



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Wednesday, 24 March 2004.

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## DÁIL ÉIREANN

*Dé Céadaoin, 24 Márta 2004.  
Wednesday, 24 March 2004.*

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

*Paidir.  
Prayer.*

### Leaders' Questions.

**Mr. Kenny:** Has the Government addressed the crisis of despair and hopelessness particularly among young people? The average number of suicides is now running at approximately 450, which is in excess of the number of people killed by road accident. The victims are, by a ratio of four to one, young males and 85% to 90% of those who commit suicide suffer at some stage from mental illness.

Professor Anthony Clare stated some time ago that the mentally ill are the most stigmatised group in our society, the lepers of today. Is the Tánaiste aware that last year more than 10,000 people, mostly young persons, presented at accident and emergency units having attempted suicide? This figure does not include those who did not present or who presented at general practitioners. Does this not indicate a colossal failure of Government to address a fundamental crisis of despair and hopelessness affecting the future generation?

What has the Government done about suicide? What programmes are in place to deal with it, in view of the fact that with regard to Australia, for instance, it is now internationally accepted that suicide rates have dropped by 30% as a result of the implementation of government programmes? Will the Tánaiste comment, on behalf of the Government, on what action is being taken and the reason for the colossal neglect of what Amnesty International described as the neglected quarter?

**The Tánaiste:** We all share Deputy Kenny's views on the level of suicide. Suicide among young males is increasing at a frightening rate and I suppose the saddest thing of all is that many young people who take their own lives do so without ever seeking assistance from experts who may be in a position to help them.

Increased resources are being put into the mental health area, whether in the school psychological service, the five new acute centres the Government has opened in the mental health area since 1997, or the additional funding of €1

million by way of revenue increases and €1 million by way of capital increases for the Central Mental Hospital. This in itself is not enough and we have also established the mental health policy review group but review groups and resources can only go so far.

The level of suicide among young people requires intervention in families and identification, probably through the school system. It also requires us, as a society, to be more open in order that young people and adults — suicide does not only affect young people and suicide incidence is high across population thresholds — who feel vulnerable are able to come forward and seek the assistance they require.

Various State services are available to people, whether directly or in the voluntary sector. Greater awareness is needed, perhaps through more open debate, something which has, thankfully, occurred in recent years. For many years, the issue of suicide was covered over. People did not want to talk about it or admit to it, and families and vulnerable people across all age groups were reluctant to come forward and seek assistance. This is changing, however slowly, and there is an onus on all of us in politics, particularly those of us in Government, to ensure that crisis facilities are available that the people in question will use and that will, I hope, dramatically reduce the level of suicide.

Nothing leaves a family more saddened than suicide. It leaves a terrible mark on families who for many years feel guilty, vulnerable and responsible when they should not. Society generally must be more open and responsive to the needs of vulnerable people in this category.

I share the views expressed by Deputy Kenny. As public representatives, we have become aware of the increasing incidence of suicide, which is an issue I hardly heard about at the start of my political career. One of the sad features of the past 20 years has been the huge increase in suicide among young people, as the Deputy stated, and among the population generally.

**Mr. Kenny:** While I accept the genuineness of the Tánaiste's feelings on this issue, the point is that she and the Government are in a position to do something about it. Just 7% of the health budget is spent on mental health. The targets set out in the 1984 mental health programme have still not been reached. There is no community health service of any real benefit offering the attention and assistance to which the Tánaiste refers.

The report of the national task force on suicide presented to the Minister for Health and Children in 1998 contained 86 recommendations. Very few of them have been implemented and those which have been implemented have been of minimal cost, yet at the same time we hear Ministers speak of expenditure of millions and billions on other projects.

[Mr. Kenny.]

Fundamental to our society is that every school, town, village, parish and street now has its own tale of trauma, tragedy and grief. I stood recently in a kitchen in a western county trying to absorb the confusion of parents whose 22 year old son hanged himself.

The Tánaiste is right that these matters were swept under the carpet for too long but we have the means to deal with them in the report of the national task force on suicide. She and the Government are in a position to do something. Will she now confirm that the Government will re-prioritise suicide, the 7% of health expenditure currently allocated to mental health will be significantly increased and the recommendations of the national task force on suicide will be implemented as a matter of urgency — not by setting up another strategy committee but by direct Government action?

**The Tánaiste:** While I acknowledge Deputy Kenny's concern in this area, it would be wrong to assume that resources alone could prevent suicide. We all must acknowledge that. That is not to say we cannot and should not do more and that we cannot make available the kind of expertise, assistance and guidance vulnerable people need which might prevent incidents of suicide and the loss suffered by the individuals involved and their devastated families.

As the Deputy will be aware, substantial increases in expenditure on health have been made in recent years. We now spend more than €10 billion on health annually. Much of the effort in regard to mental illness generally is about developing greater community facilities, moving away from institutional care. It was too easy in the past for people to be institutionalised. One of the awful hallmarks of our society in the past has been the high level of institutional care in this area. Community facilities and facilities supporting families in the community are what the Government wants to target.

In regard to health spending generally and health reform, this is an important area that deserves priority and I give the Deputy the assurance that it will get the priority it deserves. The Minister of State at the Department of Health and Children, Deputy Tim O'Malley, has visited many of the facilities. He has worked extraordinarily hard to try to bring reform and some fresh thinking to this area and, I hope, additional resources over time.

**Mr. Rabbitte:** Why has the Government decided to go after widows? They are one of the most vulnerable and defenceless groups in our society, yet the Government has chosen to implement a decision that imposes hardship on a group who have no voice and are electorally insignificant because they are scattered throughout the 42 constituencies. The Government has decided to remove the half-rate payment of unemployment benefit and disability

benefit to which they are entitled when out sick or unemployed.

What is the justification for this decision? A little more than 2,000 people are affected by this measure to save €5.8 million when the Government has got just over €1 billion in moneys retrieved from tax evasion, more than €700 million in moneys from the DIRT inquiry alone, €25 million in the past three months, as reported by the chairman of the Revenue Commissioners last week and when the Government's revenue for the first two months is €430 million in excess of that forecast. What is the justification for this decision? The Minister who denied that there was ever any tax evasion is the beneficiary of €1,000 million. This is the Minister who could find €15.9 million for pony jumping at Punchestown and who found €157 million to clear the site at Abbotstown and repurchase land in his own constituency for the laboratories. This is the Minister who decided to pay lawyers at the tribunals an increase of €800 per day at the same time that he cut widows' entitlement to half-pay on social welfare and disability benefit. He decided to give those lawyers an increase of €800 per day while going down in a populous fashion to the Fianna Fáil Ard-Fheis claiming that he would intervene to stop the cost of tribunals. He approved that increase of €800 per day, but the Government decided to go after the widows and widowers of Ireland, people who have had the traumatic experience of losing a spouse and who must go out to work to support their families to keep bread on the table. The Government decided to save €5.8 million on their backs. It is a disgraceful decision and I ask the Tánaiste to commit herself today to reversing it.

**Mr. S. Ryan:** Shame on the Government.

**The Tánaiste:** I want to make it clear that there is no question of the Government going after widows as Deputy Rabbitte——

**Mr. Stagg:** It is going after them.

**Mr. Howlin:** It has gone after them.

**The Tánaiste:** Maybe the Members opposite could listen and give me an opportunity to respond. The highest spending of all Departments, notwithstanding the low level of unemployment in Ireland, is the Department of Social and Family Affairs.

**Mr. Stagg:** We will know about that when the Government is finished with it.

**The Tánaiste:** Listen to the facts for a moment.

**Mr. D. Ahern:** Listen to the facts.

**The Tánaiste:** We spend more than €11 billion per annum on social welfare. This year we increased spending by €750 million. Therefore,

there is no question of cuts; we are spending more money than ever.

**Mr. Ring:** How much of that went out of the country?

**Mr. Stagg:** We did not see any sign of it.

**The Tánaiste:** We have an extraordinarily sympathetic and caring Minister for Social and Family Affairs, Deputy Coughlan.

**Mr. Stagg:** We do not see any sign of that.

**An Ceann Comhairle:** Allow the Tánaiste to continue without interruption.

**The Tánaiste:** As she made it clear last night, all social welfare reforms are constantly kept under review. Where there are incidents of hardship or unfairness the Government will always respond.

**Mr. M. Higgins:** We will see about that at 8.30 p.m. this evening.

**An Ceann Comhairle:** Allow Deputy Rabbitte to continue.

**Mr. Rabbitte:** For a person listening to us this morning who has been widowed, who has lost her spouse, been forced to go back to work and who has to be out of work due to illness and who had been entitled to a half-payment in disability benefit, what is the relevance of telling her that the Government spend €11 billion on social welfare? What is the point in following the Taoiseach down this all-embracing defensive mechanism he has of rhyming off that the Government spends so many million euros. Some 2,000 widows and widowers are affected by this mean cut. The Minister poses for photographs with the National Association of Widows, giggles her way through "Morning Ireland", beguiles David Hanley and tries to come in here and do the same thing, when in fact she made this hard-hearted, harsh, mean, petty cut on people who cannot defend themselves. What is the point in going out and posing for photographs with the National Association of Widows and then coming back into the House and shafting them behind their backs? That is what she did. There is no point in a macro-economic lecture. These are cuts on real people who have already suffered in their lives. That is the issue.

**Mr. M. Higgins:** That is the issue.

**The Tánaiste:** It is not a macro-economic lecture to tell the Deputy that the rate of increase we have given to widows since 1997 is four times higher than anything the Government of which his party was a member did.

**Mr. Ring:** Go back to the war.

**Mr. Durkan:** Tell us about the Famine.

**An Ceann Comhairle:** Allow the Tánaiste to continue without interruption.

**Mr. D. Ahern:** The Deputies opposite have poor memories.

**Mr. Hogan:** The Minister's memory is not too good either.

**An Ceann Comhairle:** Allow the Tánaiste to continue without interruption.

**Mr. D. Ahern:** An increase of €1.50 is all that Government gave them.

**Mr. S. Ryan:** Remember Charlie's dirty dozen cuts.

**Mr. Hogan:** The Minister, Deputy Ahern, is not good at remembering. He could not recall something 47 times in the one day.

**Mr. D. Ahern:** Listen to the facts.

**An Ceann Comhairle:** I ask the Minister, Deputy Dermot Ahern, to allow the Tánaiste to continue.

**The Tánaiste:** We introduced for the first time a widowed parent grant in 1999 so we have done an extraordinary amount for widows because they are an important group and, in particular, in our social welfare system. The hallmark of any society is how it treats its most vulnerable.

**Mr. Hogan:** The Minister, Deputy Ahern, could not remember 47 times on the one day. He is giving bad value for money to the taxpayers.

*(Interruptions).*

**An Ceann Comhairle:** I ask Members to allow the Tánaiste to answer the question without interruption. Deputy Rabbitte who is entitled to do so submitted a question to the Tánaiste and she is entitled to answer that and Deputy Rabbitte and other Members are entitled to hear the answer. I ask Members on both sides of the House——

**Ms Burton:** The Minister, Deputy Ahern, keeps interrupting.

**Mr. Rabbitte:** The Hercule Poirot of the Fianna Fáil Party.

**An Ceann Comhairle:** The Chair has already addressed the Minister, Deputy Ahern, and I ask Members on all sides of the House to allow the Tánaiste to continue without interruption.

**Mr. F. McGrath:** The Minister should solve the postal dispute.

**The Tánaiste:** The Minister, Deputy Coughlan——

*(Interruptions).*

**An Ceann Comhairle:** I ask the Minister, Deputy Ahern, to desist.

**The Tánaiste:** The Minister, Deputy Coughlan, held a meeting yesterday with the widows association. It is clear that Deputies do not want a response.

**Mr. Stagg:** We just want an answer.

**The Tánaiste:** There is no point in wasting our time if they do not want a response, if this is all game-playing.

*(Interruptions).*

**The Tánaiste:** Do Members want a response?

**An Ceann Comhairle:** Allow the Tánaiste to continue without interruption.

**The Tánaiste:** The Minister, Deputy Coughlan met the widows association yesterday. I repeat she is a caring Minister who understands the needs of social welfare recipients.

**Ms Lynch:** So we are wronging her?

**The Tánaiste:** She met them to consult and listen to them.

**Mr. Stagg:** And told them to get stuffed.

**The Tánaiste:** It is a good thing when Ministers listen and consult.

**Mr. Allen:** We will know how well she listened to them at 8.30 p.m. tonight.

**The Tánaiste:** As I said earlier, the Government has always responded when hardship or unfairness is caused in any decisions made.

**Caoimhghín Ó Caoláin:** Last month, I asked the Taoiseach if Fianna Fáil had initiated a full investigation into the misappropriation of an estimated €500,000 in donations to that party, ostensibly made but which, importantly, did not find its way into party coffers.

**Mr. J. Brady:** What about the money from the bank in Navan?

**Caoimhghín Ó Caoláin:** In his reply, the Taoiseach stated that——

**Mr. D. Ahern:** How come the SDLP spent just one tenth of the amount Sinn Féin did on the election in the North?

*(Interruptions).*

**An Ceann Comhairle:** Deputy Ó Caoláin to submit his question without interruption.

**Caoimhghín Ó Caoláin:** The Fianna Fáil committee on ethics was precluded by the party from pursuing these matters until the tribunals had concluded and reported on their work. What is the Tánaiste's view of this strange decision by her partners in Government? Does she agree a political party should not investigate the misappropriation of its own funds pending the outcome of a tribunal's report, although the tribunal has nothing in its terms of reference which cover the matter of the misappropriation of party funding and cannot make findings in its report relevant to it?

For the Taoiseach to claim he received the advice of senior counsel——

**Mr. O'Donoghue:** The Deputy's party should have carried out a few investigations.

**An Ceann Comhairle:** Deputy Ó Caoláin without interruption.

**Caoimhghín Ó Caoláin:** ——that Fianna Fáil must await the outcome of the tribunals strikes me as strange to say the least. Is the Tánaiste equally as incredulous of this advice as I and so many other Members are?

**Mr. Cregan:** The Deputy's party should investigate itself.

**Caoimhghín Ó Caoláin:** Does the Tánaiste recall that the Taoiseach confirmed to her in 1997 that, as she told the planning tribunal in May 1999, in June 1999 JMSE gave £30,000 to Ray Burke, only £10,000 of which went into Fianna Fáil coffers? Does the Tánaiste recall being subsequently told by the Taoiseach that the information he had given her was not accurate?

Why was it acceptable to the Tánaiste in 1997 to go into Government with a colleague in the position of Minister for Foreign Affairs who clearly had more interest in his own affairs than those of this State and its external relations?

**An Ceann Comhairle:** The Deputy has gone well over his two minutes and has now gone beyond three minutes. I ask the Deputy to give way to the Tánaiste.

**Caoimhghín Ó Caoláin:** Why was it subsequently also acceptable for the Tánaiste to continue in office with the Taoiseach who had clearly misled her at the time?

**Mr. D. Ahern:** How much money did Martin McGuinness get in America last week?

**The Tánaiste:** What I find incredible is the neck of Deputy Ó Caoláin.

**Deputies:** Hear, hear.



**Caoimhghín Ó Caoláin:** Will the Tánaiste answer me?

**The Tánaiste:** I am here to respond on behalf of the Government, not to comment on the funding arrangements of any party. That is not a matter for me in my position as Tánaiste.

**Caoimhghín Ó Caoláin:** The Tánaiste is here as a spokesperson for the Government.

**An Ceann Comhairle:** Sorry, Deputy Ó Caoláin, allow the Tánaiste without interruption.

**The Tánaiste:** Exactly. I am here to speak for the Government. I am here to deal with Government business, not the private funds of any party, including other parties in Government. At a time when my party was accused of demanding heads between 1989 and 1992, virtually everyone in the country was critical of the role of the Progressive Democrats for being harsh and uncaring and constantly looking for resignations. It seems to me we can never get it right.

**Mr. Durkan:** The party has not been looking for enough resignations.

**Mr. J. O'Keeffe:** If the Deputy's party lies down with dogs——

*(Interruptions).*

**An Ceann Comhairle:** Allow Deputy Ó Caoláin without interruption.

**Caoimhghín Ó Caoláin:** The Tánaiste's relationship with the Taoiseach in the past seven years has taught her one lesson, namely, how not to answer a question on the floor of this House when it is put directly to her. She has refused not only to answer the questions of Members in the House but those which many throughout the country would like to put.

With whom in the Progressive Democrats did the Tánaiste discuss all the matters I referred to this morning? Did she discuss them with Deputy McDowell in his capacity as Attorney General during his term in office? Has she discussed these matters with him since in his role as president of the Progressive Democrats? Is it not the case that, contrary to the high moral ground which the Tánaiste and the Progressive Democrats like to claim, it amounts to nothing against the party's eagerness and anxiety to be in power for power's sake, which is the real driving force behind the party and the Tánaiste herself?

**The Tánaiste:** I will not take any lectures about morals or integrity from the Deputy or his party.

**Deputies:** Hear, hear.

**An Ceann Comhairle:** That concludes Leaders' Questions.

**Mr. D. Ahern:** How did Sinn Féin spend ten times more than the SDLP on the Assembly election?

**Caoimhghín Ó Caoláin:** Can the Ceann Comhairle direct the Tánaiste to answer the question?

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

**Caoimhghín Ó Caoláin:** The Tánaiste has again refused to answer the question.

**An Ceann Comhairle:** Sorry, Deputy I ask you to resume your seat. The Chair has no responsibility for the answers given by Ministers.

**Caoimhghín Ó Caoláin:** Are you not responsible?

**An Ceann Comhairle:** No. I am not responsible and I ask the Deputy to resume his seat or I will have to take appropriate action.

**Caoimhghín Ó Caoláin:** Whatever appropriate action you take, I ask that you——

**Mr. D. Ahern:** Why are there never any leadership crises in Sinn Féin?

**An Ceann Comhairle:** I will have to ask Deputy Ó Caoláin to leave the House if he does not resume his seat. If the Deputy does not resume his seat he will have to leave the House.

**Caoimhghín Ó Caoláin:** I will not give the Ceann Comhairle that satisfaction.

### **Request to Move Adjournment of Dáil under Standing Order 31.**

**An Ceann Comhairle:** Before coming to the Order of Business, I propose to deal with a number of notices under Standing Order No. 31 and I will call on Deputies in the order in which they submitted them to my office. I call Deputy Deenihan.

**Mr. Deenihan:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the scrapping of the 2002 to 2006 arts plan which was included in the Fianna Fáil-Progressive Democrats programme for Government from 2002 to 2007, and the subsequent resignation of the director of the Arts Council, Mrs. Patricia Quinn.

**Mr. Sargent:** I seek the adjournment of the Dáil under Standing Order 31 to debate the latest EU

[Mr. Sargent.]

Commission instruction to the UK Government to clean up Sellafield. Some 1.3 tonnes of highly radioactive waste are out in the open air — a matter which needs to be debated urgently in this House.

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

### Order of Business.

**The Tánaiste:** The Order of Business shall be as follows: No. 9a. — An Bord Bia (Amendment) Bill 2003 [*Seanad*] — Instruction to Committee; No. 1, Air Navigation and Transport (International Conventions) Bill 2004 [*Seanad*] — Second Stage (resumed); and No. 14, Public Service Superannuation (Miscellaneous Provisions) Bill 2004 [*Seanad*] — Order for Report, Report and Final Stages. It is proposed, notwithstanding anything in Standing Orders that No. 9a shall be decided without debate; the proceedings on the resumed Second Stage of No. 1 shall, if not previously concluded, be brought to a conclusion at 1.30 p.m.; the Report and Final Stages of No. 14 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 7 p.m. by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Finance; and Private Members' business shall be No. 34, motion re social welfare cutbacks.

**An Ceann Comhairle:** There are three proposals to be put to the House. Is the proposal for dealing with No. 9a. without debate agreed?

**Mr. Kenny:** I am not opposed to the principle of what is involved here. The purpose of the An Bord Bia (Amendment) Bill 2003 is to merge Bord Glas and Bord Bia for the overall benefit of the horticulture sector, including the potato sector. This is required for the matter to be discussed at a committee which meets tomorrow. However, it calls into account the labelling of foodstuffs. While I understand, accept and have no problem with what is proposed, the methodology of doing it this way is not satisfactory. I wish to register a protest about this. There should be an arrangement between the Whips to make Government time available for a proper discussion on the labelling of foodstuffs, including this area. I protest but I do not oppose the principle of what is involved.

**Mr. Sargent:** I am familiar with many of the difficulties facing potato farmers at present. This manner of bringing proposals so late into the proceedings of the An Bord Bia (Amendment) Bill is not acceptable. The item will probably not

be reached, given the amount of time allotted to it. I ask the Government to look again at this matter if it wishes to be of assistance to potato growers. There are better ways of dealing with this issue. It is meaningless to introduce this measure so late in the passage of the Bill because the House will not have time to deal with it. I object to this manner of proceeding with the business.

**The Tánaiste:** The Bill allows for the amalgamation of the two bodies. The purpose of dealing with the matter in this way is to give enhanced labelling information to consumers. It is more desirable that it be done through this Bill and in this form, rather than through separate legislation. It is more appropriate to have the discussion in the select committee rather than on the floor of the House.

**An Ceann Comhairle:** Is the proposal agreed? Agreed. Is the proposal for dealing with No. 1 agreed?

**Mr. Kenny:** In line with previous comments made by Opposition speakers, I am opposed to the debates on these Bills being guillotined. Accordingly, I oppose the proposal on those grounds.

**Mr. Stagg:** The reason for a guillotine in this case has not been explained. There is no justification for it. There has been a good debate on this Stage of the Bill and I believe it would conclude in the time allowed. The Government is insistent that the debate be curtailed. This creates a dynamic of its own because speaking slots are sometimes filled artificially when a guillotine is imposed. I appeal to the Government to look again at the practice of applying guillotines to Bills on a constant basis.

**Mr. Sargent:** The Government has some explaining to do on this matter. It appears that a guillotine has been applied as a knee-jerk response to parliamentary activity. The experience of the debate on this Bill shows that there is no need for a guillotine. Contributions have been relatively short. As Deputy Stagg has said, the imposition of a guillotine may prolong the debate rather than save time. The Government has not thought this matter through. I oppose the guillotine because it does not appear to be necessary.

**Caoimhghín Ó Caoláin:** I also object to the application of the guillotine to the debate on second state of the Air Navigation and Transport (International Conventions) Bill.

**Mr. O'Donoghue:** The Deputy might use it as a weapon.

**Caoimhghín Ó Caoláin:** There will be a subsequent proposition to guillotine the Order for Report and Report and Final Stages of the

Public Service Superannuation (Miscellaneous Provisions) Bill at 7 o'clock this evening. Neither of these two Bills is deserving of this approach. Where there is a reasonable explanation for expediting matters I am open to accepting a guillotine but in these cases there is none that we have heard which justifies the application of a guillotine. I am making my contribution with regard to No. 14 at this stage so as not to have to repeat it. I object to both propositions.

**The Tánaiste:** This measure will ratify an international convention which has come into force. It must be done before the enlargement of the European Union on 1 May. I understand there is unanimity in the House with regard to the convention. If parties opposite agree to finish the matter by 1.30 p.m. we do not need to proceed with the guillotine. However, the convention must be ratified by 1 May. It deals with increasing levels of compensation for those injured by airlines and payments to the next-of-kin in the event of death as a result of airline accidents. If Deputies commit to finishing the debate by 1.30 p.m. we need not guillotine it.

**Mr. Kenny:** Is the Tánaiste agreeing to lift the guillotine?

**The Tánaiste:** With the goodwill of the House, I am.

**An Ceann Comhairle:** Is the proposal agreed? Agreed. Is the proposal for dealing with Report and Final Stages of the Public Service Superannuation (Miscellaneous Provisions) Bill agreed?

**Ms Burton:** Will the Tánaiste similarly reconsider the Government's position on this Bill? The Bill will curtail the pension rights of new entrants to the teaching profession and the public service. More than 20 amendments have been tabled but less than two hours has been allotted for discussion. This is an important Bill and I ask the Government to give more time to debate it. It is wrong that this important change in public servants' pension rights should be guillotined after such a short debate.

**Mr. Boyle:** Like Deputy Burton, I ask that consideration be given to extending Report Stage of this Bill, not least because the 22nd of the 22 amendments is in my name — it is the only amendment I have tabled on Report Stage. I am not a member of the Select Committee on Finance and the Public Service. We regularly see truncated Report Stages which do not allow Members of the House who are not members of the relevant select committee to contribute to the passage of a Bill. By placing a guillotine of this type on an important Bill the Government is preventing Members of the House from doing their job effectively.

**The Tánaiste:** I am not in a position to accede to the Members' request. This Bill must be introduced by 1 April. Assuming the Air Navigation and Transport (International Conventions) Bill finishes early there will be adequate time to discuss the amendments.

Question put: "That the proposal for dealing with the Public Service Superannuation (Miscellaneous Provisions) Bill 2004 [*Seanad*] be agreed."

The Dáil divided: Tá, 72; Níl, 59.

Tá

Ahern, Dermot.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Aylward, Liam.  
Blaney, Niall.  
Brady, Johnny.  
Brady, Martin.  
Brennan, Seamus.  
Browne, John.  
Callanan, Joe.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Coughlan, Mary.  
Cregan, John.  
Cullen, Martin.  
Curran, John.  
Davern, Noel.  
Dempsey, Noel.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Grealish, Noel.

Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.  
Hector, Máire.  
Jacob, Joe.  
Kelleher, Billy.  
Kelly, Peter.  
Killeen, Tony.  
Kirk, Seamus.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
McCreevy, Charlie.  
McDaid, James.  
McDowell, Michael.  
McEllistrim, Thomas.  
McGuinness, John.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Nolan, M. J.  
Ó Cuív, Éamon.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Donoghue, John.  
O'Donovan, Denis.  
O'Keeffe, Batt.



Tá—*continued*

O'Keeffe, Ned.  
O'Malley, Fiona.  
O'Malley, Tim.  
Parlon, Tom.  
Power, Peter.  
Power, Seán.  
Ryan, Eoin.  
Sexton, Mae.

Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Dan.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.  
Wright, G. V.

Níl

Allen, Bernard.  
Boyle, Dan.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Connolly, Paudge.  
Costello, Joe.  
Cowley, Jerry.  
Crawford, Seymour.  
Crowe, Seán.  
Cuffe, Ciarán.  
Deasy, John.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
English, Damien.  
Enright, Olwyn.  
Ferris, Martin.  
Gilmore, Eamon.  
Gogarty, Paul.  
Harkin, Marian.  
Hayes, Tom.  
Healy, Seamus.  
Higgins, Joe.  
Higgins, Michael D.  
Hogan, Phil.  
Howlin, Brendan.  
Kenny, Enda.  
Lynch, Kathleen.  
McCormack, Padraic.  
McGinley, Dinny.

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

Tellers: Tá, Deputies Hanafin and Kelleher; Níl, Deputies Durkan and Stagg.

Question declared carried.

**Mr. Kenny:** The Minister for the Environment, Heritage and Local Government recently published guidelines for consultative purposes in respect of one-off rural housing. These guidelines are now being discussed in various councils.

**Mr. Rabbitte:** From Clare to here.

**Mr. Kenny:** Yesterday, we witnessed the start of the backlash. There was a revolt in County Clare against the new restrictions being imposed as a result of the guidelines. Will the Minister for the Environment, Heritage and Local Government bring forward final recommendations following the consultative process and will these recommendations be implemented by ministerial regulation?

**The Tánaiste:** I understand from the Minister that these are draft regulations and they will be finalised after 30 April. People have until that date to make submissions and put forward their views on the draft regulations.

**Mr. Kenny:** Following the publication of the final recommendations, will they be implemented by ministerial regulation?

**The Tánaiste:** Yes.

**Mr. Rabbitte:** Has the text of the amendment for the proposed constitutional referendum on citizenship been agreed by Cabinet? When is it proposed to publish it? Will the accompanying legislation be published simultaneously?

**The Tánaiste:** The matter has not been finalised by the Cabinet but the intention is that the accompanying legislation would be published simultaneously.

**Mr. Sargent:** It is odd that, in the list of promised legislation, the foreshore Bill is in the “not possible to indicate” category, given the number of harbours that are now on the market for sale to the private sector. Is it not important to establish the exact status of the foreshore?

**An Ceann Comhairle:** Has the Deputy a question on the legislation?

**Mr. Sargent:** The legislation is the question. It is unsatisfactory that it is not possible to indicate when it will be published. Will the Tánaiste give us further information in light of the urgency of the legislation?

**The Tánaiste:** No.

**Mr. Sargent:** Is it off the agenda?

**The Tánaiste:** It is not off the agenda. It is not possible to say when the legislation will be ready.

**Mr. Stanton:** Will the disability Bill be published before Easter?

**The Tánaiste:** That Bill has not yet been finalised. There was a further discussion on the matter at yesterday's Cabinet meeting. More text needs to be drafted, so I am not in a position to say when it will be published.

**Mr. Sherlock:** In reply to a question yesterday, the Tánaiste said that the health Bill will be introduced this year. SI 90 of 2004 appears to supersede any plans to amend the Health Act to change the health boards by introducing an interim executive. Will the Tánaiste explain this? If the health amendment Bill is being introduced, why use the statutory instrument at this time?

**The Tánaiste:** I am not clear what the question means. The health amendment legislation will provide a statutory basis for the Government's health reform programme which, among other things, includes the abolition——

**Ms McManus:** It is not. It is to remove elected members from the health boards.

**The Tánaiste:** Yes, it is to reform the health boards.

**Ms McManus:** It is not health reform.

**The Tánaiste:** That is part of health reform.

**Mr. Rabbitte:** Tell that to the lads.

**The Tánaiste:** There might be some people unhappy with the reform of the health boards but it is essential for reforming the health services.

