is progressing through architectural planning.

A revised combined stages four and five submission, encompassing detailed design and bill of quantities, has been received in my Department and is currently under consideration.

Project Funding.

158. **Ms Shortall** asked the Minister for Education and Science if he will provide funding for a project (details supplied) in Dublin 11 which caters for at risk children in view of the fact that assistance has been refused by the Department of Justice, Equality and Law Reform on the basis the project does not assist parents who wish to take up employment; if he has responded to correspondence from that Department on this project; and if he will make a statement on the matter. [11316/00]

Minister for Education and Science (Dr. Woods): This project is being jointly funded by the Ballymun drugs task force and the Ballymun partnership. The partnership allocated over £112,000 to the project, of which £105,250 was spent by 31 December last. It has received separate funding from the Ballymun drugs task force totalling £81,000, including interim funding, to cover the period up to end June 2000.

The project is currently being independently evaluated, along with over 140 other projects being funded through the local drugs task forces. If the evaluation determines that it is operating successfully and achieving its objectives, it will be “mainstreamed”, i.e. it will receive continued funding through the City of Dublin Vocational Education Committee in line with protocols which were agreed between the national drugs strategy team and the local drugs task forces and approved by the Cabinet Committee on Social Inclusion.

My Department is in receipt of a request from the Ballymun drugs task force to fund the project in its entirety. The request is under consideration at present and the project promoters are being kept informed of developments in relation to its future funding through the task force.

School Staffing.

159. **Mr. Bradford** asked the Minister for Education and Science if his attention has been drawn to the fact that Dromahare National School, Mallow, County Cork and five adjoining national schools are sharing one remedial teacher; if he will ensure that these six national schools will be

provided with at least one other remedial teacher; and if he will make a statement on the matter. [11328/00]

Minister for Education and Science (Dr. Woods): I am aware of the situation to which the Deputy refers.

In September 1999 the remedial teacher service was extended to all primary schools with a pupil teacher ratio of 10:1 or above. Schools with lower pupil teacher ratios were also advised that they could seek remedial support from my Department where the level of their particular need warrants such a service.

All available posts were utilised in extending the remedial service to those schools which had previously been without any service.

I can assure the Deputy that I have noted the situation to which he refers and that the remedial needs of the schools in question will be fully considered in the event of additional resources becoming available to improve existing remedial services.

School Accommodation.

160. **Mr. Timmins** asked the Minister for Education and Science if he has received proposals from a school (details supplied) in County Wicklow for a general purpose room, a computer room, a parent room for home-school liaison and a proper library in view of the fact a converted cloakroom serves as a remedial room and library; the position with regard to its application; and if he will make a statement on the matter. [11330/00]

Minister for Education and Science (Dr. Woods): The application for additional accommodation by the school referred to by the Deputy is being processed by my Department and will be dealt with as quickly as possible having regard to the large volume of building projects on hand at present.

As with all applications involving the construction of extra facilities, my Department will have to determine in the first instance the long-term viability of the school and the consequent accommodation requirements. When this assessment has been completed, the school authorities will be contacted immediately.