**Mr. Sherlock:** May I have an explanation of the content of SI 90 of 2004 which appears to set up the executive for the replacement of health boards? It is an interim measure but it will be implemented if it is adopted in advance of legislation.

**The Tánaiste:** I will ask the Minister for Health and Children to communicate with the Deputy about the mechanics of this matter. The Health Services Executive Agency has been established on an interim basis. The legislation which was referred to yesterday will be published later this year. It will reform the structures of the health boards and the administration of health services generally. It is an essential part of the

Government's health reform package. I am not familiar with the technicalities of the statutory instrument. I will have somebody contact the Deputy.

**Mr. Sherlock:** Has the document any status before the amending legislation is introduced?

**The Tánaiste:** If it is a statutory instrument, it must have status.

**Caoimhghín Ó Caoláin:** There is growing concern about the abuse of alcohol both in public and, what we do not see, behind the closed doors of many sad and tragic homes. When will the alcohol products (control of advertising, sponsorship and marketing practices/sales promotions) Bill be brought before the House? It is indicated for mid-2004 but can the Tánaiste be more specific?

**The Tánaiste:** I cannot be more specific but I assume mid-2004 means June of this year.

**Mr. Ring:** I have two questions: one for the Ceann Comhairle and the other for the Tánaiste. I seek advice from the Ceann Comhairle and I wish to be pleasant in doing so.

**An Ceann Comhairle:** The best way to ask the Ceann Comhairle for advice is to call to the Ceann Comhairle's office. The Ceann Comhairle does not discuss advice on the floor of the House.

**Mr. Ring:** Yesterday, I tabled a simple parliamentary question to the Minister for Agriculture and Food asking what officials travelled to see the landslide in north Mayo. I have tabled two such questions but cannot get an answer. Despite tabling such a question yesterday about the landslide, the media were able to ring all the local radio stations to inform them——

**An Ceann Comhairle:** The Deputy has made his point. What is his second question?

**Mr. Durkan:** It is obviously not a secret.

**An Ceann Comhairle:** The Deputy is out of order. He is long enough a Member of the House to know the way to raise matters.

**Mr. Durkan:** It is in the public arena.

**An Ceann Comhairle:** I will deal with Deputy Durkan if he is not quiet.

**Mr. Ring:** Why were my questions not answered? I want to be respectful to the House but it must be respectful to us as well.

**An Ceann Comhairle:** The Deputy is out of order.

**Mr. Ring:** I am not out of order. I tabled a question yesterday and the answer was given to the media this morning, even though it was my question.

**An Ceann Comhairle:** The Deputy is out of order.

**Mr. Ring:** I have asked a question but I have not received an answer. That is the trouble with this House. It is all questions and no answers.

**Mr. Durkan:** On a point of order——

**An Ceann Comhairle:** I will hear Deputy Durkan on a point of order.

**Mr. Durkan:** This issue has been raised regularly in the House in the past two years. Questions are legitimately tabled to a Minister by a Deputy. The Minister refuses, by one means or another, to answer the question but then makes the information available to the public through the media. That is an abuse of privilege and of the House.

**Mr. Ring:** It is dictatorship.

**Mr. M. Smith:** It is transparency.

**Mr. Ring:** The Minister knows nothing about it. I call it gangsterism.

**An Ceann Comhairle:** The party Whip has the facility, through the Committee on Procedures and Privileges, to raise matters with which he is unhappy.

**Mr. Durkan:** I have raised it at that forum.

**An Ceann Comhairle:** It is not a matter for the Order of Business. I call Deputy Allen on a matter appropriate to the Order of Business.

**Mr. Allen:** Will the electoral Bill be published tomorrow, Friday or at the weekend? When will it be taken in the House?

**The Tánaiste:** I dealt with that matter yesterday. It will be published this week. I do not know which day.

**Mr. Allen:** I suppose it will be Friday when the House is closed.

**Mr. M. Higgins:** Amending legislation in respect of the Diplomatic Relations and Immunities Act 1967, as amended in 1976, was promised in the Government's programme. Given that the legislation is to amend a constitutional difficulty, can the Tánaiste give a date for its publication?

**The Tánaiste:** I am afraid it is not possible to indicate that at this stage.

**Mr. M. Higgins:** Given that the legislation is described in the legislative programme as responding to a constitutional difficulty with the original legislation, is it proposed to address that

constitutional difficulty in the lifetime of the Government?

**The Tánaiste:** I would have to check with the relevant Minister. I am not in a position to say. The purpose of the Bill is to address a constitutional difficulty, according to my note, which also states that it is not possible to indicate when we will have it. I will have to inquire and have somebody contact the Deputy.

**Mr. Boyle:** Given the continued uncertainty as to whether there will be a disability Bill and what type of Bill it will be, let me ask about linked legislation which is also included on the Government's list of priority legislation on changing the remit of Comhairle, an organisation that deals with information giving and support services for people with disabilities. Will the Comhairle (amendment) Bill be introduced before the start of the next session?

**The Tánaiste:** That Bill will be published soon. It has been cleared by the Government.

**Mr. Kenny:** In view of the presence of the Minister for Transport in the House, when is it expected that a decision will be made on whether the height of the port tunnel will be increased? It seems——

**An Ceann Comhairle:** That is more appropriate for a question to the Minister for Transport. It is not a matter for the Tánaiste on the Order of Business.

**Mr. Kenny:** The Minister is here. He has transmitted the information to the Tánaiste and she wants to answer.

**An Ceann Comhairle:** I cannot allow a situation where Members ask the Tánaiste questions that are obviously more appropriate to a Minister. We would be here all day and Deputies have already complained about insufficient time.

**Mr. Kenny:** I would ask the Tánaiste to answer the question. The Chair is being very restrictive.

**An Ceann Comhairle:** The Chair has been more than liberal.

**Mr. Kenny:** May we have an answer in respect of the critical infrastructure Bill?

**An Ceann Comhairle:** The Deputy may have an answer on the Bill, not what might be in the Bill.

**The Tánaiste:** I dealt with that yesterday. The Minister for the Environment, Heritage and Local Government will bring proposals to Cabinet shortly. Technical information is awaited on the port tunnel.

**Mr. Kenny:** The Ceann Comhairle was about to cause acrimony and disharmony in the House.

**An Ceann Comhairle:** The Chair might have to take action against the Tánaiste for being out of order.

**Mr. Hayes:** The Chair would not do it.

**Mr. Crawford:** Given that hundreds of our best dairy farmers are selling their cows because they cannot make a living, yet social welfare officers and community welfare officers are saying that up to €1,800 per cow clear profit can be made, when can time be given in this House to discuss whether there is any future for agriculture, our most important industry?

**The Tánaiste:** I apologise to the Chair if I was out of order. On Deputy Crawford's question, that is obviously a matter for the Whips.

**Mr. Gilmore:** It is nearly four years since the Commission on the Private Rented Residential Sector recommended basic legal rights for the country's 150,000 tenants. The Residential Tenancies Bill 2003 completed Committee Stage on 18 February. I have three questions to ask the Tánaiste about it. First, when will Report Stage be taken in the House? Second, will the Tánaiste give us an assurance that Report Stage of that long-awaited Bill will take precedence over all other legislation emanating from the Department of the Environment, Heritage and Local Government? Third, will she give us an assurance that, as a number of critical issues were to be addressed on Report Stage, it will not be guillotined?

**The Tánaiste:** I cannot give a commitment that it will be taken before any other legislation from that Department.

**Mr. Gilmore:** Why not? We have been waiting four years for this.

**The Tánaiste:** The electronic voting Bill will have to be taken.

**An Ceann Comhairle:** Deputy Gilmore, we cannot have a debate on the matter. Allow the Tánaiste to continue.

**Mr. Gilmore:** Tenants have been waiting a long time for this legislation and will wait no longer.

**The Tánaiste:** It is a matter for the Whips and the House to decide when to take Report Stage.

**Ms B. Moynihan-Cronin:** What is the status of the disability Bill? Is it being put on the back burner until after the local elections?

**The Tánaiste:** I answered that question.

**Ms B. Moynihan-Cronin:** The Tánaiste answered in respect of the Comhairle Bill.

**The Tánaiste:** I answered in respect of the disability Bill as well. The Deputy may not have been in the House. I know she is not being discourteous. The disability Bill was discussed by the Cabinet yesterday. Further amendments need be made to the Bill and further drafting measures need to be dealt with. I am not in a position to say when exactly it will be published.

**Ms B. Moynihan-Cronin:** How long will it take?

**The Tánaiste:** I do not know, but it will be published as soon as possible. It is a priority.

**Mr. Connolly:** Are there any plans to introduce legislation to allow health boards to purchase their own property rather than renting property on an ongoing basis, entering into long-term rental contracts, spending millions and having nothing to show for it at the end of each year?

**The Tánaiste:** There is no legislation promised in that area.

**Mr. Costello:** In view of the commitment given two years ago to transfer the lands at Grangegorman from the health authorities to the Dublin Institute of Technology, and commitments given in this, the last and previous sessions that the Grangegorman Agency Bill would be published, could the Tánaiste give us any idea when it will be published, now that we are approaching the end of this session?

**The Tánaiste:** It is intended to publish the Bill this session.

**Ms Shortall:** Will the Tánaiste confirm that it is not now possible to extend penalty points to drivers using mobile telephones because of legal difficulties and that new legislation will be required? In that regard what are the plans to introduce a new road traffic Bill?

**The Tánaiste:** The Deputy is correct in saying that primary legislation is required. That legislation will be published before the summer.

**Ms O'Sullivan:** Yesterday the Tánaiste gave me an undertaking to come back to me regarding the delay in dealing with Report Stage of the Education for Persons with Disabilities Bill. Given the questions raised this morning about the disabilities Bill, will the Government give an undertaking that it is not delaying its completion of the Education for Persons with Disabilities Bill in a way that might further delay the disabilities Bill? It seems there is undue delay regarding the disabilities Bill. In some quarters we are being told that is because the Government is waiting for the other Bill to be completed. Can we have an assurance that the disabilities Bill will not be held



[Ms O'Sullivan.]

up by the delay regarding the Education for Persons with Disabilities Bill?

**The Tánaiste:** The Deputy may have that assurance. Regarding the Education for Persons with Disabilities Bill, we are awaiting an amendment from the Department of Education and Science. That Bill will be taken as quickly as possible.

**Ms O'Sullivan:** Will it hold up the other Bill?

**The Tánaiste:** No.

**An Bord Bia (Amendment) Bill 2003 [Seanad]: Motion.**

**Minister for Transport (Mr. Brennan):** I move:

That, notwithstanding anything in Standing Orders, it be an instruction to the Select Committee on Agriculture and Food in the case of the An Bord Bia (Amendment) Bill 2003 that it has power to make provision in the Bill for the amendment of the Registration of Potato Growers and Potato Packers Act 1984.

Question put and agreed to.

**Air Navigation and Transport (International Conventions) Bill 2004 [Seanad]: Second Stage (Resumed).**

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

**An Ceann Comhairle:** Deputy Crowe was in possession. There are 12 minutes remaining. I understand he is sharing time with Deputy Connolly.

**Mr. Crowe:** I had put a number of questions to the Minister and had indicated support for the broad parameters of the Bill. I asked the Minister to clarify whether military and non-commercial state flights by foreign governments in Irish airspace come under the scope of this legislation. What implications will the convention have for Irish passengers who might be involved in a collision with such flights or who might be killed or injured while on the ground in the event of such a crash? While the Government might not have plans to bring in such an exemption, it has the power to do so at any stage without debate. Will the Minister consider amending the legislation to give power to the Dáil to approve such an exemption, which would at least allow a real debate to take place on the merits of such proposals?

While Sinn Féin will support this legislation, we have a number of questions we would like clarified. These include the reasons for the delay of a number of years in bringing this legislation before the House, whether consultation took place with the accession states regarding the

extension of this convention to their countries without allowing them a debate on the subject, the reason for the limitation on the scale of damages for mental distress and the implications of this convention for military and non-commercial State flights.

**Mr. Connolly:** I am happy to welcome the Bill which will facilitate the ratification by Ireland of the 1999 Montreal convention, which became European law on 5 April 2001. This convention updates the 1929 Warsaw convention and establishes a comprehensive and up-to-date set of rules defining and governing the liability of air carriers in regard to passengers, baggage and cargo.

The Montreal convention was held to harmonise the mishmash of supplementary amendments and inter-carrier agreements that made up the Warsaw convention system of liability. Its principal objective is to provide a greater level of financial protection for air passengers and their baggage and for the consignors of cargo.

The vision of former Taoiseach Seán Lemass in 1936 of Ireland and its major airports as a strategic transatlantic hub on the fringe of Europe has been amply borne out. The development of air transport in recent years has been nothing short of phenomenal, with several low cost carriers contributing handsomely to that. Who but a visionary could have foreseen that an Irish low-cost carrier which started with a few turboprop aircraft in the mid-1980s, together with a number of Romanian pilots, would be carrying in excess of 6 million passengers a year by 2005?

The growth of Aer Arann also, not merely as a domestic regional carrier but in opening international routes, has truly spiced up the aviation pot. It flies more passengers on 400 flights to 16 destinations in a week than it did in the entire of 1999, its second year of operation, and looks set to break the 1 million barrier very soon.

The national carrier, Aer Lingus, has remodelled itself as a low-cost carrier and has returned to a state of profitability. It has had to contend with a significant downturn in tourism in the travel industry after 11 September, a situation which was exacerbated by the outbreak of foot and mouth disease and subsequently by SARS. Nevertheless, Aer Lingus returned to profitability in a most convincing fashion in the past few years. It is making a healthy profit, in excess of €76 million, and has opened over ten new routes. It has succeeded in turning around a potentially disastrous situation, and the new low-cost Aer Lingus is to be congratulated on its success. Indeed, all three carriers merit our congratulations on the manner in which they have weathered the storm in the airline industry.

This Bill proposes to harmonise the situation relating to insurance of the various airlines, particularly in the wake of the 11 September terrorist atrocities in New York. All air carriers

in the European Union have more than adequate levels of insurance cover, something that does not extend to many countries outside the EU. Many of the carriers outside the EU have inadequately low insurance cover under existing programmes or regulations. All carriers within and outside the EU will be bound by the terms of the Montreal convention once they fly into EU airports through the country's airspace.

Insurance covering terrorist actions against airlines and passengers will also be mandatory under the terms of this Bill. One of the Bill's main features is the inclusion of the concept of unlimited liability in the event of death or injury to passengers. Previously, the Warsaw convention limited liability to the equivalent of £8,300 special drawing rights, that is approximately €11,300.

The Montreal convention provides for a two-tier system of carrier liability. The first tier relates to the carrier's strict liability accepted automatically up to £100,000 special drawing rights, which is approximately €160,000, and it is 12 times more than under the Warsaw convention unless the victim is at fault. The second tier is on the basis of the presumptive fault of the carrier and carries unlimited liability unless the carrier can establish that it was not negligent or that the injuries resulted from the actions of a third party. Compensation levels in regard to delays, over-booking, death and injury would dramatically increase. The levels of compensation and assistance to air passengers in the case of denied boarding, delays and cancellation will be considerably increased under this Bill.

Many millions of unclaimed bags and cases fill warehouses throughout the world each year and the largest single air traffic complaint in the United Kingdom is about mishandled baggage. In the United States 200 passengers report missing luggage every month, and throughout the world 0.5% of luggage is mislaid *en route*. That may not appear to be very much but it represents one bag in every flight. It is vitally important that it be ratified by the 1 May deadline in order that its provisions can extend harmoniously and automatically to the ten access states which want to join the EU on that date.

Not to have the Montreal convention ratified in the form of this Bill would entail further delays for the new accession states and the continuation for them of the Warsaw convention's terms. In excess of 60 countries have signed up to the Montreal convention, including the United States, although rather late in the day.

Arising from 11 September the United States has implemented intensive security restrictions and regulations at all airports. Anything remotely resembling a weapon, whether it be of plastic, rubber or cardboard, is eliminated in the security inspection prior to boarding. That is reassuring to passengers. Nevertheless, in-flight security still appears somewhat relaxed when one considers that wine and other drinks continue to be freely served in glass bottles. In the hands of fanatical terrorists, glass can take on the dimension of

lethal weaponry and could form the catalyst for extreme strikes against perceived targets.

It is somewhat strange to see, in section 5, the French language given priority over English in instances where disputes might arise between French and English texts. Until now, English would have been regarded as the universal language of aviation around the world and airlines generally proceed on that basis. Perhaps this provision is included because the convention emanated from Montreal. If so, it is a rather flimsy pretext for subjugating English in a major air transport convention.

The non-inclusion of mental disorders or mental injury in section 7 appears to be a major and grievous omission, particularly due to the deep trauma that accompanies aviation accidents. A recent court of appeal decision in the United States ruled that passengers could not hold carriers liable for mental injuries that were not caused by bodily injuries. Accordingly, passengers could only bring an action in respect of mental injuries only to the extent that they flow from bodily injuries. This restriction on recovery of damages for mental injuries takes no account of the mental state of those passengers who are permanently traumatised after airline accidents.

In the context of deep vein thrombosis, which affects passengers on long haul flights, I understand that the occurrence of passenger deaths from DVT does not fall within the accepted understanding of a fatal accident. If I were travelling on a long haul flight from Sydney or Wellington and I were reduced to a vegetative state, I know my dependants would want some recompense from the airline.

This Bill achieves a satisfactory balance between the needs and interests of all the partners in international civil aviation — states, passengers and air carriers. I welcome it with the few slight reservations I have outlined.

**Mr. Naughten:** I welcome the opportunity to speak on the Bill. Fine Gael, with the other parties in Opposition, will facilitate the Minister in ensuring that this legislation is adopted before 1 May to ensure all the accession states come under the terms of the new convention. This legislation and the convention revise the Warsaw system which, in 1929, set down international compensation procedures to deal with the carriage of passengers, cargo, baggage etc. and delays or damage to them. In particular, they revise the scale of compensation to more realistic levels and significantly improve the individual's access to compensation. For example, for the first time, the passenger's principal place of residence is included with the places of the business of the airline. A person resident in this country who is involved in an incident with British Airways can bring the claim here in a jurisdiction with which she or he is familiar and understands. It is to be hoped that this will make it easier for people to

[Mr. Naughten.]  
obtain compensation should such an incident arise.

There is a significant body of compensation legislation and procedures within the European Union which apply to European and non-European carriers. For example, compensation for the death of a passenger has increased to €120,000 whereas some non-EU carriers hitherto paid only €25,000. Under the current conventions, once an airline has insurance, it is covered, but now there are specific limits. EU carriers must have cover of more than €1 billion to operate, and operators from outside the EU servicing EU countries may have significantly less cover. The legislation may remedy this discrepancy.

Deputy Pat Breen emphasised the importance for the European Union of adopting this convention in the context of negotiations between the United States and the European Union about the open skies proposal and accessibility to both continents. That has serious implications for Aer Lingus and Shannon Airport. I hope the Minister will update us on these negotiations because his Department is eager to have the legislation adopted.

While this legislation is a positive development, it provides a platform to raise the issues of air safety and security. At present, airport police are based at Aer Rianta airports in Dublin, Cork and Shannon but none at Knock International Airport or other regional airports. Under section 47 of the Air Navigation and Transport (Amendment) Act 1998, the Minister has the power to appoint airport police to other airports. They have security staff who do an exceptional job but, unlike the airport police at the State airports, cannot detain an individual until the Garda arrives. They can only request an individual to remain on the premises while they call the gardaí. In light of the terrorist attack on the World Trade Centre in September 2001 and the recent bombing of the Madrid metro, we must become more security conscious. Will the Minister meet the authorities at the regional airports and the board of Knock Airport to ensure that those procedures are put in place and the regional airports are treated in the same way as State airports? I hope it will not be necessary for the Montreal convention to be implemented for any citizen in this State or in the European Union.

The air traffic control system is useless, as typified by the incident on 2 July 2002 when 71 people lost their lives in southern Germany in the collision between a Russian passenger jet and a DHL cargo plane. Three separate air traffic control authorities dealt with those two planes. Air traffic control must be co-ordinated under a centralised system throughout Europe. At present, there are 65 separate radar centres and 31 systems using 22 different computer networks. In North America, there are two air traffic control providers whereas in Ireland there are 57.

Had there been a centralised air traffic control system in the European Union and associated states in July 2002, that accident would not have happened and those lives would have been saved. It is critically important that the Minister act on this because there are significant safety benefits to be gained in operational techniques, advances in safety equipment, proper planning of routes and the opening up of additional air space, which is a significant problem throughout Europe.

The air traffic control maps for the European Union resemble a small jigsaw. Centralisation would also have a significant impact on the cost of transport throughout Europe because it would reduce the overall travelling time and open additional slots to provide extra capacity. The Minister is President of the Council of Transport Ministers and should take action on that. The ideal location for a European air traffic control centre would be Shannon Airport which has the most up-to-date equipment. The staff and expertise are in place and, together with one or two other centres in the Union, could provide the type of service we need now. Shannon Airport covers a large percentage of the air space in the European Union, albeit much of it over water. I urge the Minister to take a proactive approach to this proposal.

Articles 3 to 11 of the convention are specifically concerned with air freight and the cargo industry, and include issues such as modernisation and the use of electronic documentation. This is welcome and updates the previous Warsaw convention. Will the Minister, in his role as Chairman of the Council of Transport Ministers, examine the possibility of creating an opportunity which would allow us to develop central hubs within the European Union for the development of air freight? This is an area which will continue to develop and Ireland has the type of facilities required and should be used to develop a hub for the industry.

Shannon is the ideal location for this development which meets the requirements in the national spatial strategy to provide for more balanced regional development. Rather than look at the west of Ireland as a problem which needs to be solved, we should see this as an opportunity to use its underutilised assets. For example, Shannon Airport is currently underutilised with regard to capacity and Shannon estuary is one of the finest natural harbours in Europe. The Government should examine as a matter of urgency the feasibility of using these two assets to create a transportation hub linking the United States and Europe. On the matter of maritime trade, the European Commission has examined the possibility of diverting traffic from roads to the sea and to developing the motorway of the sea plan, which would ease pressure on the European road infrastructure. The Shannon estuary could form a hub which would link up with this new motorway of the sea and tie in with US trade routes.



US exports to Ireland are worth €7.7 billion per annum thereby making us its 21st most important customer. Our exports to the United States are a staggering €16.8 billion per annum, ranking us as 14th largest exporter to it. Shannon Airport provides the opportunity for us to become a European hub for air freight as well as passengers, thereby relieving pressure on other major hubs such as Frankfurt and Heathrow. Major air freight companies could be attracted to Shannon by putting in place pre-customs clearance facilities for the United States and the European Union. Rather than push this as an Irish project, the Minister should push the creation of a transport hub in the west of the Union at European Union level during the term of the Irish Presidency. Will the Minister examine this issue? We have facilities in Shannon which are underutilised and the Minister should seek to maximise and develop these rather than allow the asset waste away.

Articles 29 to 35 of the convention were mentioned with regard to code-share arrangements. Will the Minister address the issue of what will happen in cases where no code-share arrangements exist? If, for example, I take a flight from Dublin to London-Heathrow and then fly with Qantas to Australia, can I take a claim in this country or must I take it in the United Kingdom? If this is something which cannot be addressed in this convention, will the Minister ensure that when negotiations take place again we will address the issue? We need to address the matter so that a person who cannot get direct flights from Dublin to particular parts of the world can take a claim from this country.

I wish to raise a number of issues which I hope the Minister will address on Committee Stage. The definition of a family member in section 7 appears to be extremely conservative. It uses the term “wife” rather than “partner” or any other dependant in such circumstances. Society has changed. The wording in section 7 does not provide for a person who happens to be a partner and not a spouse of an individual to take a claim for compensation.

Section 7 also provides that under the Montreal convention an individual who wishes to take a claim can take the claim in any one of five separate jurisdictions. What will stop an individual from shopping around between those jurisdictions to select the best place to take a compensation claim? This legislation sets down certain criteria regarding compensation but does not set an upper cap on it. For example, in the case of a French or German passenger on an Aer Lingus flight from Charles de Gaulle Airport, the passenger could decide to take a claim in Germany, France or Ireland. In such circumstances, from what we hear from the Tánaiste, most people would take a claim in this country because of our levels of compensation. What will preclude somebody from doing that?

Section 7(4)(l) relates to contract insurance. Does this include travel insurance if applicable?

With regard to section 7(4)(j) and (k), if a defendant decides to pay money into the court in respect of the action, the money can be paid as a single sum as damages for the dependants without apportioning blame to them. However, if this money is lodged with the courts, the courts do not have to set out how it should be shared out among the dependants. This could lead to a situation where there is no issue regarding the level of compensation but there is an issue regarding how the compensation is distributed among dependants. Under this legislation the court does not have to decide how the compensation is divided among the dependants. This could mean a family would have to continue to pursue a case through the courts to provide for this, especially in a case where the person who has died, been injured or ended up in a vegetative state, has not made a will.

In circumstances where no will has been made, it is important that the court specifies and divides the compensation. Will the Minister bring forward an amendment in this regard on Committee Stage to clarify the issue? We should not encourage people to go through the courts when the matter could be addressed through an amendment to this legislation.

There appears to be an anomaly regarding the interpretation of the convention, which may be different in the original French document. However, as we do not have a copy of the original, I cannot decipher it. Will the Minister examine the matter before Committee Stage. The issue has to do with Article 12, the rights of disposition of cargo. Article 12 provides that the individual or company that puts cargo on a plane has the right to withdraw it at the airport or at any airport where that plane lands.

I presume this is not the case and that they have the right to request that it be withdrawn at a particular airport. The convention specifies that if costs are involved the consignor would be liable.

Let us say, for example, that Brennan Transport puts cargo on an Aer Lingus flight in Dublin that is going to Melbourne in Australia. The cargo goes from Dublin to Heathrow on an Aer Lingus flight where it is transferred to a Qantas flight to Australia. There is nothing to stop Seamus Brennan, the director of the company, going to Heathrow and demanding the withdrawal of the freight from the plane. Although he does not have security clearance, under the terms of the convention as I understand it, he has the right to withdraw it in person from the plane, which would give rise to a security threat.

Will the Minister define “delay” in terms of Article 19 of the convention? No clear definition of delay is given. Does it relate to a day, a week or a month?

**Mr. Perry:** I am delighted to speak on the Bill on which Deputy Naughten has carried out an in-



[Mr. Perry.]

depth study and of which he has considerable knowledge.

The Warsaw system provides a worldwide system of standards and rules for carriage by air and, in particular, common rules in respect of liability limits for the carriage of passengers, cargo and baggage in the event of damage, delay or loss. This has to be welcomed.

Where air travel takes place between Ireland and another state which has not yet ratified the Montreal convention, the Bill provides that the most recent convention common to the states concerned will apply. Ratification of the Montreal convention will extend the higher liability limits worldwide, thereby providing significant benefits for passengers travelling with non-EU airlines.

The convention also makes it easier for a passenger to bring legal action by allowing him or her to bring action in the state where he or she principally resides. This fifth jurisdiction is in addition to the previous four, which are: the place of business of the airline; the place of the accident; the point of origin; and the intended point of destination of the flight. This is an important addition, which I welcome.

Ratification of the Montreal convention before 1 May 2004 will ensure it will automatically extend to the ten accession countries when they become members on 1 May 2004. Otherwise, the process will be delayed until all ten accession countries are in a position to ratify.

The purpose of the Bill is to ratify the 1999 Montreal convention along with other European Union colleagues. The convention further develops co-operation in international aviation and, as such, is a welcome development. The Bill restates the existing law relating to the existing Warsaw convention and its amendments so that the entire subject is covered in one Bill. The ratification of the conventions is important. The Montreal convention is an updated replacement of the Warsaw Convention for the Unification of Certain Rules Relating to International Carriage by Air 1929, which is 75 years on the Statute Book.

The liability regime established under the Warsaw convention and its related instruments sets out passengers' rights in the event of an accident. Among other benefits, the convention: holds carriers strictly liable for damages up to €100,000; removes the upper limit on damages for accident victims which exists in the Warsaw system; extends the range of jurisdictions in which claims for damages may be brought; clarifies the duties and obligations of carriers engaged in code-share operations; and provides for updated documentation regarding cargo. It is important that cargo is now included.

Crucially for passengers, the convention makes it easier for them to take legal action. This is significant given that many people find the legal system daunting and difficult to understand. The Montreal convention now allows legal action to

be taken in the state where the passenger lives if the carrier operates services to or from that state. That will, in almost all cases, allow passengers to take legal action in the courts from their own homeland. This will be much more convenient for most people seeking compensation from airlines. I welcome the fact that people will now be able to engage legal representatives in their own jurisdiction. The difficulty of taking a legal case abroad is compounded by the language barrier and the associated costs involved.

The enactment of the Montreal convention will extend the higher liability limits worldwide, giving significant advantages and benefits for passengers flying with airlines based outside the EU. This is a necessary provision, given that the aviation industry has expanded a great deal in recent decades and people are travelling more frequently. People are flying to every corner of the globe with airlines other than domestic carriers such as Aer Lingus or Ryanair.

The VHI has a new travel insurance premium, which is to be welcomed. There are benefits attached to an annual policy over taking out insurance for every flight. This new scheme will make clearer to people who travel frequently what is actually covered.

Most national carriers work in co-operation. In a time of multinational companies, it is difficult to know which company owns the smaller operators. Airlines in recent times have downsized in an attempt to cut costs. Most airlines now appear to take a budget airline approach to the business. The existence of monopolies is a concern. Many people buy lower priced tickets from airlines which provide less flexibility. It is costly to make a change if one wishes to do so. In some ways this is a form of racketeering. One can be charged up to five times the cost of the original ticket. Allowances should be made in certain circumstances.

The airline carrier will now be strictly liable for the first €118,000 of proven damages for each passenger. This is a large increase from the low liability level of €20,000 under the Warsaw system, which was obviously wholly inadequate. It is a positive development that carriers cannot avoid liability for this amount, which is relatively low, even if the carrier can prove that the harm was not caused by its negligence. Regrettably, many aviation accidents involve loss of life. This measure will give greater security to the travelling public. Even if an accident was caused by weather or a third party, such as a terrorist, the carrier is still liable for damages up to €118,000. Carriers will now be subject to unlimited liability if the plaintiff can demonstrate that the carrier was fully negligent. The carrier should be liable for security and terrorist attacks because it is its obligation. It has a contract with the passenger to ensure the highest level of security and, because of this, airlines must take responsibility. The increased level of security in airports throughout the world is to be welcomed as it is reassuring to those who travel by air.

One key advantage of this legislation is that it will create greater uniformity in international aviation compensation. This must be welcomed as consumers deserve to be treated equally, regardless of the airline with which they choose to fly. The bottom line should be that, if the nature of the damages sought is relatively similar, the level of compensation from each airline should be relatively uniform. There are a small number of airlines in a competitive business. However, with millions of customers, it must also be a profitable business. There should be no disparity in the level of compensation and, as all incoming member states of the EU will have to agree to this Bill, it is important that it be ratified before 1 May 2004.

The previous obligation on aircraft operators from non-EU countries simply to have insurance has proved unsatisfactory and unfair to the travelling public. The fact that an amount of insurance is specified is a welcome step. This is an important point for our domestic motor insurance industry. The variance in compensation at the discretion of judges is unfair and perhaps explains why insurance premiums are so high. At least in this legislation there is a minimum level. As Aer Lingus and Ryanair already meet the proposed insurance requirements, there should not be any fare increases for passengers using their services and I would be very conscious that this would happen in practice. Airlines are driven by profitability nowadays and low fares are nothing but cute marketing ploys. The first ten seats are filled at €100 and gimmicks such as these are quite unfair. For people who must travel at a specified date in the future, it can be a good deal. However, those who must travel at short notice with any airline will be charged top dollar unless they can avail of a stand-by ticket. It is important that good value exist for flights on the day. Some can pay quadruple the rate for these flights.

The level of cutbacks on airlines is also a cause for concern. The passenger pays for everything on the flight, including lunch. The high level of service on airlines should not be diminished as it has an identification with Irish hospitality, yet passengers can now be charged for a glass of water. This demonstrates that airlines are only driven by the bottom line. If every business were to operate solely on that criterion, hotels and retail outlets would charge people to come in the door. As a tourist destination, we want to attract visitors to Ireland. The Minister of State should know that because he is from Donegal. When visitors arrive in Ireland by air, we want to ensure that they are not being ripped off by the airlines that are obsessed with making profits and charge them left, right and centre.

It is regrettable that the debate on building a second terminal at Dublin Airport is focused on bringing more tourists into Ireland. We already have Shannon Airport and Knock International Airport. Why can these airports not be used as low-fare bases for visitors to the west? It makes no sense that 20 million passengers arrive in

Dublin when half of those can be flown into the airports in Shannon and Knock. If so many tourists who fly into Dublin then head for Donegal and the west, how is it that there is no incentive for Ryanair to develop a hub in Knock or in Shannon? Tourists can then travel along the western seaboard instead of facing the chaos of Dublin. The Government should create an incentive for Ryanair to use Knock International Airport as its hub for Ireland.

**Mr. Hayes:** That is a good plank for the European elections.

**Minister of State at the Department of Transport (Dr. McDaid):** The Government is fighting the decision that was made by the Commission on Charleroi Airport because it disagrees with that decision. That is an area concerning State aid. We are all for low-cost flights into the west, but it is out of our hands.

**Mr. Perry:** This is an issue with which the Minister has been dealing. A total of 14 million passengers come through Dublin Airport. They do not stay there but rather head on towards Cork, Killarney and Donegal. If we could fly five million people into Shannon or Knock, it could benefit the western seaboard. If those people wanted to come to Dublin, they could do so. It is wrong that every international carrier must land in Dublin. It annoys me when I hear the chief executive of Ryanair looking for extended facilities in Dublin Airport when there already is an international airport in Knock.

**Dr. McDaid:** Current conventions state that no scheduled flights from the US can arrive in Knock International Airport or Cork Airport.

**Mr. Perry:** It is an issue that the Minister should investigate as we are talking about value to the customer and growing the tourism industry in the west as well as taking the gridlock out of Dublin. It is wrong that all scheduled flights must enter Dublin and Shannon and I know that the Acting Chairman would support me on this point. It is encouraging that the Minister is aware of this. I will talk to the chief executive of Ryanair as I believe that he could also do something to land his planes somewhere other than Dublin. It should be possible to get a derogation on that. As the Minister for Transport is currently President of the Transport Council in the European Union, this is an ideal opportunity to fight for this issue.

The Bill also deals with aviation cargo and this is to be welcomed. This is timely given the growing importance of international trade for Ireland. We are all aware of the phenomenal growth which Ireland has experienced in this area over the past 10 years. We are noted for our progressive information technology manufacturing sector which has become the largest in the world. Our status as a European headquarters for many of these new cutting-edge

[Mr. Perry.]

technologies is another significant development. We need to remember our island status and the importance of this to the development of our export industry in whatever sector. This worldwide trade is heavily dependent on in-time delivery of goods, which is important. The sector is very dependent on the aviation industry to deliver goods on time to locations across the globe. The downside of this level of cargo aviation dependence is that if something goes wrong it is crucial there is a compensation structure in place which will ease the loss experienced by industry and the amount of compensation they receive. Given that this is an island nation and that goods must be exported by plane, our location in Europe and the level of investment from America to service Europe is equally important.

I heard yesterday there is the possibility of a new company setting up in Ennis. The initial assessment is for the creation of 50 jobs but there is potential for the creation of 250 jobs. This is a very successful company in the United States which is based in the technology sector. The capability to do business and to manufacture and deliver goods on time and within cost is very important. If something goes wrong there must be some means to deal with the matter quickly.

I am pleased to have had the opportunity to contribute to the debate. I hope the Minister of State will take on board the point I made in regard to Knock and Shannon airports in light of the Aer Rianta proposals. It is regrettable that Dublin Airport is choked up while there is a good network of regional airports. I hope the Minister of State will promote the west of Ireland in terms of how best to get more people into the region. I am sure he will refer to this issue in the coming weeks.

**Mr. Killeen:** One could be forgiven for thinking that regulation has become something of a dirty word in aviation circles. Much of the pressure those of us who live in the Shannon region are acutely aware of is pressure to move towards open skies and to have as little regulation as possible in regard to aviation.

The purpose of the Air Navigation and Transport (International Conventions) Bill is to ratify the Montreal convention 1999. This is a very important convention which needs to be ratified within a particular timescale to ensure the process is not dragged out in respect of the new member states. I support the legislation and hope it will be passed by the Oireachtas in time to circumvent whatever difficulties might arise if it runs later than May.

There has been effective regulation heretofore in aviation circles in regard to safety. There have been some appalling glitches in the entire area. The Warsaw convention 1929 set out the original framework on aviation. Many of us may be surprised to find that international rules and standards in respect of aviation were set down in

convention format at such an early date. The convention was modified on many occasions, most notably by the Chicago convention in 1944, and subsequently by a number of other conventions. Ultimately it would have been referred to in aviation circles as the Warsaw system. Within that there would have been a very successful and fair system of regulation within the EU. Ireland introduced the Air Navigation and Transport Act 1936, which was the first Act in this area. It was amended and updated on many occasions. I welcome the fact that today's Bill is a composite Bill which draws together the principal strands of previous legislation in this area. It will be a help to our successors in Parliament who will not be bedevilled by the difficulty which arises when one finds in almost every new section of an Act references to legislation dating back to the foundation of the State. Legislation which is brought together in this format is very helpful.

One of the most important regulations to affect aviation in Ireland is the Ireland-US bilateral agreement, or the whole series of agreements which have been in place for a long time. In the future this will no doubt be superseded by an arrangement between the EU and the United States. In the interim, it is important to point out that Shannon Airport and its region has been by far the most effective and positive counter-balance to Dublin. There are big changes afoot in the Shannon region. I welcome the fact that there is much closer co-operation between the business community and State agencies than was the case in the past. There is an acknowledgement by both parties that the other has an important role to play. The work of the Atlantic alliance and the Atlantic partnership will bear fruit in the short term and perhaps more strategically in the longer term.

Those of us who have kept in close touch with airport issues at Shannon welcome the fact that Pat Shanahan, who continues to play a central role in the area, is chairman of the new independent board. The Minister of State will not be surprised to hear me say that I would have been much more comfortable if there was an interim arrangement with sub-boards under a national Aer Rianta board. I must acknowledge that there is a significant level of public support and goodwill towards the independent board at Shannon. I have no doubt such support arises from a belief in the Shannon region that the area has promoted innovation. It continues to be an area which has the potential to innovate and go forward in a very strong and powerful way in the world of aviation and business. I support the circumstances which would allow that to happen. In that context, we must acknowledge that despite the huge international difficulties, particularly those arising from 11 September, and more recently from the Iraq war, the current management at Shannon Airport and the management under Aer Rianta corporate, managed in the very worst year to have very small losses, while in other years there was a level



of growth on transatlantic routes. This has been all the more admirable and all the more difficult to achieve in a situation where Aer Lingus has been extremely unhelpful. It has reduced the number of flights and the opportunity for Shannon to grow. Some of the newer players such as US Air have shown there is business to the west of Ireland which they can get. Many people in the Shannon region have long since lost faith in Aer Lingus as a State airline which should be delivering to the regions and supporting Government policy. This is something I regret but it is not surprising. I will return to the issue in the context of regulation and the Bill.

Currently the EU-US negotiations process is under way. The Minister initially indicated that he felt it would be a two to three year timescale and it appears that is how it will pan out. Unfortunately and predictably, there have been conflicting messages arising out of the various negotiations and talks. One must put that in the context of local and European elections. One cannot be surprised that the occasional scare story would arise and get legs. While this is understandable, ultimately it is unhelpful. There is a failure on the part of many people to acknowledge the level of success enjoyed in Shannon arising from the decision in 1993. There is widespread acknowledgement that if the full open skies proposal had gone ahead as intended, it would have been disastrous. The arrangement reached has turned out to be very good for Shannon.

In fairness, the new board faces a difficult task. It operates in a cyclical business where competition is more intense than in the past. There is no forgiveness, companies either make profits or go to the wall. It would be disastrous if the Government undermined the new board in its first three or four years of existence by reducing the level of transatlantic service and the standard of regulation that currently exists.

I commend the Minister of State at the Department of Transport, Deputy McDaid, for his work on negotiating the new bilateral agreement and his approaches to the US authorities about the special position of Shannon Airport. The people of the region must be assured that the Government is serious about protecting the position of the airport, not just because it is long established but because it is a hugely important counterbalance to Dublin, particularly in the context of the Government plans for decentralisation and the spatial strategy.

It is also in the interests of Dublin that counterbalances are established around the country because there is no doubt that the quality of life of Dublin citizens has deteriorated measurably in the 11 years that I have been attending the Oireachtas. Dubliners experience congestion while travelling short distances, increased pollution levels and other difficulties that arise from over-centralisation of business and population. It would be regrettable if the Government embarked on the difficult logistical

transfer of a substantial number of civil servants from Dublin to the regions while simultaneously walking away from an arrangement in an international convention which has no cost to the State and undermining the success of the Shannon region.

We are frequently accused of parochialism but such an outlook in our region has brought benefits far beyond what anyone might have imagined from a relatively modest regulation. Benefits for the regions are to Ireland's advantage in the same way as benefits for Dublin. We must bear that in mind when major changes are being made to the national airports and the boards in Cork and Shannon are being posed a challenge. Our support for those changes must be underpinned by a continuation of the support and regulation that has existed until now or we will have two regional airports which are unable to prosper in the manner in which they ought and a direct cost will ultimately arise to the State in subventions for them. None of us wants that because it is not in the national interest.

There will be an extension of the fly free zone that exists in Europe to cover the United States within the next ten years and the Charleroi decision will have an impact on Irish and global aviation. Such decisions in the past have had a positive impact. The freedom of movement across Europe was one of the factors that enabled Ryanair and other low-cost carriers to develop. While Ryanair is now a major player in European aviation, it is not long since it was a fledgling airline that many experts thought would go nowhere. It came through some difficult patches and became an important player. People have shrugged off the Charleroi decision, saying it does not have implications for the State airports in Ireland and that it is under review but it has potential implications for the aviation sector, not least the State-owned airports.

With the change in Aer Rianta management and the negotiations with the United States, the Department of Transport has presented Aer Lingus as Shannon's guarantor. It must be acknowledged that Aer Lingus and Shannon have been good for each other over the years but developments in the past few months have cast a shadow over the intentions of Aer Lingus regarding Shannon and its commitment to it. There is currently the saga of the cabin crew who are being transferred to Dublin and the threatened 104 job losses in baggage handling. The cabin crew decision is difficult to understand in any context, regulated or otherwise, even that of less regulation on the transatlantic routes. It does not make sense that an airline would transfer employees against their wishes while simultaneously flying staff from Dublin to crew planes from Shannon that could be crewed by the staff who are already there.

Such decisions make no sense in logistical or personnel terms and we should question the rationale for them and the bona fides of a management that would proceed with such a



[Mr. Killeen.]

scheme. If that is the best that can be offered as guarantor for the airport and the region, we should be worried. This guarantee creates a void that must be addressed in advance of any changes that might be made that will have an effect on Shannon.

The job losses in baggage handling are even stranger because Aer Lingus operates a highly profitable business in this sector in Shannon Airport. Baggage handling and aeroplane maintenance are of the highest standards because of the work of management and, more particularly, the employees. In recent times, when new airlines have come in or contracts have come up for renewal, Aer Lingus has pitched its bids at extraordinarily high levels, which effectively guaranteed it would not get the business. It is one thing for the company to make a strategic decision to concentrate on core activities and get out of activities which do not involve its own aircraft — even this has been placed in doubt by some spokespersons — but there is a right way and several wrong ways to do this. Aer Lingus management appears to have a particular skill in finding one of the wrong ways when the right way is relatively obvious.

A strong business has been developed which would have considerable potential in the hands of Aer Lingus or another company. It should have been dealt with in a much more forthright, above board and open manner and the approach taken reflects no credit on the management responsible for it. Ultimately, and unfairly in this instance, the blame finds its way back to the political level.

In the context of the proposed changes at Aer Rianta, we have found out that the independence of the commercial State-sponsored bodies is far more real, tangible and powerful than any of us had thought in the past. While this is sometimes good, on occasions such as this it would be nice if their political masters and the political system was at least in a position to call the people involved to account for decisions which clearly fly in the face of business logic and the best interests of the nation.

Once upon a time, I was sufficiently naive to raise these matters with Aer Lingus management but long before the current management was appointed, I found that this was a futile exercise and I now confine myself to exerting as much pressure as possible at political level. There is little advantage in banging one's head against a brick wall in the longer term.

There is a belief in the Shannon region that having failed, as anticipated, to be awarded new routes into the United States, Aer Lingus management, at the highest levels, decided it was pay-back time and that the negative decisions on staffing and the company's commitment to Shannon Airport arise from management's disappointment at this failure.

**Mr. Hayes:** I am pleased to have the opportunity to say a few words on the Air

Navigation and Transport (International Conventions) Bill 2004. Coming from a county which does not have an airport, my knowledge of air transport is limited. The sector has, however, generated significant debate and interest in recent years. The large number of angles involved in air transport makes it an interesting issue to study.

There has been a massive and welcome increase in the number of people travelling by air in the past 20 years. Older people who never travelled before are now taking holidays and young people are travelling for educational purposes, while many others travel across the world for sporting events, including large numbers of us who attend matches, race meetings and so forth in the United Kingdom. People are better off and have more income available to travel, which is a welcome development.

With this development, however, comes responsibility. Uppermost in everybody's mind are the issues of safety and security. The events of 11 September 2001 in the United States brought home the volatility of air travel, the importance of security and the major task facing Governments and those who provide airport security.

The need to develop our national airports has never been greater. As one who does not live far from Shannon Airport, I am aware of its considerable potential, as outlined by Deputies Killeen and Perry. Last year, Aer Lingus's profits increased by 30% to €83 million, which was ahead of the target of €75 million. I wonder about the company's approach to Shannon Airport. Several times recently, I have heard people say the airport is finished and doomed. At a time when regional development, decentralisation and moving people from the east coast are being discussed, we need to develop and expand airports such as Shannon, the airport closest to me.

I fail to understand the reason so many people must travel to Dublin Airport, which is virtually impossible to access. People must travel for two or three hours to reach its car park and then wait a further two or three hours before boarding an aeroplane, yet a large proportion of the population lives within an hour's drive of Shannon Airport. I have no doubt this is also the case as regards Knock Airport.

We have failed to develop the regional airports. Shannon Airport, in particular, has considerable potential for growth. At a function in my constituency several months ago, I heard the chief executive of Ryanair, Mr. Michael O'Leary, state that he needed business support in trying to develop Shannon Airport and the regions. I have no doubt that the support of the business community is forthcoming.

The proximity of an airport has created significant potential to expand business in counties such as Tipperary, Limerick, Clare and Offaly. We do a great deal of business with other EU member states and, with ten new countries

about to join the European Union, we need to ensure that businesses are located in close proximity to airports. We must, therefore, examine ways to develop regional airports and address the ongoing centralisation of services in Dublin Airport. Somebody, perhaps the board of Aer Lingus, must bite the bullet and develop Shannon Airport and other regional airports because we have failed to do so in a manner which delivers the full potential benefit to regions such as the mid-west.

Several other issues have been raised concerning Shannon Airport. For example, businesses need to have a link to an airport. The first question many companies, particularly in the United States, ask when making decisions on location is how far is the nearest airport. The Government and the agencies responsible for developing airports must keep this in mind, particularly as we are facing stiffer competition for jobs from other countries. We need to develop our airports to facilitate those who may wish to do business here. When I survey the mid-west region, I see considerable untapped resources for the tourism industry.

The agriculture industry is rapidly changing. It has suffered many job losses and a great number of farmers are leaving the land. To what will they have to turn? Many of them are considering engaging in tourism projects. They have tourism in mind as a way of providing a living for their families. We should seek to bring more people from the European mainland to this country for short breaks, whether to enjoy hill-walking, cycling or fishing in our rural areas, including those that surround Shannon Airport, Knock Airport and the smaller airports. That tourism potential exists in those areas. The infrastructure in terms of hotels and bed and breakfast accommodation is in place. More people are willing to participate in the tourism sector. It is important we make access to such amenities easy for visitors such that they can fly into our airports and be within an hour's drive of the open countryside. Ireland has been marketed as a sunny place. We do not have sunshine but we have hill walks and some of the cleanest rivers despite the negative publicity of the past, and some great places for fishing. Such amenities provide a major potential for developing our tourism industry, but we need to be able to attract visitors to the country on short breaks. People in Europe want to travel; they want the fresh air and such outdoor amenities.

We have not developed our regional airports but I do not know who is to blame. We have not bitten the bullet in that regard. There is concern among workers in Shannon Airport and among people living in the surrounding area that the airport is gradually being closed. This should not be the case, rather it should be greatly expanded to develop the surrounding regions. Such expansion would have a major impact on the mid-west. I may have strayed slightly from the subject

of the Bill, but I felt I had to speak about the future development of Shannon Airport.

People must feel a sense of security when travelling. If baggage is lost, proper compensation must be available for such loss. It is important that such security and compensation is in place for the travelling public. I welcome much of what is in the Bill and there is a great deal in it. It is most important it is put through this House now that Ireland holds the EU Presidency. I look forward to the airways being safer and that people will feel secure about travelling, that they can travel and see much more and enjoy the world of which we are a part.

**Mr. Connaughton:** I welcome the Bill as previous speakers seem to have. From a technical point of view, if 52 other countries have subscribed to the Montreal convention, there is every reason Ireland will want to do likewise. Many issues surround this legislation to which I wish to refer. I wish to return to the safety and insurance aspects of the Bill. I heard the Minister of State interject when one of my colleagues was speaking, which I like to see happen because at least we know he is interested in what is going on.

There has been much talk about scheduled flights from the United States. I am fully aware of the restrictions in place but I and many others have a problem in that regard and I would not be surprised if such anxiety is shared by the Minister of State. First, I am delighted we have a strong and profitable Aer Lingus. That is important. It literally came back from the dead — it was dead and buried. It was on the wrong track and its fares were far too costly. It was everything an airline should not be until it modernised and became more competitive. There is no more competitive aspect of industry than aviation. There are many reasons Aer Lingus had to become more competitive on which I do not have time to elaborate. However, they are all historical and do not make any difference, except to say that if ever we should be grateful to a competitor for bringing real co-operation, competition and business acumen into the system, we should be grateful to Ryanair. Let there be no question about that. Ryanair did what the private bus operators did for the bus transport service.

From a regional development point of view, I would be aware that is a tight hat, so to speak, in terms of Shannon Airport and Knock Airport. Many fears have been expressed, particularly in regard to Shannon, down through the years. Such fears abound at the moment. I will tell the Minister of State on what they are based. People in the area do not think there is somebody with a hatchet who knowingly wants to cut Shannon out of the scene.

Some 15 million or 16 million passengers come through Dublin Airport annually and that number will increase to 20 million shortly. That is why everybody is calling for an extension to Dublin Airport. As Deputy Hayes mentioned, due to competitive air fares, we can expect the

[Mr. Connaughton.]

graph in that respect, which has been steadily rising over the past five years, to continue to rise. Many people who have not flown previously will fly and people who have flown will fly more often. Those involved in marketing tell me that is what is happening. If that is the case, Dublin Airport will grow at an phenomenal rate and I have no reason to believe it will not. Its growth will be phenomenal over the next four, five or ten years. It is not what will happen tomorrow that worries people in the regions, but the plans and strategies put in place now which will kick into gear in ten and 15 years. In respect of any spatial strategy, we do not like what is happening in terms of Shannon Airport or Knock Airport. If Members on this side were in Government, I do not know if much could be done about this, but this issue must be strongly debated.

If it transpires that Dublin Airport increases its capacity by 50%, which I believe it will, that will mean we will compound a problem we are not able currently to handle. I am speaking specifically in aviation terms. The Government launched the national spatial strategy with great brouhaha. It tried to reverse the increase in the volume of traffic, goods and services and of people who want to come to work on the east coast. Any spatial strategy must have a counter attraction to that trend. In aviation terms, the only two airports which can counteract that trend, to some degree, are Knock Airport and Shannon Airport. I will refer to the regional airports later but they are a different kettle of fish in this context. Some scheduled flights, particularly from the United States, into Shannon Airport and Knock Airport must be negotiated in whatever negotiations take place in the future. As has been pointed out *ad nauseum* here and throughout the country, if an aircraft flies into Dublin Airport, the chances of the vast majority of the passengers who travelled on it wishing to drive to Kerry, Cork or Galway are slim. Some will want to do so but the vast majority will want to come to the capital and surrounding areas such as Wicklow. If one wants commercial life here to be balanced, we have to give it an opportunity.

Deputy Killeen is closely involved with this, as is Deputy Pat Breen whose speech I read this morning. In the furore about aviation, there is not enough dialogue between the Government, the Minister and the aviation industry. They are all independent entities. Aer Lingus will do what it thinks is correct and Ryanair will do what it thinks is correct commercially and so on. That is the big bad world of economics and business. We do not have enough strategic thinking in respect of what will happen in ten or 20 years' time.

We are in a new ball game now. A total of ten new accession countries will sign up on 1 May. That will bring its own volume of aviation. It will also mean that, unless there is some sort of negotiated settlement to this, the carriers from outside the jurisdiction will do what the Irish people did when they got the chance, namely,

congregate around a certain area such as Dublin. That is what the spatial strategy should address. If we are not in a position to redress that imbalance, we are in trouble.

In regard to the break up of Aer Rianta and the autonomy which the airports are getting, depending on whom one meets, one gets a different opinion. Some say there is an opportunity to grow the business in a better manner. However, in the overall context Shannon and Knock airports are relatively small structures when one sits in a boardroom in Boston, New York or Moscow and that is the problem with regional airports.

I sincerely hope the groundwork will be done for this. It has been proven beyond a shadow of a doubt that Shannon Airport grew the mid west region. I have been in politics long enough to remember when SFADCO was set up by Dr. Brendan O'Regan and others. It was all tied up with the people who were coming and going through Shannon Airport. One could say that, together with the university, the regional airport in Galway is one of the many factors that helped to build Galway. Places throughout Ireland that are big enough to develop but have neither a third level education facility or access to an airport will find it hard to stand in the big bad world of commerce.

In the context of regional airports, I previously spoke on a Bill in the House and raised the issue on the Committee of Public Accounts recently that we need to be careful because, for obvious reasons, a huge subvention has to be given to seats on flights into regional airports. The airlines will not fly if they do not get this subvention because of the low volume of business. It is a miniature of what we are dealing with on the international scene in the case of Dublin *versus* Shannon. When one considers Galway, Sligo and so on, it is vitally important that the aviation link is kept at a reasonable cost to passengers so that it competes with other modes of transport but also to facilitate inward investment. Potential investors will ask how they can get to a certain area if they are to set up an industry there. In that context, a regional or local airport is vital. That is why the hub and the spatial strategy are so important to areas such as Galway, Sligo, Waterford and the rest of them.

If we want to ensure that the regional airport network works and continues to flourish, we need to make sure that, whatever we do, we do not create a situation in which the funding the Government has to invest is seen by Brussels to be breach of competition rules. That danger exists. I was not satisfied with the Minister for Transport's answer to me a couple of weeks ago when he stated that "it does not look like that at the moment" and that as far as he was concerned "who knows what will happen in nine or ten years' time". If for any reason we were deemed to be breaking the rules, we would have a more serious problem which we could not wear.



More and more people want to fly. The question of insurance and baggage handling and so on is referred to in the Bill several times. I cannot understand why all airlines manage to lose so much baggage so often. Once it goes astray, one would nearly need Sherlock Holmes to find it. It could turn up in any part of the world and sometimes in an outrageous condition. If I am reading this Bill correctly — which I hope I am — I take it there will be much more direct access to insurance compensation for this type of thing. I assume that because there is more and easier redress to full compensation, the airlines will sit up and realise they have to do their job better. The only time in commercial life that one will get an organisation to sit up and take notice is when it costs it money. I assume that is what is meant in the Bill in this context.

When replying, the Minister of State might indicate why we can have such great cohesion in the EU on so many aspects of life — sometimes perhaps too great a cohesion — and yet we have separate independent entities for air traffic control. Why has the EU not been able to bring cohesion into this area? I know very little about aviation other than that every aeroplane must have a pilot. No matter where aeroplanes take off from, pilots all do the same thing. I do not understand why we cannot have the exact same rules and regulations applying in every country. There should be a common code that would be easily understood, irrespective of what language the traffic controller speaks.

No one seems to be able to answer that question and yet we are talking about coming together in the areas of justice, policing and so on. For whatever reason, if there happens to be an air traffic controllers' strike in any one country, the whole place is disrupted. I would like an indication as to why that is allowed to happen. The events of 11 September 2001 have made us all more security conscious not only in Ireland but throughout the world. Air travel before and after that day are in two different worlds. Has this Bill or the Montreal convention a connection with the EU reaction to the American proposal to have flight marshals or civilian flights? Has the idea of flight marshals been allowed to drop?

**Dr. McDaid:** Discussions are ongoing between the EU and the United States on that question. At the last Council of Ministers meeting it was also discussed. That matter is ongoing between the United States and Europe.

**Mr. Connaughton:** Where does the Government stand on the issue? What is your role in it?

**Dr. McDaid:** We have said that we would be reluctant to put sky marshals on a flight. We would rather cancel a flight. A definite decision has not been made but that is the general feeling.

**Acting Chairman (Dr. Cowley):** Deputy Connaughton, you should address your remarks to the Chair.

**Mr. Connaughton:** I apologise, Chairman. I always find the Minister very forthcoming.

**Mr. Murphy:** He is going for election. Why would he not be so.

**Mr. Connaughton:** He is forthcoming, whatever the reason. I cannot see how an air marshal could improve the security situation on a flight. If the worst came to the worst and trouble erupted high in the air, travelling at a huge speed and in a confined area, it is difficult to know what an air marshal could do. Whatever he or she could do should have been done on the ground before the passengers boarded the plane. My view is shared by many people who would not be happy to see an armed guard on a civilian aircraft. The presence of such a person on a flight might beget trouble.

The people of Shannon are very worried by the Aer Lingus proposal to call 29 flight attendants back to Dublin. Aer Lingus has always claimed it is trying to grow business in Shannon. Bringing the staff base from Shannon to Dublin sends out the wrong signal.

I congratulate Aer Lingus on getting back into profit. That is good for everyone. I hope the company will not forget its responsibility to the regions. If Aer Lingus is to be built up into a modern and enterprising company — I commend the chief executive for what he is doing — I hope this will not be done on the backs of the provinces and the regions.

**Mr. Murphy:** It will be.

**Mr. Connaughton:** This presents a huge problem for Aer Lingus. I hope the company does not have a closed, Dublin based, metropolitan mentality. If so, it will have made a fundamental mistake. There might be less profit to be made out of places like Knock and Shannon because spatial strategy does not come cheap. However, as the future of aviation here and throughout the world is being discussed, I hope there will always be people at a high level who will remember that we have a spatial strategy. We know what aviation has done for Shannon and Knock and those of us who are rural based will not allow the gates of those airports to be closed. The Government must remember the reaction to the Hanly report on the hospitals. We will not allow it to happen.

**Mr. Boyle:** I wish to state some ongoing concerns about the Bill and the Montreal convention. The Bill is uncontroversial and there is a general willingness in the House to ensure that the convention is adopted. There is, however, a sense of annoyance that the Government has, once again, presented the House with a Bill which ratifies an international



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convention at the last minute. This is not an acceptable way of dealing with the business of the House.

I would like to hear the Minister of State's clarification of my ongoing concerns which relate to my constituency, in particular. Ireland has a very good air safety record. However, there have been a number of air accidents, both in Irish territorial waters and involving Irish carriers, most of which affected the south of the country. I recall the aftermath of the appalling act of carnage which brought about the Air India incident. There is also unresolved business connected with the Tuskar Rock crash. The previous Minister for Public Enterprise engaged in a process which has not been resolved. The nature of this Bill allows the Minister of State to state the current Government position on further investigations of that accident and the further assistance the Government can offer the relatives of the victims of that crash, which occurred 36 years ago.

I also have concerns about the agenda which has brought us cheaper air fares but which has also brought about increased competitiveness and the entry of new airlines and airport authorities. The Montreal convention is important in this context. If more people are running airports and carrying passengers the risks are magnified and there is a need for international protocol to ensure passengers' security. There is a fear that because more people are involved in the airport and airline business they will be driven by concern for the profit margin rather than public safety. There is an international and Government responsibility to see that these concerns are met. This is particularly true with regard to airport authorities. I hope the Minister of State will say something about Government policy on the break-up of the management of the three Aer Rianta airports in Cork, Dublin and Shannon.

The secondary aspect of the Montreal convention deals with compensation to the relatives of those killed in air accidents. While we have heard much about compensation for lost luggage, which is the inconvenience most often experienced by air travellers, the second aspect of the convention, which deals with compensation for deaths in air accidents, is the more important. This is one of the few opportunities the House will have to debate Government policy in these areas.

Despite Ireland's air safety record, there is a need for Government action to bring about closure for the relatives of victims of the Tuskar Rock accident. The Government must also state its view on the effect the entry of new actors in the airport and airline business will have on the industry.

Debate adjourned.

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

## Ceisteanna — Questions.

### Priority Questions.

#### Live Exports.

1. **Mr. Timmins** asked the Minister for Agriculture and Food the discussions he has had with Commissioner Byrne since January 2004 with respect to the EU's draft proposals for the transport of live cattle; and if he will make a statement on the matter. [9214/04]

**Minister for Agriculture and Food (Mr. Walsh):** I have raised this matter with Commissioner Byrne on numerous occasions, the latest being on Monday last in Brussels. While I welcome in principle any proposal which improves the welfare of animals being transported, I have made it clear from the outset that any such proposal must also have regard to the right of operators in the livestock sector to avail of the benefits of the single European market. From an Irish perspective, I have indicated on a number of occasions that I regard the live trade as an essential market outlet for Irish farmers. This trade will only be sustainable in the long term on the basis of having the highest possible standards for the protection of animal welfare. Ultimately, this issue will have to be dealt with on a scientific rather than an emotional basis.

A number of elements of the Commission's original proposal, notably those relating to stocking densities, rest periods and unloading of animals, have the potential to adversely impact on the economics of the live trade from Ireland, while doing little to improve the welfare of animals being transported. Since the draft regulation was first published during the Italian Presidency and with the benefit of having met all the stakeholder groups at national level and discussed their concerns, both my officials and I have clearly articulated Ireland's views on these elements at Council and working party level in the EU.

Under Ireland's Presidency, I am pleased that progress is being made on a compromise proposal. Ultimately, it will be the Council of Ministers which will decide whether to accept or reject the Commission's proposed regulation. There are divergent views among member states on a number of aspects at present and it is clear that if agreement is to be reached before the end of Ireland's Presidency, compromise will be required on all sides. As President of the Agriculture Council, I will do my utmost to ensure that agreement is reached on a compromise which will address the legitimate concerns of those who are primarily exercised by

the improvement of conditions for animals being transported, while ensuring that those engaged in live exports can continue to carry on their business in a manner which is economically viable.

**Mr. Timmins:** Does the Minister agree it is imperative that farmers have an outlet through the live cattle trade to compete with factories? There is much concern about these proposals. The Minister stated he was concerned about the proposed stocking densities and rest times. Does he agree there is no scientific evidence in any of the draft proposals and that many of the proposals put forward have been scientifically refuted by Department scientists in Teagasc?

The Minister stated that he hoped to get agreement before the end of the Irish Presidency. Does he believe that agreement can be reached at the Council of Ministers summit in Killarney? Can he give us a guarantee that staging posts will continue to exist and that he will not accept any proposals which include their abolition? The staging posts are vital to the continuance of this industry which is worth several tens of millions of euro to farmers.

As regards shipping and the Pandoro difficulty, my understanding is that goods are being shipped in the same way as they were in the past, but there is no obligation on any shipping company to take live cattle. Will the Minister raise this issue at EU Commission level to ensure that shipping companies are not able to refuse to take certain freight? Could we consider introducing a condition when issuing licences to shipping companies that they must accept all freight, including live animal exports?

**Mr. Walsh:** I accept the live trade is critically important to Ireland for a number of reasons, principally because of its economic value. Younger cattle are transported to EU countries where they are raised and fed before going to consumer outlets. It generates competition with the factories, as outlined by Deputy Timmins. Since I became Minister, my officials and I have worked assiduously to ensure a vibrant live trade, including the approval of various ferries for the transportation of animals. We also ensure that animals are inspected before travel, that they are fit to travel and that the conditions of travel, such as seaworthiness, are appropriate. We have a good record in terms of the welfare of transported animals and we intend to continue that.

As regards the likely date of finalisation, I hope this matter will come for resolution in the final week of April at the Council of Ministers' meeting. I am confident we will find a resolution which will respect animal welfare and allow the traditional live trade to continue.

As regards Pandoro, the injunction was lifted in the court a few weeks ago. However, a substantive issue still remains before the court, namely, the issue of damages. In the contacts my

Department has had with the Pandoro company, we have not been given any indication that it will stop the trade. In other words, we believe it will continue. That is extremely important. We are keeping in contact with the company in that regard. Other commercial companies have been in touch with the Department seeking approval for possible ferries. We are ready to give approval to appropriate vessels because we exported 221,000 head of cattle last year and we want that to continue. My policy and the policy of the Department is to ensure that happens.

**Mr. Timmins:** Will the Minister indicate how many other countries in the EU agree with the Irish view on the draft transport proposals?

**Mr. Walsh:** A number of countries have strong views on journey times. My attitude is that a scientific approach, having regard to high standards of animal welfare, might have little to do with journey times. Where sea-going vessels are concerned, for example, a short journey time in a gale force wind will cause more trouble than good sea travelling conditions over a longer period. This matter must be dealt with on a scientific rather than emotional basis.

#### **Food Safety Standards.**

2. **Dr. Upton** asked the Minister for Agriculture and Food the steps he intends to take during the Irish Presidency of the EU, in his role as chairman of the Council of Agriculture Ministers, to ensure that the standards of food production and traceability in accession countries is comparable with those enforced in other EU states; and if he will make a statement on the matter. [9217/04]

**Mr. Walsh:** Negotiations on the conditions of entry into the European Union for the ten candidate countries were completed some time ago. These conditions are set out in the treaties of accession signed with the candidate countries. With effect from 1 May 2004, the ten accession countries, comprising Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia and Slovakia, will become member states of the European Union and, as such, may, subject to meeting appropriate standards, trade with the other member states of the EU without the requirement for border controls for the purposes of animal and public health.

The standards with regard to trade are contained within Community legislation providing for health and safety controls on production and on intra-Community trade in animals, animal and plant products and foods. These controls apply in particular to the structure of and hygiene in establishments and the control and the health marking of the products.

It has been a key element of the enlargement negotiations in the agriculture sector that the candidate countries transpose the EU's

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veterinary legislation into their national legislation and undertake its full and effective implementation from the date of accession. The objective has been to ensure that enlargement does not result in a dilution of existing EU levels of public health, food safety, animal health and animal welfare. Furthermore, candidate countries have been required to ensure that their external borders satisfy the levels of controls required within the EU and that full and effective enforcement of the internal market control systems takes place from the day of accession.

**Dr. Upton:** The Food Safety Authority recently raised the important issue of ensuring that standards are in force and are applied. While I welcome the accession countries, and there will be many benefits from their accession, there are food safety concerns which, despite what the Minister has said, need to be taken on board and rigorously addressed. Has laboratory accreditation been taken account of in the accession countries in the same way as laboratories are accredited in this country to monitor food in particular? Do the same standards of accreditation apply in those countries as would apply here?

**Mr. Walsh:** Yes, the food and veterinary office of the Commission monitors the implementation of controls in the accession states. It has a number of missions in each of the accession states examining their laboratories, food establishments, plants and so forth. They must make progress reports on a regular basis. I was talking to representatives of a number of the accession states this week in Brussels and they spoke about the rigorous inspections carried out by the food and veterinary office personnel. In most cases, they have not yet been given a clean bill of health. I continue to make the point, as I did this week, that there will be no dilution of standards. Unquestionably, accession states will have to measure up to the existing standards.

**Dr. Upton:** There are issues of concern with regard to traceability, even where it would appear that there are rigorous standards in place for traceability. As time moves on, we realise that these are either not enforced or not enforceable. Will the Minister comment on traceability and the origins of food products from the accession countries? How can we guarantee that the same level of traceability will apply in those countries as we expect to apply in Ireland?

**Mr. Walsh:** I accept the Deputy's point about traceability. Consumers want to know the content and ingredients of the product they purchase and they want the labelling to be accurate. They also want to know the traceability of the product, that is, where it has come from and the ingredients fed to the livestock if it is a livestock product. The accession countries will have to measure up and

adhere to those standards of traceability in the same way as existing member states.

### **Genetically Modified Organisms.**

3. **Mr. Sargent** asked the Minister for Agriculture and Food if he will initiate a debate on public views concerning genetically modified food and, in so doing, articulate Government actions and policy to date on this issue, including the requirement and size of buffer zones, in view of the Government belief in co-existence between genetically modified and conventional crops. [9377/04]

**Mr. Walsh:** Over the past two years, there has been a significant amount of discussion in the Council of Ministers and the European Parliament on legislation dealing with GMOs. This has led to the adoption through the co-decision procedure of wide-ranging legislative measures which seek to ensure that the most stringent assessment and control procedures for the cultivation and use of GM crops and GM food are applied within the EU. These measures will ensure that the highest standards of food safety and environmental protection will apply equally across the Community. The exercise of these controls is supported by the establishment of the European Food Safety Authority which makes available to the citizens of the EU an independent scientific body in which they can have the utmost confidence and trust with regard to the assessment, advice and communication of any risk associated with GMs or any food safety matter.

With regard to the coexistence of GM crops alongside non-GM crops, the Commission, in conjunction with the European Parliament and Council, decided that controls in this area should be addressed at member state level under a series of guidelines. As a result, all member states, including Ireland, are in the process of drawing up strategies and best practices to enable the effective co-existence of GM crops with non-GM crops. To establish the appropriate measures necessary for Irish farming practices and farming conditions, an interdepartmental-interagency working group has been established by my Department and has been given the task of identifying and evaluating the issues and implications for crop production in Ireland that would arise from the cultivation of GM crops and of developing proposals for a national strategy and best practices to ensure the co-existence of GM crops with conventional and organic farming.

The group is examining the many aspects of this process, such as adequate distances, buffers, liability, prior notification and so forth. As part of its work programme, it proposes to have discussions with relevant stakeholders in the preparation of its recommendations on the strategies and best practices for coexistence.

**Mr. Sargent:** The highest standard would be to have no GM food but that is not what the

Minister means when he refers to the highest standards in protecting conventional and organic farmers from GM food. The Minister referred to the national strategy. Will that strategy include a national debate on GMOs, as happened in the UK? Does the Minister have a view on the debate that took place in the UK on GM food? We have not yet had a debate here, so will the Minister kick-start that debate?

Ireland was one of only six EU states to vote for authorisation of Bt11 GM maize. When will the Government produce a response to the question I asked about buffer zones? In Austria, 11% organic means the buffer zones are widespread and, accordingly, small amounts of GMOs can be grown. Is the Minister aware that no insurance company, to my knowledge, will insure a conventional or an organic farmer against GM contamination? What is his response to conventional and organic farmers on that point? Will he collaborate with the Northern Ireland authorities about the all-Ireland situation, given that GM production does not respect borders? As the Minister spoke about a national strategy, would he be in favour of appointing representatives of consumers and NGOs to, for example, Food Safety Authority and EPA committees dealing with GMOs so there can be full consultation?

**Mr. Walsh:** Regarding GMOs generally, much useful debate has taken place and is taking place throughout the country, particularly since the publication of the report of the interdepartmental group on modern biotechnology by the Department of Enterprise, Trade and Employment in October 2000 which established the Government's positive but precautionary position on biotechnology. I am liaising with the UK authorities regarding GMOs and keeping abreast of developments in the interdepartmental working group on GMOs which is chaired by an officer of the Department of Agriculture and Food and comprises representatives of the Department of the Environment, Heritage and Local Government, the EPA, Teagasc and various sectoral divisions of the Department of Agriculture and Food and is, therefore, widely representative of interested parties. Bodies such as the EPA and Teagasc include a range of interested people, including consumers, to give best advice to Government. I am not yet in a position to say what the situation is likely to be regarding buffer zones and some other issues the Deputy raised. I await the outcome of the working group's study which I hope to have fairly shortly. This will inform me of the best approach to take regarding the technical matters the Deputy raised.

**Mr. Sargent:** The Minister gives no timeframe. He is awaiting an outcome. Is it not the case that the European Commission has specified a period within which the Council of Ministers must produce an outcome regarding, for example,

genetically-modified maize? Will that be dealt with by the Council of Agriculture Ministers or by the Council of Environment Ministers? I understand that matter had not been decided. Perhaps there has been a decision on it.

The question of insurance, to which the Minister did not refer, is a very valid one. However, both conventional and organic growers and farmers are very concerned about the lack of insurance cover in case of GM contamination. Has the Department anything to say to those farmers?

**Mr. Walsh:** A period of time has been specified, as the Deputy suggested. It is three months.

**Mr. Sargent:** Is it from January?

**Mr. Walsh:** No, it takes us up to May. I inquired about it during the week and was told it was still in progress. When the procedure is complete I will receive a communication regarding whether it will go before the Council of Environment Ministers or the Council of Agriculture Ministers. That stage has not yet been reached.

Insurance is a commercial matter. In a range of areas relating to agriculture, animal diseases, mud slides and so on, I would very much like insurance cover to be in place for the farming community and producers. It would take much pressure off the Department of Agriculture and Food. Similarly, in the case of GM crops, I would like insurance companies to take a more positive approach.

#### EU Directives.

4. **Mr. Timmins** asked the Minister for Agriculture and Food the discussions his Department has had with the Department of the Environment, Heritage and Local Government with respect to the draft nitrates directive; and if he will make a statement on the matter. [9216/04]

**Mr. Walsh:** The implementation of the nitrates directive is, in the first instance, a matter for the Minister for the Environment, Heritage and Local Government. My officials engaged in discussions over the past few years with officials from the Department of the Environment, Heritage and Local Government on further implementation of the nitrates directive, which is a legal obligation.

A draft action programme prepared by the Department of the Environment, Heritage and Local Government in conjunction with my Department and in consultation with Teagasc, was presented in December last to representatives of the main farming organisations and other stakeholders.

Written submissions on the draft action programme have been received from some 70 stakeholders. I am giving consideration to the



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issues raised in the submissions in consultation with my colleague, the Minister for the Environment Heritage and Local Government, having regard to the need to finalise the terms of the action programme at an early date and submit definitive proposals to the EU Commission.

The draft action programme was also discussed at a meeting between officials of the two Departments and the farming pillar under Sustaining Progress. The two Departments will be in contact with the farming organisations again in due course.

In proceeding with an action programme the two Departments must also have regard to the outcome of the recent decision of the Court of Justice on the implementation of the directive. The plan must, therefore, have the following fundamental aims: minimise the disruption to farmers observing good farming practice; protect all CAP support payments — the Commission has indicated that the continuation of such payments is contingent upon an acceptable action plan being put in place; and avoid further court proceedings by the EU Commission. Compliance with the directive has also been specified as one of the conditions for farmers' participation in the single payment scheme following the decoupling of farm supports from production.

I am anxious, therefore, that definite proposals be agreed and submitted to the European Commission in the near future.

**Mr. Timmins:** Is the Minister saying that if we do not have agreement by January next the single farm payment will not be paid? That gives rise to another worry in respect of many cross-compliance measures. Will we be constantly facing a similar threat in the years ahead if we do not achieve them? We are all striving to ensure that our water is protected. We are also striving to ensure that no unnecessary hardship or burden is placed on farmers. Does the Minister have a bottom line on what will protect the water and be acceptable to farm organisations and, more important, to the EU?

I am delighted the Minister is consulting with the various organisations on the nitrates directive in accordance with the partnership agreement.

**Mr. Walsh:** The nitrates directive is a 1991 directive. Nobody can take much credit given that we have vacillated for so long. We have missed an opportunity of being allowed to go to 210 kg N and are now in a situation where, as a general rule, we can go to 170 kg N. Had we addressed the 1991 directive in the mid-1990s we would have had a four-year transitional period beginning with 210 kg N. That opportunity is gone. A court decision has been taken and we are given another couple of months to address this matter and submit an action programme. That action programme is important. I do not believe farmers have a great deal to fear because most of them are already adhering to good farming

practice. It is my intention to seek the maximum possible derogation from the 170 kg N. As I have stated before, we have given a commitment in Government that we will seek up to 250 kg N. In a number of other countries consideration has been given to allowing 210 kg N or 230 kg N. With good farming practice it is possible to have highly intensive commercial farming and still adhere to those requirements.

There are other requirements, such as storage capacity and the spreading of organic manure during certain times. These are fairly restrictive. I would like to see a number of concessions in those areas as well. However, local authority regulations and planning conditions already apply.

We have high standards in farming in Ireland. We have improving water quality. I hope and expect that with good sense prevailing the discussions which will take place 3 o'clock between the stakeholders, the farming organisations, the Department of the Environment, Heritage and Local Government and the Department of Agriculture and Food will lead us to submit an appropriate action plan to Brussels which will be accepted and which will allow commercial farming to continue in Ireland.

**Mr. Timmins:** On the previous day I made a brief reference to the concept of the nitrogen vulnerable zones and the Minister indicated that he would not consider that. Has he considered it since or is it completely off the drawing board, so to speak? Perhaps I misheard the Minister but did he indicate that at this stage the 170 kgs level is a *fait accompli* in certain cases?

**Mr. Walsh:** The 170 kgs is in the directive as a general guideline but there is every reason to believe we will get a higher level because in other countries consideration is being given to 210 kgs and 230 kgs at the very least.

On the cross-compliance which the Deputy mentioned earlier, a number of our schemes are vulnerable. There was a hold-up in some schemes last year because of our tardiness in responding to the nitrates directive. These schemes are extremely valuable to the country. Approximately €1.6 billion is spent each year in direct payments to farmers and we do not want to jeopardise that type of value to the farming community. The time has now come to address the nitrates directive, submit our action plan and get the maximum derogation consistent with good farming practice and with ensuring we retain good environmental practices and water quality.

**Mr. Timmins:** What about the nitrogen vulnerable zones?

**Mr. Walsh:** We have decided on a whole territory approach in that area.

**Mr. Treacy:** All-island.

### EU Directives.

5. **Mr. McHugh** asked the Minister for Agriculture and Food the measures he proposes to take to assist farmers financially in providing facilities to comply with the proposed nitrates directive in the event of the directive being implemented; and if he will make a statement on the matter. [9396/04]

**Mr. Walsh:** Substantial financial aid is being made available to farmers to facilitate compliance with the nitrates directive. In *Sustaining Progress*, the Government stated: "Recognising the importance of the nitrates directive and its impact on certain farmers, a number of initiatives shall be taken in the context of optimising the use of available EU and national budgetary resources". These initiatives included a review of REPS with higher payment rates, and changes to the terms and conditions of the farm waste management scheme and the dairy hygiene scheme, in particular increasing the income and eligible investment ceilings.

Proposals for REPS III, for example, included an average 28% increase in payments. They were forwarded to the European Commission for approval in early December last. We hope to get a decision fairly shortly on that but it is a matter for the Commission. I am keeping up the maximum pressure on it but the process going through the Commission is very slow. We have provided funding of €260 million, an increase of €70 million on last year which represents a 40% increase. That has been provided for REPS III in my Department's Estimates for 2004.

Earlier this year I secured approval from the EU to proceed with substantial improvements to both the farm waste management and the dairy hygiene schemes, with effect from January of this year. The allocations were increased by 58% and 67% respectively. That was to facilitate farmers in complying with storage facilities and the implications of the nitrates directive. The allocations were increased substantially and the new schemes incorporate a number of major changes. For example, the ceiling for eligibility under the schemes has been raised from 200 to 450 income units. This change will mean that the vast majority of farmers will now be able to avail of grant aid. The investment ceilings have also been raised from €50,000 to €75,000 in the case of farm waste management works, and from €31,000 to €50,000 in the case of dairy hygiene works.

Furthermore, a standard grant rate of 40% will now apply, twice that which was available to many farmers previously. In addition, increases have been applied to the standard costings used to calculate grant aid. Funding of €33.5 million is available for these schemes in my Department's 2004 Estimates as compared with €21.1 million in the 2003 Estimates. The young farmer installation aid was increased by 180%.

**Mr. McHugh:** I thank the Minister for the reply but it gives no comfort to farmers who are already on a shoestring and who will now be required to borrow further to meet the proposals contained in the draft nitrates action programme. Will the Minister agree that the dates proposed for the prohibition on the application of fertilisers to lands do not take account of the Irish climate? It appears the dates are proposed willy-nilly and are merely put into the draft action programme to satisfy the appetite of bureaucrats somewhere. In implementing EU directives account needs to be taken of Irish conditions, and the peculiar situation relating to Ireland's climate is not taken into account in this instance. For example, the draft action programme proposes that no manure or slurry be spread on lands from 1 October to 15 January but we often get good weather in those months while in July we could have downpours. Strict dates will also have the effect of opening the sluice gates on one specific day, and that is not a good idea.

The draft programme further requires minimal animal manure storage and in the case of the west, which I am concerned about, the minimal storage requirement is 20 weeks. Will the Minister agree that this requirement, which is up to 24 weeks in the north-west and 20 weeks in the west, is unaffordable and the cost cannot be met by farmers under their present income? In the knowledge that an unbearable financial burden will be imposed on farmers, will the Minister look again at this matter with a view to changing the measures contained in the draft programme or else make sure that adequate financial assistance is made available in the event of those stringent measures being imposed on Irish farmers?

**Mr. Walsh:** I reiterate that substantial and generous grant aid has been available, and I like the Deputy's idea of a shoestring. A total of €260 million has been allocated to the REPS. That is a 40% increase, and the rates of REPS have been increased by 28%. The farm waste management scheme payments have been increased by 58%, the dairy hygiene scheme payments by 67% and the young farmer installation aid scheme payments by 180%. That is very generous and takes into account the additional commitments needed under the nitrates directive. Section 21 of the Finance Bill extends the special scheme of capital allowances for expenditure incurred on the construction of facilities for pollution control, subject to the enactment of the necessary legislation in the Finance Bill 2004. That has virtually gone through all the systems and is to be signed by the President.

The scheme also allows total expenditure on or after 6 April on necessary measures for farm pollution control to be written off as a tax allowance over seven years. This allowance is subject to a maximum write-off in any one year of €31,743. In all the circumstances, therefore, very generous improvements and concessions have

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been made to the farming community to make sure that good farming practice takes place.

Farmers signed up to good farming practice in 1996 and those storage periods and requirements for storage are contained in the Code of Good Agricultural Practice to Protect Waters from Pollution by Nitrates, a great booklet which was published in July 1996 — the Deputy might wish to read it in his leisure time. It was from the Department of the Environment. There is a nice mugshot of——

**Mr. Browne:** The Wexford twins.

**Mr. Walsh:** Yes, Deputy Howlin and the former Minister, Ivan Yates, both of whom are from Wexford.

**Mr. McHugh:** The Minister is missing the point of my question. I am talking about a proposed action programme which has not yet come into being. The Minister cannot have made financial provision for that programme when it is not yet in place. If the measures remain as stringent as they are proposed, will the Minister make financial assistance available to farmers to help them implement those measures?

**Mr. Walsh:** In line with good planning and practice by me in the Department we introduced those improvements in anticipation of the nitrates directive coming into effect.

**Mr. McHugh:** The Minister would want to visit the farms in the west and see the storage facilities.

### Other Questions.

**An Leas-Cheann Comhairle:** I remind the House that these questions are governed by a one minute time limit both on supplementary questions and on answers.

### Farm Waste Management.

6. **Mr. Gilmore** asked the Minister for Agriculture and Food if he will consider a support system for farmers who will incur substantial capital costs in order to meet the nitrates directive requirements; and if he will make a statement on the matter. [9159/04]

**Mr. Walsh:** Substantial financial aid is being made available to farmers to facilitate compliance with the nitrates directive. In Sustaining Progress, the Government stated:

Recognising the importance of the Nitrates Directive and its impact on certain farmers, a number of initiatives shall be taken in the context of optimising the use of available EU and national budgetary resources.

These initiatives included a review of REPS with higher payment rates, and changes to the terms and conditions of the farm waste management and dairy hygiene schemes, in particular

increasing the income and eligible investment ceilings. Following a wide-ranging review of REPS, proposals for changes to the scheme, including an average 28% increase in payments, are now with the European Commission for approval.

Earlier this year I secured approval from the European Commission to proceed with substantial improvements to both schemes with effect from January 2004. In addition, increases have already been applied to the standard costs used to calculate grant aid. Section 21 of the Finance Bill 2004 also gives concessions to farmers on farm pollution control measures to 31 December 2006, subject to the enactment of the necessary legislation in the Finance Act 2004.

**Dr. Upton:** While I am an optimist I did not really expect the Minister to give me any better news than he has given my colleagues on that point. Would he agree, however, that some farmers will suffer a significant financial cost or loss arising from the capital investment they may have to make to meet the storage requirements? Could he comment particularly on that?

**Mr. Walsh:** I indicated earlier that storage requirements and the times of spreading organic manure were probably greater impositions on farmers than some other aspects of the directive. We sought and got approval from the Department of Finance to give higher rates of grants to help farmers cope with this. I also spoke to Teagasc about this because many farmers embark on Rolls Royce style farm buildings and facilities when there are more modest but equally effective storage systems available. Teagasc has initiated a very useful scheme which intensively advises farmers on how best to cope with post-Fischler problems, including the nitrates directive. If farmers take and implement the best advice they can adequately meet the requirements of the directive without suffering undue hardship. The farm waste management and dairy hygiene schemes will also help them.

**Mr. Timmins:** Can the Minister indicate when the nitrates directive will be concluded or when does he believe it will be finally agreed?

**Mr. Walsh:** We have until June of this year to submit our action programme to Brussels otherwise we are in danger of further court proceedings and of putting several EU supported and funded schemes in jeopardy. I hope and expect that in deliberations with the stake holders and farming organisations we can agree an action programme, submit it to Brussels by June, and finalise this matter once and for all.

**Mr. Timmins:** Does the Minister know when it will be finalised?

**Mr. Walsh:** I cannot say for sure how long the Commission services take to deliberate. For example, we submitted REPS in the first week of



December and have been chasing the Commission since then. It is the third week in March yet we have not yet received it from the services and there is €260 million expenditure available for the scheme. We have an obligation under the 1991 directive to deliver an action programme to the Commission and must do so by June of this year.

**Mr. J. Brady:** Can the Minister please outline what supports are in place or planned and indicate the role of Teagasc in this regard?

**Mr. Walsh:** Several measures were included in the Estimates this year to cope with the nitrates directive. They include the farm waste management and dairy hygiene schemes, the installation aids and section 2 of the Finance Act 2004. In addition the Teagasc post-Fischler programme is geared to assist farmers in this regard. A battery of measures and advisory programmes have been put in place to be of maximum assistance to farmers.

**Mr. Crawford:** Will the Minister take into account the serious situation in the Border area, especially in Cavan, Monaghan, Leitrim and Donegal where the proposal is for a 24 week storage period? Many dairy farmers are going out of business there because they cannot afford to develop their farms to meet the 24 week storage requirement. Will the final application for this be submitted to Brussels before June?

**Mr. Walsh:** I hope that in discussions with the farming organisations we can get consensus before June and the sensible approach then is to get an action programme and negotiate to seek the maximum derogation. Twenty four weeks in certain years, such as last year when we had a good autumn and winter with virtually no rainfall would not be too difficult to manage but another year could be completely different. We will seek, and I hope get, exemptions and derogations depending on weather conditions and particular situations for individual farmers because while those in the south west and those in the northern area may be working in different soil types they will have the same requirements. We have every opportunity to get derogations to allow sensible professional farming to continue and be sustained.

**Mr. Crawford:** Will there be additional grants for higher levels of storage?

**An Leas-Cheann Comhairle:** We are over the time. Deputy Sargent may speak very briefly.

**Mr. Sargent:** Although the Minister says many farmers observe good farming practice and will experience a negligible impact from this directive, would he not agree that there are some, particularly in the pig, poultry and mushroom sector, who require other farmers' land for spreading of slurry and that they need particular

advice and assistance? Deputy Crawford would be aware of these farmers. Has the Minister identified the most vulnerable farmers who need advice on anaerobic digestion and other means by which they can comply with the nitrates directive?

**Mr. Walsh:** The Department is in continuous discussion and liaison with Teagasc on that and there are programmes, such as those the Deputy suggests, and others, in which farmers could be involved. In some commercial farms the organic manure is dried and sold off as compost for gardening purposes. In Ireland we import a great deal of that material when there is no need for it. We must have regard to good farming practices, the rural landscape and environment, and the quality of our rural streams and rivers. I see no reason that cannot be done in harmony with good commercial farming practice.

We must address the problem of waste and pollution, especially wanton pollution. When driving through the countryside I have seen effluent from silage pits and slurry tanks leaking across the road and into a local stream. That need not happen with good farming practice. The nitrates directive will spur us into ensuring that we comply with the directive and address particular aspects of the rural landscape alongside good commercial professional farming.

#### **Farm Retirement Scheme.**

7. **Mr. Sargent** asked the Minister for Agriculture and Food if he intends to compensate persons in the early retirement scheme who lose their quotas from the reform of the Common Agricultural Policy; and if the value of suckler and sheep quotas of farmers in the early retirement scheme can be converted into entitlements or special payment entitlements. [9193/04]

**Mr. Walsh:** My Department is involved in working groups and in continuing discussions with the European Commission on the detailed rules for implementing the mid-term review agreement. I have already raised a number of issues relating to farmers who have retired under the early retirement schemes and the implications for them of decoupling and the single payment scheme.

Under the European Council regulation introducing the single payment scheme, a farmer may have access to the scheme if he or she was an active farmer during the reference years 2000, 2001 and 2002 and received payments under the livestock premia and-or arable aid schemes. In addition, farmers for whom entitlements will be established must activate those entitlements in 2005 by continuing to farm and submitting an area aid declaration in that year. In general, farmers must also have an eligible hectare of land for each payment entitlement.

Farmers who were participating in the early retirement scheme before the commencement of



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the reference period will not have entitlements established for them under the single payment scheme. This is because they had already retired from farming and their obligations under the early retirement scheme preclude them from returning to farming in future. The people who were leasing these retired farmers' lands and were active farmers in the reference period will have entitlements established for them. It should be noted that entitlements are attached to the farmer who was actively farming during the reference period and not to the land. However, during the Council negotiations last year, I secured agreement that farmers, including offspring of farmers who retired before the reference period who take over the holding of the retired farmers at some date in the future, will be able to apply to the national reserve for payment entitlements under the single payment scheme.

**Mr. Sargent:** Does the Minister feel that a significant cohort of the farming community has been omitted from his reply? We are discussing the issue of widows and widowers in Private Members' time but I am thinking particularly of those people who want to pass on a livelihood in farming to their children. Like many others, I have correspondence from throughout the country on this matter. These people find that, in spite of professional advice that they should enter into the early retirement scheme and lease land with quotas attached for ten years, the rug is effectively being pulled from under their feet. Is it not important to take into account that, in good faith, the Department, the EU and professional advisers suggested that people take this road but they are now being told they will lose out? Is there not a case for some level of payment or compensation to be made to those who are effectively now in a hardship situation? They were dependent on that early retirement entitlement which now seems to have evaporated. Does the Minister intend to have discussions with those affected in this manner?

**Mr. Walsh:** Retirement scheme means retirement. If, for instance, Deputy Sargent retired from the Dáil at some stage, he would not go back to the person who took his seat to say he wanted it back. The European Commission regards retirement as retirement and a condition of the scheme is that farmers must not return to farming. For farmers who retired prior to the reference years of 2000, 2001 and 2002, we are negotiating with Brussels to have it taken into account if their offspring or a member of their family wish to run the farm. We will have the detailed legal text on the outcome of the negotiations by the end of this month. It has been promised for 31 March. I hope we make progress on the matter and that it will be taken into account that, despite the retirement of a farmer or a farmer's spouse, it has always been the intention that members of the farmer's family

would continue working the family farm. We will seek to make provisions for those people.

Farmers who entered the early retirement scheme during or after the reference period will have entitlements established for them provided they were actively farming during the reference period, or some part of it, and received payment under the relevant schemes. As these farmers undertook to give up farming definitively when they joined the early retirement scheme, they will not be in a position to obtain payment under the single payment scheme. The European Council regulation provides for such entitlements to revert to the national reserve. However, the question of whether retired farmers in this category should be allowed to activate entitlements — not for their own use but with a view to leasing them out in 2005 and thereafter — is one of the items still under discussion in the context of the Commission detailed rules. Agreement on the detailed rules is expected by the end of this month. I cannot speculate on them but we have made a strong case for taking account of farmers and farm families in the category raised by the Deputy.

**Mr. Timmins:** Does the Minister agree that he was not comparing like with like when he spoke about Deputy Sargent retiring from his Dáil seat? Would it not be more appropriate to compare it with the concept of someone leasing a business from someone who holds on to the lease but then moves to a different premises taking the business with him and then, after a period, returns the original business to the original owner leaving the owner with just the shell of a business without any of its benefits? I hope I have not tongue-tied the Minister on this.

It is widely acknowledged that a large group of people will lose out under the present proposals. The Minister informed me previously that approximately 10,000 people are on the early retirement scheme. No matter how we look at the issue, their lands as an asset have depreciated rapidly and radically due to a practice into which they entered without any indication that the practice would cost them at a later stage. We must have sympathy for these people but must also do something for them. Whether by design or coincidence, many of these people are in the Cork area and we have been inundated with letters from them. Will the Minister try to find some mechanism to ensure something is done for them? Will he also indicate whether someone on the farm retirement scheme who actively farmed during one of the reference years can avail fully of the single payment scheme?

**Dr. Upton:** I wish to raise the same point. Many of these people retired in good faith. At the time, they were given what they took to be reasonable professional advice but they had no understanding that, down the line, all their rights would be effectively eroded. To compound matters for them, their pensions are not index-

linked. This matter has been raised in committee several times. Will the Minister comment on the matter and will he address the issue at European level on behalf of these people?

**Mr. Sargent:** The Minister said that he is seeking to make provision for farm families. Will he inform the House of the timeframe for when he expects an outcome on the matter? Is he in a position to put forward amendments to the regulations prohibiting farmers in the early retirement scheme from receiving full forestry premium? There is no doubt that work on a pension relating to forestry premiums is also being done. It would be worthwhile from the environmental, human and social point of view to examine this issue so that it does not suffer on the same fronts.

**Mr. Walsh:** I have the greatest sympathy for retired farmers. The farm retirement scheme was introduced to transfer farming practice on a farm from the older to the younger generation. At 55 years of age, farmers can avail of the farm retirement pension. The idea is that a younger person, ideally a green certificate holder under 35 years of age, will take up the farming practice. It is a condition of the scheme that retiring farmers cease farming and do not return to it. Nonetheless, we are trying to assist some farmers in the category in the detailed rules. I have been promised by the European Commission that we will have the detailed rules by 31 March.

We will seek to implement the detailed rules by the end of this year because the new decoupled single farm payment system comes into effect from 1 January 2005. We have already established an appeal system for *force majeure* cases. We must also establish up to 3% of entitlements as a reserve. I will seek the maximum reserve to help the people about whom we are concerned, some of them retired farmers and some of whom were retired for one or two years of the reference period, in other words, those who retired in 2001 or 2002. Many existing farmers will not be happy about giving up 3% of their entitlement to create a reserve for less well-off people. We will have an interesting discussion from next April about how to best implement the rules to ensure as little hardship and as much fairness as possible is brought into play.

### EU Directives.

8. **Mr. Cuffe** asked the Minister for Agriculture and Food when he expects the action programme for compliance with the nitrates directive to be finalised; and if he will make a statement on the matter. [9198/04]

**Mr. Walsh:** The implementation of the nitrates directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. A draft action programme prepared by that Minister's Department in conjunction with my Department and in

consultation with Teagasc was presented in December last to representatives of the main farming organisations.

Written submissions on the draft action programme were invited. A deadline of 19 February was set for these, although a number were received after that date. Submissions have now been received from more than 70 stakeholders. The issues raised in the submissions are being considered by officials of the Department of the Environment, Heritage and Local Government along with officials from my Department. This work is proceeding, having regard to the need to finalise the terms of the action programme at an early date and submit definitive proposals to the European Commission.

The terms of the action programme need to be finalised at an early date given the need to avoid further court action by the European Commission and the fact that EU co-funding of schemes such as REPS, the disadvantaged areas compensatory allowance, early retirement and forestry is conditional on satisfactory implementation of the nitrates directive.

**Mr. Sargent:** We have already discussed this matter at some length. I heard what the Minister said, particularly when he referred to large amounts of money being withheld by the EU if we do not finally and equitably implement the nitrates directive. In addition to his general comment on the impact of non-compliance, will the Minister indicate in detail what is meant in terms of the threat hanging over Ireland in regard to court action? Although I asked this question before, I put it to him again. Will he also indicate if has done an inventory of the farming sectors that need specific help and advice, especially producers who must spread slurry on areas other than their own holdings? This is the case with pig, poultry and mushroom producers in particular. I would appreciate it if the Minister could give more information in this regard.

**Mr. Walsh:** Since the European Commission believes Ireland has not fulfilled its obligations under the directive, it insists that we include a commitment to implement the nitrates directive in the CAP Rural Development Plan 2000-2006. This plan provides for expenditure of €5 billion on disadvantaged areas compensatory allowance, REP, early retirement and forestry schemes. As the Deputy is aware, the Commission delayed an amendment to the disadvantaged areas payments scheme in early 2002 because Ireland had not yet delivered on its undertaking. It was made clear that continued co-funding of the four measures would be contingent on satisfactory implementation of the directive. It is evidently serious about the matter. It delayed the disadvantaged areas compensatory allowance for a considerable time until we pleaded with it and said we were in the process of producing an action programme to deal with the nitrates

[Mr. Walsh.] directive. The Commission then conceded to allow the scheme to proceed. We do not have a choice. We must have an action programme to deal with the nitrates directive by June of this year. Apart from jeopardising significant payments, we also risk facing further court action. As the Deputy is aware, a court decision in the past week came down strongly against us. The attitude of the European Union is that, since 1991, we have had adequate time to deal with this matter.

In terms of an inventory, we have had a great deal of consultation with Teagasc in particular on this matter. We have a good idea of what needs to be done and the areas and locations that need to be addressed from the study that was carried out by the Department and Teagasc. The latter made detailed estimates of the quantity of additional waste storage capacity that will be required to implement the directive. We have the benefit of information collected in recent months by the agency which carried out a precise and up-to-date farm facility survey. We are geared toward implementing in a precise way what is necessary to comply with the directive.

**Mr. Crawford:** I appreciate what the Minister said. We have had from 1991 to deal with this, which increases the pressure on us today from the European Union.

Will the fact that areas such as counties Cavan, Monaghan, Leitrim and Donegal, which as the Department is well aware, require a longer storage period than other areas, receive additional grants on a sliding basis to compensate for the extraordinary costs that will be involved? An area requiring a 12 week storage period cannot be compared with an area requiring 24 weeks' storage. Some form of balance must be introduced or people in the north-west will be forced out of farming.

The parish of Killanny on the border between Louth and Monaghan is equally split between the two counties. The land is the same but one area has a suggested storage period of 24 weeks while the other has a suggested storage period of 16 weeks. How can this be the case? Is there a scientific basis for this decision?

**Mr. J. Brady:** Will the Minister inform the House who has signed up to the nitrates directive?

**Mr. Walsh:** I can give a short answer to Deputy Crawford. No, there will not be a special deal for counties Cavan and Monaghan.

**Mr. Crawford:** I am talking about County Donegal as well.

**Mr. Walsh:** I give a commitment that, when we submit the action plan, we will seek to obtain the most appropriate derogations possible to be of

maximum assistance to the people of counties Donegal, Cavan, Monaghan and Meath.

We signed up to a code of practice in 1996 after consultation with the farming organisations. It is a sensible measure; otherwise the various parties would not have signed up to it. If farmers comply with it, adherence to the nitrates directive will be feasible.

### **Organic Farming.**

9. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food the position in regard to the development of organic farming; the incentives on offer; and his further proposals in this regard. [9071/04]

**Minister of State at the Department of Agriculture and Food (Mr. Treacy):** While the organic sector in Ireland is small in comparison with some other countries in the EU, it has grown in recent years with sales of organic food worth €38 million in 2003. At present there are 1,000 organic operators registered with the Department and approximately 30,000 hectares of land are being farmed to organic standards.

A national steering group, established on foot of a recommendation in the organic development committee report, acts as the driving force for the development of the sector. It also monitors progress on the implementation of the recommendations.

The Government is committed to the further development of the organic sector and has provided substantial funding to advance it. Grant aid towards investment in the organic sector is provided through the scheme of grant aid for the development of the organic sector, which was approved under the National Development Plan 2000-2006. The scheme provides grant assistance for both on-farm and off-farm investment in equipment and facilities for preparation, grading, packing, storage and distribution of organic produce. Grant aid is payable at 40% of the eligible cost. The maximum grant payable over the duration of the scheme for on-farm investment is €50,790 while the maximum amount for off-farm investment is €508,000.

Organic farmers are also eligible for financial support through the rural environment protection scheme, REPS. The scheme includes a supplementary measure for organic farming whose objective is to encourage producers to respond to the market demand for organically produced food. An organic farmer with 40 hectares in REPS can currently receive up to €13,280 a year, which includes payment of the basic measure, while a holding is in conversion to full organic status. When full organic status is obtained, such a farmer may receive an annual payment of up to €9,680, which also includes payment of the basic measure.

Subject to European Commission approval, organic farmers will also benefit from the higher payment rates and higher eligible areas agreed in Sustaining Progress that have been included in



the proposed changes to the REP scheme. Under these proposals, the maximum annual payment while a holding is in conversion will rise to €18,505, and when full organic status is achieved the maximum payment will be €13,555. The agreement reached on reform of the Common Agricultural Policy should provide new opportunities for organic producers to respond to the market demand for quality food in this country.

**Mr. Timmins:** Will the Minister indicate how many organic farmers there are in this country? Despite all the figures that he quoted, many of which are applicable to non-organic farmers, organic farmers are swimming against the tide. Despite all the rhetoric and references to them in the programme for Government, it is extremely different for them to make a living and Irish people do not seem to be prepared to pay a higher price for organically produced food.

**Mr. Treacy:** I repeat that there are approximately 1,000 organic farmers in Ireland with 30,000 hectares farmed organically. I do not accept that these people are swimming against the tide. They are dedicated people who have a goal to ensure that we have quality food based on an organic system. At the end of the day it is a matter for consumers to decide whether they want to pay the extra premium required to justify the organic production. That is a matter for the market to decide and for the organic organisations to ensure that they create the market requirement that would persuade a number of consumers to switch to organic produce.

**Dr. Upton:** I understand that approximately 70% of the organic produce consumed in this country is imported. Is that of concern to the Minister? There is something wrong with the incentives or marketing of organic produce if such a high percentage is imported. Has the Minister had discussions with organic farmers on the future of organic farming, the problems they have encountered and what they think would be an important input with regard to research and support?

**Mr. Treacy:** I do not think the figure of 70% is an accurate one. It is not that high, but there is a large volume of organic food imported into Ireland. I have had discussions with the organic farming organisations and I addressed the national organic conference last year and the European organic conference recently. We are in agreement with the EU, through the leadership of the Minister and the team in the Department, to ensure that we give every possible support to the development of the organic sector in this country. This support is given in good faith to the organic sector. It has to have a common goal to ensure that it can work together to penetrate the marketplace to reach out to consumers.

**Mr. Sargent:** I am delighted the Minister has spoken about a common goal. In his contribution to the common goal, will he bring about a national standard under which Irish organic produce can be marketed? That is what is needed and it is his job to do that. In other countries such as Germany there is a target of 20% of agricultural land earmarked for organic production by 2010. Is there a need in this country to adopt targets that will indicate national policy so that there can be confidence in the organic sector? It should form part of official Government strategy and not be subject to bluster like the unicorn before the flood, claiming that everything is fine. The new accession countries are entering the EU with a much larger organic output and will swamp the EU if we are not ready to compete. Will the Minister put in place a national standard so that Irish organic produce can be marketed as a single label, irrespective of certification bodies?

**Mr. Treacy:** I met the organic groups within four days of my appointment to this position. I was shocked to find that in a little island like Ireland there were three groups representing organic farmers.

**Mr. Sargent:** That is no problem.

**Mr. Treacy:** That may be no problem to the Deputy because it suits him. I am explaining what is in the best interests of Ireland. I suggested to them that they should work together in one national organisation and I was told that could not happen under any circumstances. I have just had discussions with Minister Kuhnast in Germany. She set a target of 20% and doubled organic production from 2% to 4% in two years. However, there is now a major fall-off and the situation is being reviewed. The Commission advised that 20% was far too ambitious and that 10% would be more realistic. There is now a doubt whether the target of 10% can be achieved in the timeframe she has set.

The Deputy can be assured that the team at the Department led by the Minister for Agriculture and Food is working assiduously, in co-operation with the Green Party, to produce a national standard for organic produce which I hope will be to the satisfaction of the different organic groups and to the benefit of the whole nation. The Deputy should take into account the legal position of one of the organic groups that took the Department to court. The Department could not move on this issue while the case was before the courts. It is now concluded and the Department has won the case. The Department did not impose its statutory position, it entered into dialogue and reached consensus.

*Written Answers follow Adjournment Debate.*



### Adjournment Debate Matters.

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Wall — the plans the Department of Social and Family Affairs has to overcome the problems being encountered by persons (details supplied) in regard to maternity leave and the problems recent changes in legislation are having on such persons in seeking to provide for their families; (2) Deputy Cowley — to ask the Minister why a girl (details supplied) assessed as ‘moderate Down’s syndrome’ has been refused entry to St. Dymphna’s special school, Ballina, because of cutbacks; (3) Deputy McGuinness — the urgent need to provide a 24-hour on-call CT scan service at St. Luke’s Hospital, Kilkenny, and to evaluate a proposal from a private company to provide an MRI service; (4) Deputy Deenihan — the urgency to provide adequate and appropriate accommodation for the pupils of Dromclough national school, Listowel, County Kerry; (5) Deputy Twomey — to ask the Minister for Education and Science to discuss the issue regarding the stay in school retention initiative for New Ross Vocational College and why this college is not included in the school completion programme, when New Ross is considered a RAPID town and the needs that existed in 2000 are the same if not greater today; (6) Deputy Harkin — to ask the Minister for Social and Family Affairs to rescind her decision to cut the half benefits available to those on widow’s/widower’s pension; (7) Deputy Durkan — the reply to Parliamentary Question No. 258 of 2 March 2004; (8) Deputy Hayes — the need for the Minister to discuss the issue of labelling regulations following the review announced by the European Commission; (9) Deputy Ring — to ask the Minister Agriculture and Food to provide funding to farmers and householders in Pullathomas, Ballina, County Mayo, to repair lands and replace stock lost in the landslides of September 2003; (10) Deputy O’Dowd — to debate the decision of the board of Údarás na Gaeltachta to sell 13 holiday homes at Eanach Mheain to the lowest of three tenders placed before the board with the consequent loss of €500,000 to the State and by choosing also to disregard another proposal from Gael-Linn to develop the complex for Irish language educational purposes which was €55,000 higher than the successful bid; (11) Deputy Ó Caoláin — the recommendation of Comhairle na nOspidéal for all three consultant dermatology posts in the North Eastern Health Board region to be based in Our Lady of Lourdes Hospital, Drogheda, despite the previous decision of the board to base posts in both Our Lady of Lourdes Hospital and Monaghan General Hospital; (12) Deputy Neville — the proposed closure of the national specialist referral centre for tuberculosis at Peamount Hospital.

The matters raised by Deputies Hayes, Andrews, Ó Caoláin and O’Dowd have been selected for discussion.

### Air Navigation and Transport (International Conventions) Bill 2004 [*Seanad*]: Second Stage (Resumed).

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

**Dr. Cowley:** Knock Airport has experienced growth of 25% while the scheduled growth for the airport is 60%. That is a massive growth rate to 400,000 passengers a year. This compares to a growth rate of 250,000 passengers last year. This makes Knock one of the fastest growing airports in Europe. One can imagine the impact this growth is having on the BMW region and we need this to continue. It is obvious that Knock has the confidence and support of all the people of the west and beyond. When the airport was being built, all the people of the west chipped in and became part of the vision of Monsignor Horan to develop Knock Airport as a truly international airport. It is a pivotal part of the infrastructure of the BMW area.

The same confidence should be displayed by the Government. I am aware that the Government has supported Knock Airport and the Minister for Transport and other Ministers have been to Knock. That is appreciated by the people of the west, but the support must continue. The Government should provide €30 million that Knock currently needs. This should be a top priority as it is such an important catalyst for development.

The phenomenal growth at Knock Airport, one of the fastest growing airports in Europe, is outpacing resources and a bigger plane is required. A new Glasgow route has been introduced. As the service to Manchester is provided by a 50-seater BS city express plane, which cannot cope with the demand, it is being replaced by a 148-seater 737 jet. If the Government does not provide the necessary support, this phenomenal growth will end and stunt the growth of not just Knock Airport but the whole BMW area.

Knock has never been regarded as an international airport by the Government nor has it been given the support such an airport deserves. When one considers that Knock International Airport provides a service to the greater BMW area, it cannot be denied support by Government. If the Government provided the necessary support to the airport, the future of the BMW area would be much more secure. Knock International Airport is being treated as a regional airport, not as an international airport. This is unfair when one considers that the runway at Knock is 2,300 metres. It is the third largest runway in Ireland, ahead of Cork Airport. Only Shannon and Dublin airports have longer runways. Cork Airport received more in one year

than Knock Airport has received to date for its development.

Passenger growth at Knock International Airport is comparable to any airport in Europe and it is comparable to Cork and Shannon. It is a truly international airport, catering for international passenger numbers. However, Government support does not reflect this international qualification. Government support must match the massive growth and enormous potential of Knock Airport. When one considers the support given to Cork and Shannon airports, courtesy of Aer Rianta, Knock must deserve some level of equal investment. One might ask for what will the money be used. It could be used for the development of aircraft landing equipment, aircraft handling equipment and aircraft safety equipment. It could be used to develop the airport terminal building and for the development of commercial facilities at the airport.

If Aer Rianta gave this support to Knock, there would be great hope for the airport. The arrivals area needs a larger building. The entire terminal building needs to be developed. Commercial facilities are necessary to make more use of the existing resources. Knock International Airport represents a huge opportunity to achieve greater regional balance, particularly for the north west and the west of Ireland. The airport is the single largest project which can deliver for the BMW region. That is evident. It needs continued help from Government to ensure this happens. It requires an injection of €30 million.

I listened to my colleagues today speak about Shannon Airport and the open skies policy. Open skies should not be just about Shannon Airport; it should be extended to Knock, Cork, Dublin, Derry or wherever. The debate should go beyond Shannon. I welcome the open skies development. The sooner this is in place the better. I wish Shannon well. It has done very well for that region.

**Dr. McDaid:** The Deputy is anti-Shannon.

**Dr. Cowley:** I am not anti-Shannon. I am for development of the west. Some 50% of flights must stop at Shannon.

**Dr. McDaid:** The Deputy wants open skies.

**Dr. Cowley:** I want open skies, but I want this to be extended to other airports also. This would be in keeping with international competitiveness. What is happening currently along the entire west coast of Ireland is not in keeping with balanced regional development. If Knock is to develop as it should, the open skies policy must operate there. Over the next three years, it is estimated that approximately €30 million will be required to provide the same services at Knock as there are at Cork and Shannon airports.

I was pleased to hear the Minister, Deputy Ahern, speak about An Post in the Dáil

yesterday. He said that rural post offices are paying their way and that over the years this House, regardless of what party was in Government, was regularly in convulsions about rural post offices. He said we were constantly told that rural post offices should close because they were a millstone around the neck of the postal service. He said the post office system was profitable today, about which I am delighted. He said it was profitable because it went to the trouble of taking on extra business such as the AIB contract and the payment of utility bills such as the ESB bills. He said the two big millstones around the neck of An Post is the letter post service, which has increased by approximately €20 million or €30 million a year in recent years, and the SDS delivery service.

Rural post offices are in profit and carry the rest of An Post. This is an amazing turn around because, not so long ago, we were told that rural post offices should close. Let this be a lesson to Government. If there is confidence in rural areas and in the west, things can be different. There is great potential in the west, north west and the entire BMW area. The Government has made a difference by supporting rural post offices and allowing this service to continue. This confidence needs to be displayed across the board in services for rural areas. The reason there are such problems in the west, and that an area in my constituency is considered the most deprived according to the census, is that the Government has not provided the funding for infrastructure. This is unfair because that money was obtained on our backs. This was the area that needed the money. People are aware of the under spending in the BMW area. The mid-term review of the national development plan points to under spending in the west and to over spending in the east and south east. There is no rationale for this. Why should half our graduates have to go to Dublin to get their first jobs when they would prefer to live in the west of Ireland? What is the point of bringing more people to Dublin, which means more cars, bicycles and so on, and where traffic moves at the pace of the ass and cart of the last century?

The way forward is to provide €30 million to Knock Airport to provide true balanced regional development. If the BMW region was developed, our graduates would not have to travel to Dublin to get their first job. They would not have to add to an already over-populated city. We should develop industry and infrastructure in the BMW area and provide jobs locally. When one recalls what SFADCo did, why can there not be a SFADCo for the Knock and BMW region?

**An Leas-Cheann Comhairle:** I am reluctant to intervene but the Chair is having problems trying to decide how what the Deputy is saying relates to the provisions in the Bill.

**Dr. Cowley:** What I was saying relates to the development of airports and the need for

[Dr. Cowley.]  
infrastructural development in the west, for which Knock Airport is the catalyst.

**An Leas-Cheann Comhairle:** The Chair still has a problem finding a relationship between the provisions in the Bill and the case the Deputy is making.

**Dr. Cowley:** I suppose I have taken some latitude on Second Stage. I support airport development and investment in services. This Bill has an important role to play by introducing the convention into law. It is a part of modern life and we must ensure that internationally accepted standards apply in Ireland. No matter what legislation we put in place, however, the Government must support Irish airports. Knock International Airport deserves the support that the other airports receive. It is a catalyst for the whole BMW region.

**Mr. B. O'Keeffe:** We have heard a great deal about the west and Shannon Airport but it is now time to mention the real capital of Ireland in the debate and point out the situation at Cork Airport relative to Shannon Airport and Dublin Airport.

When we review the make-up of Aer Rianta to ensure development in the regions, we should examine the position of Cork Airport under the umbrella of Aer Rianta in the past.

*4 o'clock* Passengers in Cork can be drenched before leaving the airport because of a lack of air bridges. The airport terminal was built for 700,000 passengers per year but it now caters for 2 million passengers per year. Carriageways to deal with those people and their luggage are inadequate and there are major hold-ups in processing passengers and insufficient parking. In spite of this, Cork Airport has been voted the most effective, best managed and friendliest airport in Ireland two years in a row.

We have heard about the need for a regional airport in the west and everyone accepts that but huge amounts of money have been ploughed into them through the EU while Cork Airport did not qualify as a regional airport. Aer Rianta looked after Dublin and Shannon but left Cork out of the loop for many years. In response to Deputy Pat Breen's comments on Shannon Airport, while it had a €1.2 million marketing budget, Cork Airport had €300,000. Until we spoke out, the marketing budget was €150,000 per year. Now at least we have €400,000 for marketing but still Shannon enjoys a marketing budget of €2 million and we are trying to compete with that. Offers are being made through Shannon with which Cork cannot compete because of the lack of marketing funds available.

Staff in Cork are concerned about what will happen in the future but they need be under no illusion that under the new structure they will be better off and more money will be available for marketing. We want a level playing field,

something we do not have with Farranfore in County Kerry. The price to fly to Dublin from Farranfore is much less because there is a subvention that does not exist for passengers from Cork.

**Mr. P. Breen:** There is no subvention for Shannon Airport.

**Mr. B. O'Keeffe:** It costs €140 return to fly to Dublin from Cork on Aer Arann and we are delighted with that service. The people of Cork provide the numbers to ensure it is a profitable service but the price of the return trip to Dublin from Farranfore in County Kerry is €70, a major difference in price.

**An Ceann Comhairle:** We are well away from the content of the Bill. A passing reference is acceptable but to go into detail to this extent is outside the scope of the debate.

**Mr. B. O'Keeffe:** Having listened to the debate, the Ceann Comhairle knows that previous speakers made a play for their regions. Coming from County Monaghan, the Ceann Comhairle understands that I have to make a play for my region.

**An Ceann Comhairle:** One of my predecessors in the Chair this afternoon has already drawn attention to this.

**Mr. B. O'Keeffe:** Questions must be asked of the Minister. I am delighted there will be a new terminal in Cork Airport and that part and parcel of it will be the air bridges, the additional carriageways and the growth in passenger numbers. I ask the Minister of State to guarantee that there will be a level playing field and that issues related to the terminal will be resolved. There have been rumours that the cost of the terminal will be borne by Dublin Airport because of the exigencies that exist and that Cork Airport will be starting from a position of no debt. Is that achievable, particularly if Cork remains within Aer Rianta?

There is also a suggestion that there will be a pay-back because Aer Rianta will borrow the €150 million for the new terminal. Cork Airport has been asked to provide a business plan to show how it can meet the repayments. This is a serious matter for the people of Cork. We must have a level playing pitch in the event that it is decided to make Cork Airport a standalone facility. This will require that it will not have to meet the repayments for the new terminal, which should have been built years ago but was not developed due to a lack of direction from Aer Rianta and a lack of commitment to Cork. In such circumstances, the airport will continue to thrive, passenger numbers will increase and it will become an outstanding facility. This will not be feasible, however, if the airport starts out with the millstone of €150 million in repayments around



its neck. It and the people of Cork deserve better and need an assurance that this will not happen.

We in Cork will be delighted regardless of the type of open skies arrangement that is introduced. On each of the many occasions that individuals proposed regular charter flights into Cork Airport, they were stymied by the current closed door policy. Shannon Airport in particular has been able to close the door on Cork. We look forward to the competition and opportunities that will result from an open skies arrangement.

I assure the Minister of State that Cork Airport will flourish and increase the business it has generated despite restrictive practices. It has massive potential for realising growth in domestic, European and United States routes. We need the opportunities offered by an open skies agreement and the sooner such an arrangement is introduced, the better for the Cork region.

**Mr. McGinley:** Tá luachair orm deis a bheith agam cúpla focal a rá ar an Bhille tábhachtach seo. Aon rud a bhaineann le haerfortanna nó le héitleáin, tá sé iontach tábhachtach sa lá atá inniu ann mar go bhfuil muid uilig ag brath ar éitleáin ár n-iompar ó áit go háit ar fud na tíre agus an domhain. Is Bille é seo a aistríonn an Coinbhinsiún Montreal agus a chuireann i bhfeidhm na dlíthe agus reachtanna a bhí ag Coinbhinsiún Warsaw. It is important that airlines adhere to the same conditions, regulations and insurance provisions throughout the world. The legislation is an effort to achieve global harmonisation of the regulations and upper rating conditions applying to airlines. In its discussions of the legislation and the contributions of party spokespersons, the Fine Gael Party has supported the thrust of the Bill.

Perhaps I will be able to extend parliamentary licence and discuss, as other Deputies have done, an airport of immediate concern to me. Deputy Pat Breen is interested in the mid-west, whereas Deputy Cowley is interested in the west. Like the Minister of State, therefore, it would be remiss of me not to mention the north-west which has two airports. Derry Airport is a modern facility with regular connections to Dublin, Glasgow and other destinations. I have used it a number of times and it serves the region well.

I am particularly interested in Donegal International Airport in Carrickfinn, which began as an airstrip in the 1970s and has since developed into a modern airport. Visitors from home and abroad are surprised at how developed it is. In every sense of the word it is a gem, particularly given its spectacular location on the Atlantic coast of west Donegal. Only last Wednesday or Thursday a group of travel agents from America and the Continent who visited the airport as part of the launch of a new holiday company were impressed by the airport's facilities and friendly staff and the breathtaking scenery around it.

It is important for Donegal, particularly the west of the county, that it has such a state-of-the-

art airport, which includes many facilities developed with significant investment. As the Minister of State will agree, however, the airport has not been developed to its full potential. It currently offers one daily return flight to Dublin financed under the European public service obligation scheme. Considerable effort and lobbying was required to get this far.

Initially, the flight to Dublin used to leave Carrickfinn at approximately 2 p.m. arriving at around 3 p.m. By the time one arrived in the city centre, everything was closing down which meant the benefits of the flight to the residents of County Donegal were limited. The service was geared towards tourists and people travelling for weekends, with local people who wanted to attend a hospital or other appointment in Dublin being forced to stay overnight. After much lobbying and many meetings, we finally succeeded in having the schedule tailored to meet the needs of the area. An Aer Arann flight now leaves at 8 a.m. arriving in Dublin at 8.45 a.m. I can now leave west Donegal at 8 a.m. and arrive in Dáil Éireann at 9.30 a.m. Similarly, I can leave the House at 5 p.m., arrive in Dublin Airport at 6 p.m. and land in Donegal before 8 p.m.

The service is a tremendous boost for the area, as demonstrated by the excellent seat occupancy of the flight, which must be among the highest in the country. Sometimes it is almost impossible to get a seat if one has not booked well in advance. It took us a long time to reach the current position and there are now plans to commence a second daily return flight from Dublin on 2 June, which will be available for four months of the year. I understand the flight will leave Dublin for Donegal at 2 p.m. and begin the return trip at 3.30 p.m.

**An Ceann Comhairle:** I am reluctant to intervene but as I have pointed out to previous speakers, detailed discussion of issues of this nature is not relevant when debating a Bill of limited scope. While passing reference to issues not covered by the Bill is acceptable, detailed discussion of them is not.

**Mr. McGinley:** I understand, a Cheann Comhairle, and I hope to be guided by the traditions of the House. It is not often Deputies have an opportunity to discuss Carrickfinn and the needs of County Donegal.

When the next contract is being given out — I think there is an extension until June 2005 — I ask that the airport in Donegal should be given two return flights to Dublin a day. Kerry and Galway have three or four, Sligo has two or three and currently Donegal has one. Donegal has no train service. Donegal airport is probably the most remote regional airport in the country and I cannot understand why it should not have at least two return flights to Dublin a day. The population and demand for those services exist. If such services were provided, the response from the people would be forthcoming. They have



[Mr. McGinley.]

already shown their response in respect of the morning and evening flight and if another flight was provided, I am sure their response would also be forthcoming. I do not want such flights to be confined to the Donegal-Dublin route. Why should we not have flights from Donegal to Glasgow — given the constant traffic between the two areas — and from Donegal to other UK cities? The Minister of State is familiar with the airport in Donegal and with what has been happening there.

Up to last year the search and rescue service of the Air Corps was based at that airport, but for some reason it was withdrawn to Finner. I can understand that, but it is now located in Sligo. The search and rescue element of the Air Corps will be terminated shortly and the Air Corps will no longer have responsibility in that area. It has been decided to privatise that service. I also understand that the search and rescue service of the RAF which was located in Northern Ireland has been withdrawn from Northern Ireland to some part of the United Kingdom, Scotland and elsewhere. Therefore, such a service would be required for the whole of the Northern region. Perhaps that decision should be reconsidered and some service should be located in the north-west, preferably in Carrickfinn or even in Sligo, which would enable the Air Corps to maintain its presence there. It has provided a great service down through the years.

Only last Saturday I had occasion to call upon the Air Corps to request it to bring people from Tory Island whose relative was critically ill in Letterkenny hospital. It responded, but the weather was rough and it could not fly back. It offered to fly there on Sunday morning, but fortunately the ferry was able to travel and bring those people back. We are very much dependent on air navigation and air transport.

We have an airport facility in Donegal. The Minister of State is aware of its location. He has been there and has promoted and launched a number of schemes there. I hope that when the PSO is being renewed, probably in June 2005, Carrickfinn will be considered for the second return flight to Dublin every day. That would be only 50% of what Kerry has. In saying that I do not mean any disrespect to Kerry. I am not against Kerry and it is entitled to those services. I have travelled there and I am aware it also has a high seat occupancy on those services, but I cannot understand why Donegal should have only 25% of the services other regional airports have. I rest my case.

**Minister of State at the Department of Transport (Dr. McDaid):** While many Deputies used the opportunity presented by this Bill to put forward the positions in their locations, and I am sure that if I were sitting on the other side of the House I would probably have done the same, as the Ceann Comhairle pointed out many of the

points raised by the Deputies did not appertain to the Bill

I will deal with the points raised by Deputies and respond to the accusations made. I thank all the Deputies for their contributions. They all welcomed the Bill, which was good to see. The Montreal convention has been welcomed. There was criticism that it took so long to ratify it. The delay introducing the Bill was due to the events of 11 September and other issues.

A number of issues were raised regarding Aer Lingus, Aer Rianta, Shannon Airport, Knock Airport and the other regional airports, but most of them do not relate to the Bill. Therefore, I will deal with the issues raised that relate to it. The issues raised which were noted by the Minister yesterday and by me today will be taken on board on Committee Stage.

Deputy Breen raised the issue that passengers and their dependants might have only 21 days to make a claim. However, article 35 of the convention allows for this period to be up to two years.

Deputy Breen and other Deputies raised the issue of the applicability of the convention to military aircraft. The provisions of the convention apply to international carriage of passengers or cargo for remuneration. That would include any carriage by Irish State or military aircraft, which would fall under that category. However, article 57 of the convention is an opt-out clause for States which do not want to use it. This country has no plans to use that opt-out clause. The purpose of section 8 is to expressly reflect in the Irish legislation the provisions of article 57 and we will not opt-out of the provisions of that section.

Deputy Shortall raised the issue of the provision in the Bill for making orders. This issue is of a technical nature. Such a provision already exists in other legislation. We will consult the Office of the Parliamentary Counsel regarding the technical sections of the Bill and we will inform the Deputy in that regard on Committee Stage or Report Stage.

There was reference to the use of the French text, which was included in the Warsaw Convention. This has little or nothing to do with the Bill. It has been pointed out to me that in the 75 year history of the Warsaw Pact such text has never had to be used. In any event, the Montreal convention will eventually supplant the Warsaw Convention. It is drawn up in a number of languages, including English, all of which will be equally authentic.

Deputy Ryan asked if it would have been possible for the Government to have ratified the convention by means of secondary legislation. I have been informed that on that basis it would not have been possible, as our Constitution clearly envisages it had to be laid before Dáil Éireann because it is an international agreement.

Deputy Crowe referred to the delay in ratifying this convention. I mentioned that the delay was due to the events of 11 September and the

divisions of the Department that had to deal with those tragic events. The Deputy also asked about the position of the ten accession states. I understand that eight of the ten have already accepted it.

The Deputy asked about the €20,000 in damages in respect of mental illness. During the diplomatic negotiations that led to the Montreal convention the issue of compensation for mental distress was raised. However, it was decided not to include this issue in the convention in view of the extensive legal precedents in this area in many of the states. The Bill contains provisions to enable an Irish court to provide the same compensation for mental distress as provided for in the Civil Liability Act 1961, as amended in 1996. The Civil Liability Acts currently provide for compensation up to £20,000 or €25,000 approximately and any adjustments to that amount by the Minister for Justice, Equality and Law Reform will automatically apply to this Bill without the need for further amendments to Air Navigation Acts.

With regard to other matters related to Shannon Airport which some Deputies raised, Deputy Killeen and Deputy Breen have made passionate contributions on a number of occasions in that regard. Those matters are not related to the Bill, but I understand from where the Deputies are coming. This issue is currently being decided at EU-US level. A question was raised by the party of which the Deputy opposite is a member recently to the effect that we should abandon those discussions. I asked would the Members prefer if they were abandoned, that we put our heads in the sand and not allow the US to know exactly from where we are coming.

**Mr. Breen:** Who is putting on the pressure for this?

**Dr. McDaid:** Four member states of the EU have a problem with an open skies policy. It is not that we cannot get over that, but we have the UK, the Greeks, the Portuguese and ourselves. Even at the last Council of Ministers meeting I made a contribution in that regard. I am not going to get into a argument with a commercial airline. However, on occasions I have heard people compliment Aer Lingus on coming from a state of requiring resuscitation, to criticising it for some of the decisions it has had to take. I accept that by some of its recent actions, Aer Lingus has not shown that Shannon is high on its agenda but that has not been the policy of the Government or its Deputies who have shown how they felt through their actions. I assure the House that Shannon Airport remains important to the Government. As was pointed out by the Deputy Pat Breen's own colleagues, there are some excellent services.

**Mr. P. Breen:** The services are being eroded all the time.

**Dr. McDaid:** Aer Lingus is a commercial company but services are being developed by the Government, Enterprise Ireland and the Irish Aviation Authority. My Department has made transport provisions there. I do not know whether the Deputy is aware of them.

**Mr. P. Breen:** What will happen to Shannon Development?

**Dr. McDaid:** NOTA, a huge expanse of the north Atlantic, has been taken over by the Irish Aviation Authority which means we control practically all aircraft over the north Atlantic now. This is a new arrangement to which no one has paid any attention. As Deputy Naughten and others have pointed out, with the accession to the EU of ten countries, who is to say that Shannon will not become the central hub for all of that?

**Mr. P. Breen:** The Minister of State should push for it.

**Dr. McDaid:** Yes. We are examining all those areas and I assure the Deputy that Shannon remains a high priority. It is a good air freight hub to which Deputy Naughten also referred. The US-EU talks are continuing and we will raise these matters at the June Council meeting to see if they have progressed. I have to admit that at the last Council of Ministers meeting, because of the other countries which did not have solutions to their open skies such as the UK, Greece and Portugal, it was thought unlikely there would be any settlement of this issue until well after the US presidential election. However, we made a positive contribution to the meeting, outlining Ireland's position on Shannon Airport.

Deputies have criticised the fact that we are not putting resources into local airports and there was talk about Knock and other airports. I am being criticised for the amount of funding we have invested in Knock. The newspapers have stated that Knock Airport is costing us €560 per round trip but I do not listen to that type of criticism. I admire the authorities at Knock Airport for what they have achieved as a regional airport. Deputy Cowley does not understand that the airport has an open skies policy — anyone who wants to can fly into Knock. Charter flights can fly into Cork and Knock. The problem is in regard to scheduled services.

**Mr. P. Breen:** There are not enough scheduled services.

**Dr. McDaid:** This is the point. The current agreement with the US means that no scheduled services can fly into Cork or Knock airports. We are trying to re-negotiate these agreements to ensure scheduled flights can go in. However, as it stands, that is the agreement we have. The Deputy is aware four new bases have been suggested be opened into the US. That is a doubling of the bases——

**Mr. P. Breen:** They are very seasonal routes.

**Dr. McDaid:** The Deputy should let me finish. The bases are in Dallas, Philadelphia, Orlando and San Francisco. Why can Aer Lingus not think about taking some of those flights into Shannon?

**Mr. P. Breen:** There should be more.

**An Ceann Comhairle:** For the sake of consistency in the Chair, while I appreciate that these issues were raised in debate although they were outside the scope of the Bill, I would prefer that when the Minister of State is replying to them he makes a brief reference to them rather than going into detail. Strictly speaking, they are outside the scope of this legislation.

**Dr. McDaid:** In the single skies situation which has applied over Europe, vast spaces were controlled by military aircraft so civil aviation aircraft had to fly around them. We have had significant advancements in that area. I will not refer to Aer Lingus again since it is a commercial entity. However, the Government has a political commitment to Shannon Airport.

Jurisdictions were another issue raised in this convention. These are provided to make it easy for passengers or their dependants to take compensation cases. In other words, one can now take a compensation case if one lives in one country, is travelling to another country or is travelling between countries. That part of the convention had been causing difficulty. It is not intended that people would be able to "jurisdiction shop". Rather, it makes it easier for people to bring compensation claims.

In regard to air accidents, under the Montreal convention, passengers would be entitled to more compensation and everyone has agreed that is to be welcomed. A great deal of latitude has been given to Deputies in this debate and I did not get an opportunity to respond to all the points. However, I understand what the Chair had to say. I started out this debate with three pages and I have ended up with 14, so one can appreciate the amount of ground covered by Deputies today. We will deal with these issues on Committee and Report Stages and the Minister for Transport has dealt with most of the other issues on numerous occasions in this House.

Question put and agreed to.

#### **Air Navigation and Transport (International Conventions) Bill 2004 [*Seanad*]: Referral to Select Committee.**

**Minister of State at the Department of Transport (Dr. McDaid):** I move:

That the Bill be referred to the Select Committee on Transport, in accordance with

Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

#### **Public Service Superannuation (Miscellaneous Provisions) Bill 2004 [*Seanad*]: Report and Final Stages**

**Ms Burton:** I move amendment No. 1:

In page 5, between lines 24 and 25, to insert the following:

1.—Upon the passing of this Act, the Minister shall take such steps (not involving a charge or potential charge on public funds) as appear to him or her to be appropriate to give to persons likely to be affected by the provisions of this Act information regarding the principle terms of this Act.”.

In moving this amendment, I ask the Minister of State if the Government will clearly indicate that it will take steps to inform people about the very significant changes that arise in certain employments as a result of this Bill. Effectively, this Bill when it is enacted on 1 April, will create two classes of public servants, namely, those appointed to the public service before that date and those appointed after it. As I stated on Committee Stage, many people are absent from the public service for a variety of reasons, in some cases because they have taken leave of absence.

I drew the Minister's attention to the situation in which people go to work in Africa or a developing country by arrangement and may leave their jobs in local authorities as engineers or in hospitals as nurses or doctors and carry out very valuable work overseas. The Minister set out to reassure me that such situations are covered, some of which I accept. However, I am still concerned that, considering lifestyles nowadays, there are people who are absent from the public service and may be away trekking in the jungles of Borneo as part of being out of the public service for a number of years. They will not hear about this and, as a consequence, will not have a chance to address what may be significant changes for them in the event of this Bill being passed.

Deputy Bruton and I have tabled amendments which seek to protect the interests of people who have already served more than 15 years in the public service. On Committee Stage, I also stated that this Bill has a particular impact on doctors because of the way in which that profession organises its study and qualification arrangements. When doctors who are effectively training to become specialists or consultants are in the later stages of their study, they need to be employed abroad. Very often, in the period before they go abroad, they are employed on a series of contracts, they then go abroad to get further experience and are not able to come back to Ireland until such time as a consultant or near-



consultant post is found for them in the public service. Many of these doctors work exclusively in the public service. Much discussion about doctors centres on those consultants who have lucrative employment both in the public service and in private medicine. However, many doctors in the public service work there almost exclusively. The impact of their having left the medical services and returned at a future date to take up further employment, even relatively well-remunerated employment, is that their earlier service in public medicine will not count towards a continuum of service. Their earlier public service will be in one category and their later service in another.

In the next five to seven years we are going to have to compete with a reforming British national health service which is having large sums of money pumped into it by the Chancellor of the Exchequer. The British Government has set ambitious targets for the recruitment of medical and nursing personnel from around the world. Meanwhile, we are creating one more element by which we will be less competitive in recruiting these vital people. This will affect doctors and, to a lesser extent, nurses, because nurses tend to have a slightly different employment patterns from doctors.

When the recommendations of the Hanly report were Government policy before the Minister for Defence torpedoed it and the Taoiseach orphaned it at the Fianna Fáil Ard-Fheis, 3,000 new consultant posts were to be created. This was to be one of the major reforms in addressing the issue of junior hospital doctors and their overtime. The Irish Medical Organisation has made a detailed submission on this issue. The secretary of the IMO attended the select committee when Committee Stage of this Bill was being debated and listened intently to the arguments put forward. In private discussion afterwards — and I am sure the Minister of State is aware of this — he said that the consequences of the Bill for future recruitment to the medical services are particularly negative.

The purpose of the amendment is to limit the damage the Bill will do to the recruitment of medical personnel who have gone abroad. Will the Minister undertake an intensive campaign to advise people working abroad and their families in Ireland that these changes are under way and that they have six months from 1 April to address the issues which arise from these changes if they return to the public service in Ireland after 1 April 2004.

This is an example of one arm of the Government, the Department of Finance, fighting against the declared policy of another arm of the Government, the Department of Health and Children. It is difficult to see where the savings will be made. The contracts will be renegotiated to reflect the lesser pension contributions and the fact that new people entering the service will have a shorter pension lifetime and broken service. Once the link is

broken, their earlier service will not be as valuable because there will be a definitive break in which the period before 1 April will count for some service but the period after 1 April will be a different kind of service. The implications are contradictory. The Department of Health and Children will face negotiations and go back to the Department of Finance while the Minister for Finance will express his usual bewilderment as to how €9 billion has disappeared into the Department of Health and Children. Administrators will prepare reports on what has happened to the money but the doctors and nurses who work at the coalface will not be in place.

These implications of this measure have not been teased out. The strategic management initiative has been ongoing for almost ten years. The Hanly report stated that we must address the issue of medical recruitment into the public service at consultant or sub-consultant level while this legislation significantly changes the terms and conditions of employment.

The Minister for Finance decided to include the Garda training period in the qualifying period of public service. Gardaí in training are, therefore, included. Why do the same conditions not apply to people undergoing teacher training, medical training, which is especially protracted, or training as psychiatric nurses, which is a dedicated nursing service and will remain so for some time to come? None of these groups is to have its training period included in calculating its employment period.

Like the cut in the widows' pension, this is a mean cut. People have already embarked on periods of training or applied to teacher training colleges. Many more mature students who have experience in business or in computers are turning to the teaching profession. Now that benchmarking has increased teaching salaries, the teaching profession has become attractive once again to people in their twenties who are thinking of an alternative career. This is one of the most progressive developments in the economy. We need good teachers who love to teach and who like to work with students. We need young people coming back into the teaching profession. Nevertheless, the Government says that, if one trains as a teacher at the age of 26 or 27, having worked at other jobs, one's training period will not be included in one's employment record. The same applies to a person who qualifies in a trade and then turns to teaching that trade. The professor of engineering in UCD began his working life as an apprentice mechanic, worked his way to become the head of engineering in Mercedes-Benz and was headhunted by UCD. What are we saying to people who take a less than regular career path and do not qualify and begin working immediately? If such people work in the public service, we are saying that, from now on, if their date of entry into the public service is after 1 April 2004, they will be seriously disadvantaged.



[Ms Burton.]

The Bill arises from the pensions review and there is a broad acceptance that pensions must be reformed. However, some of the cuts imposed in this structure are unnecessarily mean and go against quality recruitment into the public service. The public service unions will seek to address this by means of negotiation and the Bill will go back to the Department of Finance. Who is to say what form the Bill will finally take.

In moving this amendment I ask for a proper information programme in partnership with the trade unions involved, especially the teaching, medical unions and psychiatric nursing unions because they are worst affected. The Minister should undertake a proper information campaign so that people who, for one reason or another, have broken their connection or are abroad, or their relatives, will have a chance to hear that from 1 April they have six months to address their situation if they are currently away without clear leave of absence arrangements, that they are breaking their service and that it could have negative consequences. The Minister indicated on Committee Stage an openness to discuss this issue and I hope he will confirm that in his response to this amendment.

**Mr. R. Bruton:** This amendment seeks to ensure that people affected by this legislation will get adequate information about it. It is an important amendment which Fine Gael is pleased to support. I have seen cases where people who worked in the public service and who were misinformed gave up their rights to a spouse's pension. I know that was an issue in the Defence Forces. People who were not properly informed of the implications of some of their decisions entered into agreements to opt out of schemes which would have given cover for their spouses. Their spouses are now paying dearly for the fact that they did not ensure their spouses were protected. I know of tragic cases in my constituency, which underlines the importance of people being properly informed about the decisions they make about pensions. Deputy Burton is right that this must also be done here.

Pensions are like ivy roots in that it is only when one starts to pull that one discovers how much comes up, although one thought it was a relatively simple decision. We have seen complex cases, such as those relating to medical servants who go overseas or to people who opt out on a temporary basis and who later find that their rights have been compromised because of decisions they took without full understanding. It is important that the Minister introduces protocols and advisory material so that when people have to make important decisions which will influence their longer-term rights, they are properly informed.

It is a tragedy that this Bill does not encourage mobility between the public service and the private sector and *vice versa*. It penalises people who worked in the public service and who

decided to go into the private sector for added experience, but who might now like to go back to the public service where they can use their experience. I can think of many people who worked in the private sector but who could go back into education, for example, because they have much to offer. The Bill does not seek to secure mobility, transferability or portability, as it is referred to in terms of pensions, between the public and private sectors.

I am pleased to support this modest request, given the many implications the Bill will have for individuals. There should be a proper information campaign to support this proposal.

**Caoimhghín Ó Caoláin:** I am disappointed that, once again, I have received a letter from you, a Cheann Comhairle, advising that all my amendments have been deemed out of order. It is difficult when one is dealing with public service pensions. The net effect of my amendments would have been to improve the situation or at least to keep it as it currently stands for those in the teaching, nursing and psychiatric nursing sectors and the other areas which will be dramatically affected by the measures in this Bill. Any of the amendments I tabled would likely have had some effect in terms of the Exchequer. On that basis, the amendments were ruled out of order. It makes it difficult for Opposition Deputies to play a fulsome and—

**An Ceann Comhairle:** Perhaps if we deal with amendment No. 1 now, there will be an opportunity to make a brief comment when we reach the amendments. We can take a comment from the Members who submitted amendments. We should deal with amendment No. 1 now.

**Caoimhghín Ó Caoláin:** As you suggest, a Cheann Comhairle. I tabled five amendments, but all of them have been ruled out of order and I am deeply concerned about that.

I support amendment No. 1 which seeks to ensure the dissemination of information to the widest possible body of people who would be affected by the measures entailed in the Bill. It should be noted that the Minister did not table any Report Stage amendments, despite all the well-pressed arguments which were put to both the Minister for Finance and the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Brian Lenihan. None of the arguments has filtered through to their thinking. That must be of great regret not only to Members here and to the professions affected, that is, the teaching and nursing professions, but also to those who depend on those professionals to provide education and care. There is unquestionably a major price to be paid.

Amendment No. 1 seeks a proactive exercise — I wonder if that is too much to expect — by the Minister and his Department to inform people who have been in the public service in previous years and for whom there will be

unquestionably a real and potentially severe monetary effect by the passage of this Bill.

**Mr. B. Lenihan:** How?

**Caoimhghín Ó Caoláin:** If they are not aware of it and if they have plans to return to the system at some point in the future——

**Mr. B. Lenihan:** What monetary effect will it have?

**Caoimhghín Ó Caoláin:** We must take on board that they will not be adjudged as in continuum of service, but will be regarded as new entrants.

**Mr. B. Lenihan:** What monetary effect will it have?

**An Ceann Comhairle:** The Minister of State should allow the Deputy to make his point. The Deputy should confine himself to amendment No. 1.

**Mr. B. Lenihan:** The Deputy should read the Bill.

**Caoimhghín Ó Caoláin:** Their entitlement to pension rights at a given age, which has already been negotiated through hard trade union negotiations and bargaining with a succession of Governments, will be dwindled away in this exercise. People who may have long-term plans to return to the system here will find that the circumstances of their return to employment within the service will have changed dramatically.

It does not only apply to those in teacher training and in the nursing professions who are currently in training for acute hospital or psychiatric nursing. Those young people who have made a professional and career choice and who, in many cases, have up to three years of service, will be adjudged by the measures in this Bill to be new entrants. This is a serious slight on the commitment and career choice of those who give a professional service, particularly in the nursing area where they are already in direct contact with those in need of care. They have been brought into a profession under the terms they understood applied. However, all that will change before they exit through the qualifying or training modules which will conclude for the current year in May. That is a serious situation.

We will have the opportunity to address some of these issues as Report Stage proceeds, as the Ceann Comhairle said. I support amendment No. 1 in the name of Deputy Burton. I hope it does not prove to be too onerous a task for the Minister and his colleagues.

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** We have, essentially, had a Second Stage debate in the past

20 minutes. This is Report Stage and the amendment——

**Ms Burton:** The Leas-Cheann Comhairle did not rule in that way.

**Mr. B. Lenihan:** I was not asking the Chair so to rule. I wish to discuss the amendment which provides that the Minister shall take such steps, not involving a charge or potential charge on public funds, as appear to him or her to be appropriate to give information to persons likely to be affected by the provisions of this legislation. I cannot accept the amendment. Deputy Burton will understand that the stipulation concerning public funds could prevent advertising and other measures to publicise the changes being introduced. However, I appreciate that the Deputy formulated the amendment so it would not be ruled out of order. I congratulate her on that and on not suffering the sad fate of Deputy Ó Caoláin whose amendments were ruled out of order.

**Caoimhghín Ó Caoláin:** Do not dance with such glee. We are trying to do some service for people.

**Mr. B. Lenihan:** I know.

**Caoimhghín Ó Caoláin:** I must remind the Minister of State occasionally.

**Mr. B. Lenihan:** The Minister intends to publicise the changes in the Bill by all appropriate means. The Minister's Budget Statement was his first public announcement on this subject and it is freely available in the media and on the Internet. The Department of Finance has already written to other Departments alerting them to the changes which will result from the enactment of the Bill. The letter outlined the procedures for Departments to follow to ensure that all persons who take up duty on or after 1 April 2004 are informed of their position. In addition, a draft information note was supplied to all Departments to issue, in advance of 1 April 2004, to persons who are current candidates for appointment to bring to their attention the fact that changes are proposed in superannuation and retirement ages. Departments were asked to convey the information to all relevant public service bodies under their aegis.

In like manner, the Civil Service Commission has for some time notified entrants to Civil Service recruitment competitions of the possibility that altered pension arrangements will apply to new recruits. It is intended, by public advertising through the newspapers, to advise the public of the implications of these changes. However, Japanese soldiers were found in the jungles of Borneo 30 years after the end of the Second World War unaware of the fact that the emperor had surrendered in 1945, so I cannot give the House an assurance that those in the jungles of Borneo will be made aware of the

[Mr. B. Lenihan.]

provisions of this Bill. Nevertheless, a reasonable effort will be made by the Minister, through the media, to alert retired public servants to the implications of this measure.

I regret interrupting Deputy Ó Caoláin, but the reason I did so was that a fallacy appears to be pervading both what he and Deputy Burton said, namely, that persons are disadvantaged by this measure. This legislation arises from a recommendation from a pensions commission which suggested that, in light of demographic changes which will be well under way in forthcoming decades, we should extend the pensionable age for the great majority of public servants to 65 years. Deputy Ó Caoláin referred to the hard-earned rights obtained after struggles by the trade union movement. There is no diminution of any of those rights under this legislation.

The group to which Deputy Ó Caoláin and Deputy Burton referred is a group of departed public servants. They are persons who have already resigned from the public service. Let us look at the situation if this Bill were not enacted. Those persons resigned from the public service in full knowledge of the pension implications of that decision. That decision has already been taken by those individuals. To suggest that they are disadvantaged by this measure because they might arrive back into the public service as new entrants is to misconstrue entirely the situation that arises from the provisions of this Bill. The Bill introduces a new pensions regime for new entrants.

Another argument was made and I will deal with it because Deputy Ó Caoláin's amendments on this topic were ruled out of order. It was the contrast between those who are already enlisted in the Garda College and the other prospective candidates for the public service who might wish to become teachers, nurses and doctors. There is a world of difference between a mere expectation that one will take up a particular post on completion of a professional or academic course or training and an actual right to engage in that occupation. It is a fundamental difference. The position in the Garda College is that on completion of the course, the Garda is entitled to serve as a member of the Garda Síochána. That is not the position of a student in a teacher training college or a person undertaking a degree in nursing.

Deputy Ó Caoláin, as his party's spokesperson on health, is well aware that many who obtain the new qualifications in nursing do not necessarily work in a hospital setting. They work in many other settings in private or public employment. None of the qualifications that were mentioned goes beyond an expectation that the holder may enter a particular occupation affected by this legislation.

**Caoimhghín Ó Caoláin:** We must accept that the greater number do so.

**Mr. B. Lenihan:** The greater number may——

**Caoimhghín Ó Caoláin:** The greater number do. The Minister of State is splitting hairs.

**Mr. B. Lenihan:** There is a world of difference between legislation dealing with rights and that dealing with expectations.

The Bill has a long-term focus both in terms of the savings it will yield and the expected endurance of the provisions generally. The publicity exercise arising on enactment is likely to be once-off and, on that basis, it would not be appropriate to include, as an integral and permanent component of the Bill, a provision on dissemination of information.

**Ms Burton:** The Minister's reply gives me an enhanced understanding of why the health service is in a shambles. He does not appear to understand that the Bill constitutes an important change in the employment rights of people who enter the public service after 1 April. I do not know if the Minister is choosing to be wantonly ignorant but I explained at length that, in the case of a number of professions, we are apparently anxious to recruit quality personnel. I offered the example of psychiatric nurses, teachers and medical doctors. The structure of their recruitment and of their education is such that they are often required to go abroad to train for certain periods. This is particularly the case for medical professionals.

We are competing with medical services throughout the world for quality doctors. We have a problem in that we cannot recruit the doctors we have trained at great expense in our medical schools. They are working in other parts of the world, waiting for years to secure a consultant post and return home. I attended a meeting last night in my constituency, which is also the Minister of State's constituency, attended by approximately 90 people. It was held in a health board facility. The cause of the crisis, which appears to have been resolved, was the failure to recruit a child psychiatrist.

The health boards are spending thousands of euro trying to recruit people from around the world but the Department of Finance, in a failure to achieve a cohesive policy, is cutting off the nose of the Department of Health and Children, as it were, with these terms and conditions simply to save a few pennies and to emphasise that it is the big Department. The Minister of State said this is not a change in the conditions of employment but, in future, public servants will have to work to the age of 65 years to draw a pension. Previously, if people had started working at 16 or 17 years of age, they could retire after 40 years' service. Somebody who has worked in the public service or in any service for 40 years is entitled to collect his or her pension.

**An Leas-Cheann Comhairle:** The Deputy's second contribution is confined to two minutes.

However, the proposer of the amendment is allowed to speak again after the Minister.

**Ms Burton:** I will finish on this. For the Minister of State to suggest that this is not a change and that, therefore, there is no need for a major information campaign is wrong.

**Mr. B. Lenihan:** I did not suggest that.

**Ms Burton:** The Minister of State said that notices were being sent to Departments to give information to new entrants. I am concerned about the people who have already been in the public service and, for the reasons I described, are now abroad. How are we to contact them? The Minister of State did not say that an audit had been done in each Department of how many people will be affected. As Deputy Richard Bruton rightly pointed out and as all of us who run clinics know, superannuation issues are unbelievably complicated. Without getting into the nitty-gritty of each case, I would not like to call whatever number of people will be affected by this. However, each public service organisation should do an audit to find out and approach those who are likely to be affected by this. The Minister of State could show a more positive attitude.

**Caoimhghín Ó Caoláin:** The Minister of State rightly pointed out that I hold the health portfolio as well as that for finance. We are already competing on the world stage in trying to attract back many people who have worked within our health services but have gone to other areas of the globe to enhance their experience. We are now competing with jurisdictions, including the neighbouring island, that have an earlier retirement age than we will have. How are we ever going to attract people back into the services here where full pension entitlement will not kick in until much later? Not being eligible for a pension until the age of 65 will make an already difficult project even more problematic in the future.

I will give an example. The recent advertisement for the appointment of a dermatologist to a hospital in the north-east region attracted one applicant who subsequently did not take up the position. That is the reality. This will be evident, especially in the health area, over the next number of years. This legislation will make a very difficult project even more difficult. The people who suffer will be not only those whose contract of employment will have changed but those who depend on the services they offer. Students currently in the system, whether in teacher training colleges or in the nursing professions, both medical and psychiatric, must be viewed as existing staff. The smallest concession the Minister of State and the Minister for Finance can make is to recognise those already in training up to the time of the enactment of this legislation.

I would argue that much more should be done. We must recognise that trainee nurses who have opted into the services on the basis of the terms and conditions then applying have made a commitment and a career choice. Now they will find that the terms and conditions are to change. That is patently unfair. Let us think about those in nursing. The Minister of State was happy to say that not all will come within the general acute hospital service. However, the greater number will and I believe the Minister of State was seeking to bring the debate up a cul-de-sac. The reality is that psychiatric nurses, to take that body of trainee nurses as an example, are already contracted out to each of their respective health boards. In the course of their training they are obliged to provide a period of paid clinical placement. They are already in place as paid clinical supports in a number of psychiatric service institutions that operate throughout the jurisdiction. The argument must therefore be that, if we have recognised them as paid clinical providers during the course of their training, surely that is a further strong argument for recognising them as part of the current workforce and not as new entrants coming in after a date in April.

I appeal to the Minister of State to reconsider. I cannot believe there is jousting on this. Recognising the special reality of young teachers and nurses in training in both the medical and psychiatric services is the least that should be done. They have the right to be adjudged in exactly the same way as young gardaí in training. It is most unlikely that there will be any understanding of the position the Minister of State and his colleagues have taken on this matter. It is beyond my appreciation.

**Mr. B. Lenihan:** I did not reply to Deputy Richard Bruton on the portability of pensions and transferability between the private and public sectors. This Bill will not lessen the potential for transfers of pensionable service in any way. The scope for transfer between the private and public sectors was improved under the terms of the Pensions (Amendment) Act 2002. This Act, which was introduced by the Minister for Social and Family Affairs, introduced a new facility whereby transfer value payments can be made from funded pension schemes, mostly private sector schemes, to non-funded pension schemes, which are the predominant form of scheme in the public service.

Regarding the matters raised by Deputies Burton and Ó Caoláin, let me postulate for the benefit of Deputy Burton the example of a consultant doctor. Nothing in this Bill prevents such a person from aggregating past and future service. There is no difference in the treatment of service which results from this legislation. The difference relates to when the pension can be paid. If a doctor has 20 years' service, resigns to take up a position overseas, returns to the public service in this State after 1 April 2004, serves a



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further ten years and retires at the age of 62, he will have the option of taking an immediate pension at the age of 62 based on the first 20 years' service and a subsequent pension at the age of 65 based on the second ten years or waiting until age 65 and taking a pension based on 30 years' service. Individual circumstances and the final salary will determine what is more favourable.

When a person resigns from a public service position, they cannot assume that their terms and conditions will remain unchanged if they subsequently compete for and are appointed to that job on a second occasion. That is fundamental pensions practice. To read anything else into that provision and try to transform those provisions of the Act into a general debate on the health service makes me despair about the future of the health service if the Deputies opposite find themselves exercising office in a Government because it is not at the heart of the issue of the future of the health service. It is pension policy based on a Government commission that made recommendations about it.

Regarding future recruitment difficulties, there is no evidence to suggest that an increase in the minimum pension age will deter future entrants to the public service. It will apply throughout the public service. We are legislating in a particular demographic context in which there is an ongoing increase in life expectancy. That affects the capacity, willingness and desire of people to undertake certain occupations. It is not noticeable among Members of this House whose must obviously be a stressful one. It is noticeable in many other contexts. Deputy Burton referred to teaching and the number of older people who want to return to the profession. That reflects one of the reasons this Bill was introduced in the first place, namely, the need to accommodate those prospective demographic changes.

A very tenuous evidential base has been constructed for the proposition that this Bill has any impact on the future of the health service. The question of the impact of the provisions of the Bill and the arguments in regard to all the different professions were canvassed at length by the commission which preceded the introduction of this legislation. There is no question of the Hanly report or the Department of Health and Children being on one side of this argument and the Department of Finance being on the other. There is no doubt there are other contexts in which vigorous arguments are made between those two Departments but this is not one of them. The provisions of the Bill do not affect the overall position. What we are doing is laying down a pensionable age and as I said already, the question of the years of service are not affected by this legislation. It is unreasonable to say that a person who resigns can have a settled expectation that he or she can return precisely on the same conditions in terms of point of duration of service and point of retirement age. It is far-

fetched to suggest that a legislative change we introduce here will have the far-reaching implications that Deputies Ó Caoláin and Burton have canvassed in that regard.

Deputy Ó Caoláin re-entered the world of disallowed amendments. I will re-enter that world with him and say that there is a fundamental difference between the position of a member of the Garda Síochána in training and the other occupations. The difference is that the Garda recruit in training is, for all practical purposes, assimilated as a member of the force. That is why it is not a question of providing a special or anomalous exception for them as against others.

**Caoimhghín Ó Caoláin:** Psychiatric nurses are in paid clinical service.

**Mr. B. Lenihan:** It is a matter of draftsmanship and respecting the basic distinction between a person who is entitled to a particular position and a person who is not and between a person who is a candidate for a position and a person who is accepted into a position.

**Caoimhghín Ó Caoláin:** We need them.

**Mr. B. Lenihan:** I do not disagree with the Deputy on that.

**Ms Burton:** The Minister has confirmed the points we were making. The Bill does constitute a very definitive change in service conditions. The Minister would be right if he argued that these changes will not take effect for a considerable period of time. On that I would agree with him.

There are certain elements of the Bill which the Labour Party does not have a difficulty with, for instance, the entitlement of people to work for a longer period of time. However, to go back to the amendment the Labour Party has put forward, we have called for this information precisely because this Bill has enormously important consequences, particularly for the type of case the Minister outlined. Should that doctor return before or after 1 April, for the next ten or 20 working years he or she will find his or her pension conditions significantly changed depending on whether he or she is an entrant before or after 1 April 2004.

When the Minister for Finance introduced the idea of the Bill on budget day he spoke, as he always does, very robustly about this being a great reform which would effectively curtail some of the rights of people like teachers. He did not specifically mention doctors or psychiatric nurses at the time but this Bill will curtail the pension entitlements of people, particularly in those categories. The reason we concentrated on those categories is because those categories of employment have particular characteristics which mean that in many cases people who end up working in those professions until they are 65 may no longer be capable of giving the service they could once give.

There are enhanced retirement facilities, and I am happy the Minister confirmed they will remain in existence, but nonetheless these are considerable diminutions in the rights associated until now with the work done by people like psychiatric nurses. I repeat that if somebody joins the psychiatric nursing service, trains at a young age and spends 40 years in the service, under these changes proposed by the Minister, Deputy McCreevy, and Fianna Fáil, that person will not be entitled to draw a pension should he or she become a psychiatric nurse after 1 April. That person will not be entitled to draw a pension until after he or she has reached the age of 65. Up to now, if they had 40 years' service having started in the service somewhat earlier and younger, they were entitled to draw the pension from the date of the completion of the 40 years.

Psychiatric nurses have very onerous duties in regard to patients who are often seriously ill and who need specialist care. The patients involved may be very robust. Unlike medical patients in an acute medical hospital these patients may not be weakened by their illness. They may be physically exceptionally robust. Some people who work as psychiatric nurses will find that having served until they are aged 65, their capacity to contribute as they might once have been able to do is very limited.

In terms of the 40 years it must be remembered that the general arrangement for public service pensions is to retire on half pay. In the example the Minister of State gave, he talked about somebody only having 30 years' working service in this country because as a consultant the person was entitled to go abroad. Thirty 40ths, now split into two different qualifying periods with different qualifications attached, means that in regard to the first period they have 20 40ths divided by two and for the second period they have ten 40ths divided by two.

That brings me to another point that the INTO in particular raised. In negotiations the Government promised that arrangements would be put in place for enhanced contribution schemes for people, particularly those joining the service late or those going into teaching in their late 20s, who may have had protracted periods of study or other employments. Their serviceable years may well be topped at 30 or even 25 years. The Government promised to put in enhanced savings opportunities for those people.

The purpose of the amendment is to give people information. The Minister will have seen the study this week which shows that in the seven years of Deputy McCreevy's budgets, this Government has significantly increased the attractiveness of private pension schemes for the very wealthy. There have been fewer advancements for people on more modest incomes and the financial services industry has ensured that the AVC schemes are quite attractive from a tax point of view. The financial services industry charges extremely high fees whereas proprietary directors of companies can

look forward to putting aside a few million euro over a ten-year period for a pension scheme.

The Minister, Deputy McCreevy, like most of his budgets, has doled out additional benefits year after year to those people but in regard to the people who in many ways are the glue that knits our community together — the teachers, psychiatric nurses, doctors and other essential professionals — and who are not earning vast amounts of money and are not involved as proprietary company directors, the Government is reducing their entitlements while failing to introduce additional pension savings schemes to ensure they will not be fleeced by the financial services industry.

The costs of buying AVCs to people on modest incomes are truly stunning. Very often people's first and second year of contributions are almost eaten up by fees and they are also at the mercy of the vagaries of the international stock markets, and we know what has happened to them. This measure shows again the right wing cloth from which the Government is cut. I hope that if the Minister of State conducts the information campaign the Department will actively seek people, through the Departments and public institutions, who may be adversely affected by this and who, unless they are informed, may not seek to protect their positions.

I am loath to make a definitive statement on such a complicated topic because in my experience as an accountant and a public representative, each case is different and one needs tomes at hand to work it out. The Minister of State is aware of this as a lawyer. He should not state definitively that no one is suffering as a result of this Bill. Teachers, psychiatric nurses and doctors are getting a raw deal. Moreover, at the pensions commission the Government made promises to the social partners to allow people catch up on what they will lose through this Bill but it has not done that.

How is it that every year under the stewardship of the Minister, Deputy McCreevy, the Government can give extra, significant and costly benefits for wealthy people investing in and buying pensions, while the ordinary punter cannot receive those benefits? This week already, for the sake of an extra €5 million, we have seen widows deprived of benefits to which they contribute through their work. Nevertheless, every year the Minister ladles more benefits into the 2,500 self-applied pension schemes which can benefit only those with a couple of million euro to invest in pensions.

Meanwhile the Government penalises student teachers, nurses, psychiatric nurses and doctors over their protracted period of study, leaving one to conclude that Fianna Fáil minds the wealthy. It does not care for widows or ordinary people, although it once did. Having worked with my colleague, Deputy Woods, in the Department of Social Welfare I can say that were he still Minister there is no way the Department of Finance would have pulled the stroke against

[Ms Burton.]

widows that it pulled in the budget. Someone of the calibre of Deputy Woods would not have allowed that to happen.

**An Leas-Cheann Comhairle:** The Deputy is departing from the amendment.

**Ms Burton:** Will the Minister of State accede to the Labour Party's reasonable request for a proper information campaign?

Amendment put and declared lost.

**Mr. R. Bruton:** I move amendment No. 2:

In page 6, to delete line 6.

This amendment deals with the definition of "new entrant" under this legislation. The pensions commission rightly considered our ageing population and that people have a longer life expectancy than in the past which will pose problems for the funding of pensions in the long run. The European working population will fall by 10% over the next 20 years, which will have a dramatic impact on the workforce, with a knock-on effect on retirement ages. That poses problems in planning for pension obligations. It is prudent that we have the commission to address these issues.

The Minister of State is rather like Tom Thumb, or was he the nursery rhyme character who stuck in his thumb and pulled out the plum, ignoring the less palatable part of the pie? That is evident in this legislation. The pensions commission proposed that we raise the pension age for new entrants but it made other proposals that must be borne in mind too. It proposed that all Governments would carry on their budgets, on an accrual basis, the true cost of public service pensions as if they were paying the full contribution now. That would make us start to provide enough Government savings to ensure the economy was strong enough to meet these obligations in the long term. It did not propose moving to pay-as-you-go but said that we need to save and invest to build the economy, address our infrastructural problems and so on. That proposal has been airbrushed out of consideration. The Minister of State did not refer to it in the debate. It also proposed that those of us who are already in the system and have acquired pensionability on the existing rules would pay more in the way of a contribution. That too has been airbrushed out. It also proposed that we take a more adaptable approach to working on retirement.

**Mr. B. Lenihan:** Would the Deputy like us to put it back?

**Mr. R. Bruton:** It is easy to take away the things that are unpopular but the context is that we were telling new entrants they must make new arrangements and we would all take up some of the slack. Those of us inside were to contribute more, the State would make more provision in

savings for the long term and we would have more flexible attitudes to working in retirement throughout the public sector with many changes which are not mentioned in the Bill. The Minister of State indicated on Committee Stage that he intends to introduce some of these, such as not determining the pension according to the retirement salary, which has an extraordinarily deadening effect in forcing people to stay on even if they would like to move to less onerous responsibilities as they grow older.

Younger people listening to this debate will say that those of us inside the system are pulling up the ladder behind us and in effect preventing them from gaining the benefits we enjoyed. That is why those training for nursing and other professions say, with good grounds, that this is unfair and they are being singled out. The commission had a wider view but we have opted for one change. It is not kicking any sleeping dogs, as the Minister of State says. It is the easiest thing to get through but one can see why the definition of young entrant worries people in the psychiatric service who hitherto could retire after a certain age. Now those in training for that profession must face different terms.

It is good politics to define all on the basis of new entrants and forget about the other proposals but is it a fair interpretation of the commission's recommendations? Is it fair to the new entrants who are defined differently from those who went before them? I recognise that change is necessary and much of the Bill is correct and inevitable, and the Minister of State has articulated clearly how he picked certain dividing lines. He is an experienced lawyer and defends his case well. At a human level, however, I can see why people in training now think that this definition selects them for particular treatment and is causing resentment. This is so, particularly when the Minister of State defines those training as gardaí as different because they have a contract of employment whereas trainee nurses who can, with a few exceptions, go only to the public sector are defined differently. They are effectively training for public service contracts and to say they are different is beside the point. This provision creates genuine difficulties and those of us inside the tower, so to speak, are pulling up the ladder behind us. The proposal is causing resentment, particularly among those training to be teachers, nurses or other professions which are almost exclusively in the public service.

I suppose the Minister will reply that one cannot make an omelette without cracking eggs and that this provision must be made to address the issue. The pensions commission had a more balanced approach. I regret that the Minister has not addressed the issue of funding pensions on an accrual basis because now the State must put aside more money in savings to provide for when we are older and will be a burden on the younger generation. This important issue could be called an intergenerational equity although it is not an



immediate equity issue yet. That recommendation of the commission has been ignored but it is an important balancing argument. Having gone through the issues previously, I know the Minister will stick stoutly to his definition and that the nurses and teachers must stay out while the gardaí are defined otherwise.

The original negotiations entered into by the Minister, or others on his behalf, indicated that there was some flexibility around retirement age and there was talk about a band of retirement age between the ages of 62 and 67. Unfortunately, because of amendments being out of order, as already mentioned by Deputy Ó Caoláin, we have not been able to tease out the scope for exploring the flexibility that originally existed on the side of management. We have not been able to see whether we could have got a deal which would promote a more healthy attitude to working on after retirement and which would provide a range of choice which would be good for the public service without imposing insupportable burdens on the State in the long term. I regret we did not get this opportunity. The Ceann Comhairle said he will not allow us to talk about the reason these amendments were ruled out of order but the fact they were ruled out constrained the debate on this and Committee Stage.

The crucial issue is that we should promote new working arrangements which will allow people to continue to work and to enjoy and benefit from it up to and beyond 65 years of age. We need to make the changes which will make this a choice people will want to take. The Minister should be more active in promoting this. During Second Stage debate I pointed out how little mobility we encourage in the public service. Only one in five promotions are from outside Departments. This will get worse with decentralisation and virtually no recruitment will take place from outside the narrow range of people on site. This is not a healthy way to promote the development of a good working environment.

Pension provisions could make a difference and create a more healthy attitude towards staying on at work, recruitment, mobility within the service and advancement promotion. Many issues could be improved and made more dynamic through sensible pension reform. However, the Minister has adopted a very narrow canvas in this regard. I may be wrong with regard to Tom Thumb; perhaps the Minister of State has read the nursery rhyme more recently and he can correct me with regard to who actually pulled out the plum. However, people currently in training are justified in the sense of wrong they feel and the Minister should try to address the issue.

**Ms Burton:** I am quite disappointed at how unimaginative this Bill has been. Those people who took part in the consultation process on pension reform must feel cheated. To return to

the issue of trainee teachers, nurses and doctors, if students do their leaving certificate at the age of 18 and then start a four or five-year training course for a degree or trade, they will be approximately 22 years of age when they qualify and get their first employment, perhaps in the public service. If those students then spend their working lives in the public service, they will have completed 40 years service at approximately 62 years of age. If somebody has completed a full 40 years in the public service at the age of 62, it is tough on them to be told they cannot take up their pension entitlements. These people will have to work until they are 65 years of age before they can take up their entitlements.

The INTO, because of the younger age of primary teachers, drew attention to this issue during the pensions commission discussion. I know these teachers will have accumulated their pension rights at the age of 62, however, they cannot take them up under the dispensation. For example, primary teachers who began a job last September and who will have accumulated 40 years service at the age of 62, will be able to collect their pension. However, primary teachers currently in training who only commence working next September will not be able to collect their pension at the same age after accumulating 40 years service. Although these people are only a year behind their comrades in the training college, they will have to work until they are 65 years of age or else leave the public service and wait until they are 65 years of age for it to be paid to them.

This proposal creates an invidious distinction between two groups of people. I do not know what the term "disimprovement" means to Fianna Fáil. However, this proposal constitutes a disimprovement in my language. With regard to both groups, who is better off? Is it those who got their job last September or those who get their job next September? I am sure the same is happening in the nursing training colleges. People graduating this March will be taken on by the health boards and will qualify for their pension after 40 years service. However, those recruited to the service next May or June, following the 1 April changeover date, will be forever different and will not be entitled to draw their pension until they are 65 years of age.

The Minister for Finance has argued that this is necessary. Why has the Minister not delivered any compensating mechanisms whereby the person recruited after 1 April will be entitled to make additional contributions to take into account what is happening without being charged usurious fees by the financial services sector for AVCs? The Minister's argument was that by the time any of this happens he and all of us will be long gone and it will not matter, but it will matter. This is one more disincentive for people in terms of quality and commitment to work in the public service as primary teachers, psychiatric nurses or doctors. In each case the conditions will be



[Ms Burton.]  
significantly disimproved if people are recruited after the 1 April.

It is a great pity in terms of pension reform that three groups of workers should be particularly disadvantaged when they are so important to society and when there are features peculiar to their recruitment. This argument was accepted in the case of gardaí and I do not understand why it cannot be accepted in regard to the three professions to which I referred.

Top level public servants, Secretaries General of Departments, who are mostly men, have looked after themselves. They have extraordinarily attractive enhanced pension arrangements built into their seven-year recruitment deals. The same is not true of the average teacher, psychiatric nurse or doctor who will serve the community without going above principal officer level in the Civil Service. The Secretaries General of the Civil Service, the Sir Humphreys, have made sure they are well looked after. We must also remember that for the most part, when their seven-year contracts are up, to draw on a point made by Deputy Richard Bruton, they find lucrative subsequent employment chairing commissions and doing various other jobs for Government. Good luck to them. However, the cost to the public service of their compensation packages is high. They are well looked after which is not the case with nurses, teachers and doctors. While many of the Bill's provisions are good, the legislation is deeply regrettable for that reason.

**Caoimhghín Ó Caoláin:** I support Deputy Richard Bruton's amendment which refers to the definition of a new entrant. The Bill represents a further disincentive to recruitment to the public service. A significant extension in the years of service will be required of those who work in the public service in order to qualify for a full pension, specifically in the areas of teaching and nursing and particularly in the psychiatric sector. Doctors have also been mentioned.

What is the driving force behind the Minister's wish to see these fundamental changes? Estimates put the savings at €300 million in terms of public service pensions, but we have not seen a definitive calculation. What is the incentive for bringing about such a disimprovement in the terms of employment that will apply to these important professions? My concern is not alone for those involved in teaching or nursing, but for those who depend upon them.

As Deputy Richard Bruton stated, it is not so long ago since we were at school and we all have some recollection of those teachers who were the most able and impressive in terms of teaching practice. The proposed extension of the retirement age is not evenly applied. The retirement age for teachers is being moved from 55 years to 65 years. This is a jump of ten years, as against five years in other sectors. It is important that one has the choice of being able

to retire on a full pension. There are tremendous stresses and demands on those involved in the teaching profession, as there are in the nursing professions. I do not have any doubt that some people employed in the teaching profession, for a range of sane and sensible reasons, would seek to take up the option of early retirement, but without penalty, as is the case at present, having reached the age of 55 or the corresponding service years. Representatives of teaching organisations were prepared to accept some change but not the punitive ones proposed, which will have consequences not only in terms of a disincentive for people to join the teaching profession, but also that teachers will be obliged because of pension need to remain in service up to the age of 65, when in some cases they might have been better to opt for early retirement. Young people will suffer as a result. Their future is our future. A terrible legacy is involved in all that is now proposed. The same case should apply to them as applies to the Garda Síochána and the Prison Service — the Minister of State can correct me if the latter group is not included.

It is also unfair to suggest that nurses, especially psychiatric nurses, must now continue in service up to the age of 65 to qualify for a full pension. There are certain areas of work where there is a need for a balance between experience and physical and psychological fitness. There is no question but that in later years one's level of fitness abates. In the psychiatric service it is important that people are fit in both mind and body for the work and challenges they face.

It is a serious failure not to recognise the particular case of those already in training as teachers or nurses. Part of the training programme in the case of nurses involves paid clinical placements within health boards. On the one hand we acknowledge them as paid professionals providing a clinical service, while on the other we claim they have no status and, as of 1 April next, they will only be viewed as new entrants. This is a punitive measure as well as being discourteous and disrespectful to those who have already made a decision to choose a certain profession.

I reject the Minister of State's remark about them heading off hither and thither to avail of what the private sector has to offer. That is certainly not the case in the psychiatric sector. They mostly go into the services here and we need them to do so.

**Mr. B. Lenihan:** I was talking about general nursing.

**Caoimhghín Ó Caoláin:** I understand that was the case, but the Minister of State over-emphasised the extent to which it happens. I emphasise that we need the members of the INO and the PNA, and members of the psychiatric services in SIPTU — I dare not leave the latter group out as Deputy Connolly is here listening carefully to everything I have to say. This Bill will

make careers in these essential and important services less attractive and we will all pay a high price for it. I ask the Minister the price he is prepared to pay to press ahead with this Bill without a single amendment? He is confident and bold in his approach, unprepared to accept any of the salient arguments that have been presented. What is the price, the driving force, the justification for this Bill?

**Mr. Connolly:** I also support amendment No. 2 and I compliment the previous speakers on including the nursing profession, in which I spent some time. I refer to the entrants in the general nursing, psychiatric nursing and teaching professions. When I entered the psychiatric profession one had to serve a total of 30 years, and I started in that service, like many others, at 18 years of age. I would have been entitled to a pension at 48 years of age. However I would not have been entitled to retire until the age of 55. Therefore I would have paid an extra seven years' pension contribution, yet I would not have received any tax break for that. This is one of the difficulties we have created. Nurses and teachers will enter the profession at approximately 21 years of age and they will have 40 years' service accumulated at 60 years of age. They will now have to work for that additional five years for no benefit whatsoever. That is grossly unfair as it represents a sort of double taxation and is a major bone of contention with many people in the service at the moment.

The retirement age in the psychiatric profession has been moved from 55 to 65 years of age. That is a major blow, a 33% increase on the previous length of career. Psychiatric nurses had to work previously for 30 years, now it is 40 years, a phenomenal increase in the amount of service given. Many people enjoy the profession, but it is very stressful and if things go wrong there can be very serious consequences. The relatives of psychiatric patients expect carers who are sharp and with it and who want to work in the profession, not someone who is burned out aged 63. This is no reflection on older people but in general many people are put under huge pressure.

Anybody who applied to enter the profession prior to that announcement would have joined the profession on the expectation that he or she could retire at 55 or 60 years of age. It is common practice in industrial relations that people like that would be red-circled. Those people who are currently in the system should be given the grace to enjoy the same retirement benefits as those who were there before them. If someone now applies for a job like teaching, knowing the consequences, that is a different situation. However, the professionals who are currently working should be red-circled.

Take the example of a teacher who works for 40 years and reaches the age of 61. Can the Minister imagine a teacher of that age taking a PE. class? That is not fair. There are many

teachers in the system who would like to retire before 65. Teachers are availing of the current arrangements to take early retirement. It is as if the people who designed this Bill are ignoring the real life situations that currently exist. We will spend time and taxpayers' money training people who will get a few years experience and will be like gold nuggets on the world market. These people will avail of opportunities abroad and they will not come back, especially if they discover that they have to work here until they are 65. It is currently very difficult to get a nurse aged 25 in accident and emergency units in Ireland. How can we expect a 65 year old nurse to work in such physically demanding professions? We need people to be at their mental and physical peak for these professions. We will all be dead and gone when these young people reach the age of 65. They will wonder who came up with the idea that created this mess. It should be sorted out now.

According to actuaries, people who avail of early retirement have a fruitful retirement. Those who work until compulsory retirement have a life expectancy of a further two years. Maybe the Government has a secret plan to work them into an early grave. I ask that some of these issues be revisited.

**Mr. B. Lenihan:** I would appreciate if I could deal with the amendment in the first instance and then deal with other issues. The amendment moved by Deputy Richard Bruton was to delete the reference to new entrants. That would not alter the Bill in substance but it would remove a reference included to assist in the interpretation of the Bill. The amendment is in order but all it would do is spread confusion among the readership of the Statute Book because the necessary cross-reference to new entrants is stated in section 2, and section 1 clarifies its meaning. For those reasons I do not propose to accept the amendment.

However, I accept that the amendment was moved as a basis for more general discussion on the concept of the new entrant. This concept is at the heart of the legislation. Deputy Burton referred to the concept of invidious discrimination, stating that it would be invidious discrimination hereafter that a particular class of entrant to the public service would have different terms of service from the existing members with regard to pensionable age. That is incorrect. It is not invidious discrimination because it is based on a rational classification which is being adopted on foot of a report on pension submitted to the Government. The judgment on this question was that because of increased life expectation adjustments had to be made. That is what this legislation is all about. Deputy Ó' Caoláin referred to that context and asked me to clarify it for him. However, I would first like to address what Deputy Richard Bruton outlined to the House. I thank him for the constructive manner in which he acknowledged that there was a problem while raising general reservations.

[Mr. B. Lenihan.]

It is not the purpose of this Bill to implement the entire pension commission report. Deputy Richard Bruton emphasised that this was a partial implementation of the report, and he is right to some extent. The purpose of this Bill is only to give effect to the age related provisions and recommendations of the report. Discussions are ongoing with the unions on the other recommendations of the pension commission.

A detailed paper is currently being prepared on each of the recommendations for discussion with the trades union and staff side, with which I agree. It is correct that the Government decided not to implement the commission's recommendations to impose a 1% pension contribution on all staff — the commission recommended a 1% pension contribution on all staff, both serving and new entrants. I presume the recommendation was motivated by the wish to see a more accurate relationship between the funding of these pensions and the amounts paid out. The recommendation was cherry-picked out of existence. It was a political judgment made by the Government. A political judgment was also made that it is in the long-term interest of the country to move in this direction as far as pensionable age is concerned. The Government took account of the views of the public service benchmarking body on the issue of the 1% pension contribution.

Deputy Richard Bruton raised the issue of accrual based pensions. The commission recommended the need for an accrual based approach in accounting for pension costs so that we as legislators, the public generally and those who comment on public affairs have absolute clarity about the actual cost based on an accrual based approach to pensions. The pensions commission set down a brief outline of a system of accounting for public service pensions. It is important to note that the pensions commission stressed it was not in a position to recommend a detailed system. It noted there was a wide range of important issues that needed to be considered in that regard. It was not possible to embark on those issues in the context of the Bill, which seeks to give effect to the recommendation on age-related pensions.

**Mr. R. Bruton:** Is the Minister embarking on it somewhere else?

**Mr. B. Lenihan:** We are, on foot of the pension commission's recommendations.

**Mr. Howlin:** There were unpalatable things in the legislation.

**Mr. B. Lenihan:** The most unpalatable element of the legislation is the sacrifice of pensions for those in public positions in the State. It has been used as a sugar coating for the public in regard to the other more toxic provisions of the measure.

Deputy Burton raised the issue of invidious discrimination. To legislate is to discriminate. We are discriminating in the sense that we are making a distinction between those who have entered the public service to date and those who will do so in the future. If we accept the principle of the legislation, it is impossible not to draw a distinction of that type. It is inherent in the principle on which the House has already voted. It appears impossible to embark on a measure such as this, and to plan for the future, without drawing some distinction. In the whole area of pensions and superannuation schemes, distinctions, however invidious they appear to some, are an inevitable corollary of such arrangements. It is impossible not to proceed on that basis.

I was struck when I listened to Deputy Ó Caoláin refer to a disincentive to join the public service. This mentality appears to hark back to an old Ireland, which I thought had gone, where the choice was the pension or the boat. How many people wishing to embark on a career in teaching, nursing or medicine are dominated by the psychological calculation of whether they will retire at 60 or 65 years of age? I accept that was the case but I do not accept it in the country in which we live today, or that it is the motivation of young people embarking on careers. We live in a time of radical change in terms of where young people see themselves going in their career choices. I do not accept that psychological calculation, which is the basis of much of the argument put forward by Deputy Ó Caoláin and other Deputies, is correct. I accept the concerns expressed by Deputies Ó Caoláin and Connolly about professions. Professionals are understandably concerned about themselves, and it is right that they should be concerned about people who enter these professions in the future.

This measure is simply about pensionable age. The judgment the Government made is based on a commission recommendation. The commission considered the issues involved. In the case of psychiatric nursing, for example, there has been a huge change in the way these services are delivered since the original pension arrangements were negotiated and agreed. The great bulk of psychiatric nursing services were carried out in the institutions we all know so well. The shift to community-based services has been dramatic in that context.

In the case of teaching, the commission examined the evidence. While there was a remarkable difference of opinion on the commission between those who have some association with the education sector and those who do not — Senator O'Toole, who has always been very involved in teaching interests, wrote a dissenting opinion in the commission report — a majority on the commission came to a conclusion on that issue. The figures for life expectancy among teachers make interesting reading. The fact remains that the Government had to make a judgment on these matters. I do not accept



Deputy Ó Caoláin's argument that a career will be more unattractive as a result of the Bill. The context in which the Bill is drawn up is that of great change in demographic expectations. In the portrait drawn by Deputy Connolly of a 65 year old nurse in a busy accident and emergency unit 40 years hence, the nurse may look like a 45 year old given the changes we are seeing in life expectancy.

While I understand why Members are exorcised about these issues, the Bill before the House is a very limited provision. Deputy Connolly raised an interesting point about prejudice and contributions being lost or in vain. He suggested that additional contributions would be imposed on individuals as a result of this measure. The contributor continues to obtain tax relief on these contributions, therefore, what the Department of Finance takes away with one hand, it gives back some with the other. The retirement lump sum would already have been based on a higher salary and the pension may be based on a higher figure as a result of increments or promotion. The extension in time can enhance rather than reduce the pension.

**Mr. Connolly:** It is a double taxation on people who have already made contributions for a 40 year pension.

**Mr. Howlin:** It is an insult to say people will get tax relief on it.

**Mr. B. Lenihan:** Perhaps I am sensitive on the question of double taxation because the Socialist Party which often occupies the benches near the Deputy is very fond of this argument of double taxation in many wonderful and variegated contexts. The first point to be made about benefits in this context is that we are not yet moving to an accrual based pension system or a 1% compulsory contribution for all existing and new entrants. There are implications in this also. There is a substantial contribution to these pensions by the remaining taxpayers. The point I am making is that there are advantages in the extended period. Advantages and disadvantages may accrue to particular individuals as a result of this. Advantages can accrue notwithstanding the argument for double taxation.

**Caoimhghín Ó Caoláin:** Will the Minister of State explain what is driving him and the Minister, Deputy McCreevy?

**Mr. B. Lenihan:** What is driving the Minister, Deputy McCreevy, is that this country has changed dramatically. There has been huge economic growth and a huge extension in life expectancy in recent years. The present pension arrangements are not economically sustainable in the long term. The Minister is to be commended for putting in place a system that will protect not just the taxpayers of today or tomorrow, but the taxpayers four decades hence, from possible

financial peril, just as he has established the pension reserve fund to ensure there is a sound financial basis for the payment of pensions in the future. The Minister is addressing a long-term issue, as a prudent Minister for Finance should.

**Caoimhghín Ó Caoláin:** A better arrangement could have been reached through consultation and agreement with the group.

**Mr. R. Bruton:** I welcome the fact that the Minister is working on a proposal to introduce an accrual-based system in Government accounts. It will result in better saving provision, better provision for the long term and a more realistic attitude to true costs when decisions on recruitment are being made. I look forward to the progress report on it.

There are real problems with people burning out well before they reach 65 years of age, particularly in teaching, nursing and psychiatric nursing. If the Minister for Finance pushes ahead with his proposals, which he undoubtedly will, we must make other changes so that those who have reached the end of their tether can move on to other positions in the public service and retain decent linkages to their pension entitlement in the different posts they occupy over the duration of their service.

The Minister says that other work is being undertaken on this and expects us to accept that without seeing the results of the work. That is why it is so difficult for us to debate this. If proper policies were put in place to encourage people who want to move at 55 into less onerous positions, away from the classroom or the accident and emergency ward, and processes were in place so they could continue to contribute and their pension entitlements would be looked after, we would see this in a more rounded fashion. The Minister is now, however, bringing down the shutters and those on the outside will feel aggrieved. We have not seen the policies that will ameliorate their position in the long term and that is why Deputies are raising these issues.

**Mr. Howlin:** I accept the logic of the case presented by the Minister regarding invidious discrimination. When pensions are analysed and reforms introduced, there are benefits for some and adverse effects on others. I have experienced this myself in ministerial pensions. People were previously entitled to a pension immediately they left of ministerial office after a period of years but the Administration of which I was member halted that practice and I was a victim of that, although it was the right thing to do. I have no difficulty, therefore, in accepting that there is a real issue to be dealt with regarding pensions in this State and we must make prudent and proper provision for the future in a balanced way.

We must take account of our changing demographic. As a former Minister for Health, I am interested in the comment the Minister of State made about our increasing longevity. I have



[Mr. Howlin.]

not seen recent figures but those I last saw indicated that Ireland has a long way to go to catch up with the best in Europe and we should not be boasting about this area. The Minister of State's present job focuses on that.

While any measure to address pensions will have an adverse effect on some, we must have regard to the adverse effects that will not be adequately addressed by the provisions we have laid out. There has been a clear case made and not answered for the teacher who will be expected to teach infants at 65 years of age. In some schools that might be appropriate or the person might not wish to change classes, finding that even more burdensome. It is not realistic, however, to expect people who have worked 40 years to keep plodding on if they do not feel up to it and do not choose to do it. The same case has been made for nurses. The general answer does not address this issues and I want to hear a more convincing answer.

If we are to levy a particular charge or tax on some individual that is designated as a pension contribution and not general taxation, there is a moral, if not a legal, onus on us to accrue some benefit to the individual for that payment. It is not good enough for the Minister to state that we are not charging the full amount because there is a tax concession, the tax concession is involved for everyone who pays the contribution and who will get a benefit from it in real terms. The argument that if they wait longer for it, they might get a few increments so that when they do get it, the base pension will be calculated on a higher basis, makes no sense. A payment that purports to be for a particular designated purpose must give benefit in the terms of the purpose for which it is paid. If pension contributions are to be part of general taxation, it should be stated that is the case.

This issue mirrors the motion we are about to address, where widows' pension contributions are of no benefit. It is not fair that people are required to pay a PRSI contribution but the benefit that should accrue from it is being removed from people retrospectively. That is wrong and it is being replicated here. I cannot see any moral argument that justifies that.

The Minister of State should demonstrate that these three matters have been considered adequately and not that there is not a view in the Department of Finance that there is a general requirement to be met and if there are casualties or even injustices, so be it, we must put up with it. We can tweak the legislation to meet the needs of all sectors in society, particularly of those of demanding and challenging occupations in the public service in education and the health services. We do not need this broad brush to apply the same to all.

I am intrigued by the Minister of State's aside that we are punishing ourselves as well to show that we are good people, that once we flagellate ourselves publicly, the general flagellation will be

more palatable. I do not understand the logic of that argument.

**Caoimhghín Ó Caoláin:** The Minister of State is full of surprises. The only thing he has not surprised us about is the substance of the Bill itself. His notion that the 65 year old working in the accident and emergency department in 40 years time will look 45, must mean that he and the Minister for Health and Children intend making Botox available for everyone free of charge under the health system.

**Mr. Howlin:** It will be Tír na nÓg.

**Caoimhghín Ó Caoláin:** I may not live for another 40 years to see the results of the legislation but I would rather place my bets on real, substantive amendment of the Bill, which the Minister of State had an opportunity to make. All the representative organisations and the spokespersons of the Opposition parties made eminently sensible proposals to him, pointing up the real, harmful elements of the overall propositions of the legislation.

Deputy Richard Bruton correctly referred to the position that will apply when members of the teaching and nursing professions encounter physical or psychological difficulties. What provision is the Government making for new entrants to these stressful occupations? It is offering no reliefs, but only reduced pension entitlement, and is not offering an opportunity for early pensionable qualification on full pension rights. This is what makes the position proposed for new entrants to the teaching and nursing professions — the medical and psychiatric services — and those in training so different from that enjoyed by those currently in service.

Notwithstanding the fact that the Government will press the Bill through numerically on the stroke of seven bells, the legislation merits further consideration. The reality painted by Opposition Deputies for the Minister of State demands that he revisit the proposals because they will give rise to serious problems for people at a later date. This must be acknowledged and addressed, and I urge the Minister of State to do so.

During my last exchange with the Minister of State, I pointed out to him that the various representative organisations had made reasonable proposals for amendment. The Irish National Teachers Organisation, for example, made reasonable proposals with regard to the teaching professions and was prepared to accept change, but the Minister of State was not prepared to embrace them, nor do I believe he properly considered them, given that he has proposed increasing the retirement qualification age for the teaching profession by a full ten years.

In light of the Minister of State's proposal to increase the retirement age for other professions from 60 years to 65 years, it could be argued that he should have raised the retirement age for the teaching profession from 55 years to 60 years.

This would have entailed an equal increase of five years in retirement age across the professions, instead of this double whammy of raising it to 65 years for teachers, which is an outrageous proposition.

The Minister of State has lost an opportunity to win some regard and respect, particularly given the current strained relationship between his colleague, the Minister for Education and Science, and the teaching professions. I hope his stance will reflect seriously on him and his colleagues in the coming months.

**Mr. B. Lenihan:** The dual mandate has been abolished. The purpose of the forthcoming local elections is to elect members to serve responsibly on local authorities, not to afford an opportunity for political play-acting.

**Caoimhghín Ó Caoláin:** Who knows when we will next have a general election?

**Mr. B. Lenihan:** The precedent is that the Taoiseach is always anxious to serve a full term in office.

**Caoimhghín Ó Caoláin:** Please God, the electorate will not give him a third term.

**Mr. B. Lenihan:** One never knows, it is a matter for the voters. The basic answer to the points raised by Deputies Howlin and Ó Caoláin is that we must recognise that particular public servants and grades of service, whether teachers, nurses or others performing key frontline activities, can from time to time be under tremendous pressure and strain and special arrangements must be put in place on their behalf. The special arrangements currently in place for the current class of civil servants are expressly dealt with in the legislation and protected, subject to negotiations that take place through the industrial relations machinery in the future.

I am glad that most of the discussion has focused on new entrants and that the precise problem we are addressing has been isolated in this debate. In the case of new entrants, the question is what palliative or suggestion one has when one raises the pensionable age to 65 years. The answer is in the report of the Commission on Public Service Pensions. If Deputies Ó Caoláin and Howlin examined the report, they would see that it canvasses the option of retirement on an earlier basis on an actuarially reduced pension. Equally, it addresses the option of shifting a person's responsibility in the final two years of service to less onerous positions.

Another matter examined by the commission is a new AVC scheme, known as SPEARS, which would make provision for early retirement. Again, the minimum pension age for new entrants will be 65 years but one of the key proposals of the commission, which the Minister has accepted, will be to enable serving staff and

new entrants to obtain actuarially reduced benefits at an earlier age if they wish to do so. In such cases, staff would be able to enhance their benefits by using public service pension schemes such as AVC or SPEARS, a new AVC-type scheme recommended by the commission.

Talks on all these matters are ongoing with the staff side and suitable arrangements will be put in place. I have no doubt the precise details of such arrangements will vary in the years ahead as discussions between the relevant staff and officials conclude.

**Mr. R. Bruton:** The Minister of State is correct that the amendment is technical and was tabled in an effort to obtain an opportunity to debate the issue. In addition, if passed, it would probably not achieve any of the changes the Opposition seeks so I do not intend to press it to a vote. As we were frustrated on many of our other amendments, this amendment at least gave us an opportunity to debate these issues.

The Minister of State stated that the special arrangements currently in place will continue to operate. These are based on a certification that a person is no longer able to do his or her work, whereas many of the circumstances we have described involve people who are not certifiably incapable of doing the work, but have reached a point at which their contribution to teaching or another profession is no longer sufficiently effective to meet the needs of those they serve and, as a result, they would be better moving on. If the State's position is to be that we must work longer than has traditionally been the case, it must match this by providing that in circumstances where, for example, a teacher in County Donegal aged 55 years is no longer able to teach, the State will seek other opportunities in the public service, which would enable the teacher in question to continue to make pension contributions, while maintaining a sensible linkage with his or her former pension rights.

The Minister is correct that the report of the Commission on Public Service Pensions contains many positive proposals on how to address this issue. We are at a disadvantage, however, in that we do not know how many of its proposals will be adopted and whether the final package will be sensible. I am not always optimistic about the Government's ability to seize opportunities for reform. For example, benchmarking was a marvellous, God-given opportunity to strive towards achieving best practice in the delivery of services and implement an ambitious reform agenda that delivered real change in the public service. We also had €1.2 billion to pay for it, but the opportunity was spurned by the Government. For this reason, I am not convinced when Ministers indicate in the House that they are doing wonderful work in the background, which will resolve many of the issues of concern to Deputies. I would like to see the result before endorsing Government policy in many of these areas.

[Mr. R. Bruton.]

While the Minister of State is undoubtedly handling this debate well, he is at a severe disadvantage because he does not have available to him the changes that would make this package more convincing to people who want fair play and a public service that works in the long term, deals with people properly in their greying years and ensures they can continue to make a contribution as the country in general grows older in the coming years.

Amendment, by leave, withdrawn.

**Mr. Howlin:** I move amendment No. 3:

In page 8, between lines 18 and 19, to insert the following:

“2.—The power purportedly conferred on the Minister by section 3 of the Superannuation and Pensions Act 1976 to provide for the cesser of, or otherwise amend, any enactments relating to the superannuation of civil servants shall cease to be exercisable.”.

I am minded to think of my colleague, Deputy Michael Higgins, who on occasions like this would normally say, “I move this amendment to be helpful to the Minister”. There is an issue in this regard to which I would like to hear a detailed response to ensure that fragility of the superannuation law is rectified and that it is not vulnerable to attack because many people here are dependent on the laws of this land to provide for their pension payments and to provide them with the contentment of an easy retirement. The Superannuation Acts are the governing legislation for most public service pensions. There are many such Acts and volumes of regulations that arise therefrom.

The Superannuation and Pensions Act 1976 was described as an Act to amend or repeal certain provisions of the Superannuation Acts 1834 to 1963. Section 3 of the 1976 Act provides that the Minister may by regulation provide for the cesser of, or otherwise amend, any enactments relating to the superannuation of civil servants. Under the 1976 Act, the Minister can also provide by regulation for the cesser of, or otherwise amend, any provision of any statute or any statutory instrument where it appears to him that provisions are inconsistent with or have become unnecessary or require to be adapted, modified or otherwise amended in consequence of provisions of regulations that he brings in.

The Civil Service Superannuation Regulations 1980 set out the bulk of the amendments purportedly made to primary legislation in the exercise of this power to amend statutes by ministerial order purportedly given in the 1976 Act. Having regard to the recent judgments on the Carrickmines case and other cases dealing with the Aliens Acts, the power to amend primary legislation by order is challengeable. We have seen such purported orders not only

challenged but overturned as unconstitutional. It vests a power in the Minister to amend the statute by order and even if that were permissible constitutionally, the exercise of the power is not limited by reference to guiding principles or policies set out in the parent Act, which in the Carrickmines case was one of the main considerations by the courts of this land in regard to its constitutionality. Effectively, the Minister, by and large, is able to act as a legislator in the place of this House and the other House with power to overrule, override and amend lawful Acts of the Oireachtas.

The problem with this Bill is not that it repeats the errors in the 1976 Act but it ignores them and sooner or later all these will be tested in the courts — the power of the Minister to make regulations, to make primary legislation by way of orders. For that reason it is frail. I did not have the opportunity to re-read the Committee Stage debate on this section because unfortunately my colleague, Deputy Burton, who was to deal with this Bill, was required to leave the House and asked me to deal with it. However, in normal circumstances had I had the time I would like to have read in detail the Committee Stage debate on this section because it is an extremely important one.

I want to afford the opportunity to the Minister of State to give clear assurances to this House that the difficulties I am pointing up for the Minister are ones that are adequately met and that there is no frailty in regard to the Superannuation Acts, amendments or regulations that have resulted from them and that this matter has been carefully thought out and the advice of the Attorney General has been sought. I would like the Minister of State to give that advice and that clear opinion to the House.

**Mr. B. Lenihan:** Section 3 of the Superannuation and Pensions Act 1976 is not part of this Bill but it is part of the superannuation code. Some of the regulations which have been adopted under section 3 of the 1976 Act are referred to in a Schedule to this Bill. They are referred to in the Schedule which contains the consequential amendments to pensionable age.

As I stated on Committee Stage, the parliamentary counsel is to be commended on including these with the Bill because it is not always done. In other words, in addition to providing for a main section prescribing the new pensionable age and the abolition of a compulsory retirement age for most categories, there has been an exhaustive examination of the relevant primary legislation and related secondary legislation and the consequential amendments or impact of the general provision of those items of legislation is set out in one of the Schedules to the Bill.

Deputy Howlin posed the question as to whether, in light of recent court decisions, we should act on the assumption that the regulations, the most important of which in this context are



the 1980 superannuation regulations, are now unconstitutional, are *ultra vires* the power of the then Minister to adopt. The Attorney General's advice is that we have to act on the assumption that these regulations adopted under an Act of the Oireachtas passed since 1937 and by a Minister apparently acting within the scope of his powers are constitutional and there is no court decision impugning or setting aside the validity of these regulations. The regulations confer positive benefits on public servants regarding their superannuation and pension entitlements.

Were we to proceed along the lines suggested by the amendment, although I appreciate it has been tabled for the purpose of eliciting this reply, we would be tacitly accepting that they are *ultra vires* or unconstitutional in a context where there is still an outstanding appeal, which has relevance to these questions and it is before the Supreme Court. The State has not unequivocally abandoned its rights to confer upon Ministers the power to amend primary legislation by subordinate legislation.

In moving her amendment on Committee Stage, Deputy Burton stated that in the recent Carrickmines case and the case dealing the aliens legislation, the courts struck down as unconstitutional the purported power to amend legislation by order. This is not strictly accurate. It is important to note that the decision of the Supreme Court is awaited in the second case to which Deputy Burton referred on that occasion. The State will carefully consider the implications of all relevant court rulings on the limitations, if any, on its right to confer upon Ministers the power to amend primary legislation by way of regulation.

The Minister does not intend to rely on section 3 to make further regulations and is not doing so in this Bill. The text of the amendment prevents the Minister from doing so in the future. The Minister does not intend to rely upon section 3 to make further regulations.

The current practice of the parliamentary counsel, as I understand it, in the case of new legislation is to exhaustively set out the principles and policies in the legislation, but a comprehensive review of prior legislation would take a considerable amount of time. In the case of this Bill and the proposed amendment, since Committee Stage the Attorney General has specifically considered the issues raised by the Deputy. The Attorney General is of the view that an examination of this issue would have to take place in a wider context. Such an examination would have to take place in the context of all previous legislation where this form of power was used so that a comprehensive resolution of all the issues involved could be arrived at in a legal sense.

The Bill, while related to superannuation, is limited in its scope and purpose, as clearly set out in the Long Title. I am not appealing to the

Ceann Comhairle to rule the amendment out of order but the Long Title of the Bill makes it clear — first and foremost, it is concerned with the compulsory retirement age for certain categories of new entrant into the public service, the increase of pensionable age and the consequential provisions. It does not really relate to the cost of the superannuation legislation and provisions which might be contained within that corpus which may now have a legal cloud over them as a result of recent court decisions. Therefore, I do not propose to accept the amendment.

**Mr. Howlin:** The Minister of State has accepted the amendment.

**Mr. B. Lenihan:** I have accepted the spirit of it.

**Mr. Howlin:** The amendment simply states that the power purported to be given shall cease to be exercisable. The Minister of State has now said it will not be exercised, which amounts to the same thing. He has also accepted the principle which the amendment was designed to highlight and which is the frailty of the corpus of legislation which gives benefit to civil servants who have superannuation rights, which is based on the frail foundation of ministerial order purporting to make legislation that, in general terms, now runs the risk of being unconstitutional.

I could accept the argument made by the Minister of State that because of the scope of the Long Title, this enactment might not be the vehicle for it. However, the response the Minister of State has elicited from the Attorney General since Committee Stage indicates there is a requirement to enact in primary legislation the legislation which is purported to have been made by order of the Minister through statutory instrument. It seems that needs to be done now and the sooner we face up to that and get on with the job, the less likely there will be disruption and annoyance while, for some technical reason, someone takes a challenge to the 1980 regulations and we find that the whole house of cards comes down. There is a moral responsibility on these Houses to respond to the rights of the courts to ensure that we conduct our affairs within the Constitution.

As a Member of the Executive once upon a time, I know that it suits the Executive to have enabling provisions which are inserted into many Acts to simply allow Ministers to do all sorts of things without having recourse to the Houses again. I am glad that practice will cease now.

Will the Minister of State indicate to the House that there will be some urgency in ensuring that the frailty acknowledged by the Attorney General in the Minister of State's reply is addressed?



**Mr. B. Lenihan:** There is the issue of the outstanding and extant appeal, to which the Attorney General referred. The house of cards has not quite collapsed — it is still extant — although, on the basis of the advice of the Attorney General, it is somewhat shaky at this stage.

**Mr. Howlin:** It is bad practice anyway.

**Mr. B. Lenihan:** I have no doubt he is well aware of that and is seeking to address the many issues which he has indicated exist in that context.

Amendment, by leave, withdrawn.

**Acting Chairman (Mr. McGinley):** Amendments Nos. 4 to 12, inclusive, are ruled out of order.

**Mr. R. Bruton:** I accept the Chairman's ruling on this but the Ceann Comhairle indicated that he would allow a short comment on the ruling.

**Acting Chairman:** A short comment is acceptable but I am mindful of the time.

**Mr. R. Bruton:** My frustration is that important changes are being made and many Deputies on this side of the House would have liked to test modest changes in the transition arrangements and some of the detail of this, but the rulings have meant that none of those proposals can be tested before our peers in the House. We cannot look for a view on modest changes in what is being proposed. The only proposals that have been allowed to go to the Oireachtas for a vote are those of the Government's choosing. That robs us of the opportunity to have proper debate and the chance to test our proposals by a vote. That applies to the definition of "new entrant", how one treats people who retired before the retirement age and so on.

**Caoimhghín Ó Caoláin:** All five of the amendments I tabled — Nos. 5, 7, 9, 11 and 18 — have been judged out of order as they involve, in the Ceann Comhairle's opinion, a potential charge on the Revenue. As a brief example, I will refer to amendment No. 9, which states:

In page 9, between lines 20 and 21, to insert the following:

"(d) a person who immediately before 1 April 2004 was enrolled in a recognised course of training as a nurse,".

This is very sane, sensible and relevant to the core of what this Bill is about. The fact that those who are involved in training for the nursing profession, whether for acute hospital services or psychiatric services, will not now be accepted within the service and will be adjudged as new entrants following 1 April is punitive and penal, and will frustrate many people.

The Minister of State asked who, at such an early stage in their career, is thinking ahead to retirement age and pension age. Perhaps it is the case that many more think that way today than in previous years. People who were glad to get a job did not look at the holistic reality of the profession's terms and conditions, but today an educated workforce is very conscious of all the elements and will be very much aware that they are being denied access to the nursing profession, teacher training——

**Acting Chairman:** Standing Orders allow only a very brief discussion.

**Caoimhghín Ó Caoláin:** I had five amendments disallowed. I say that in jest, I have made my point. I wish to again record how difficult it is for Opposition Deputies to find a means to impact in an effective way on legislation that is critically focused on financial matters, other than with the devices already employed. It is most frustrating and many people will be greatly annoyed and hurt by this decision.

**Mr. Howlin:** I understand the frustration in this regard. We use devices to ensure that there is debate on issues, but very often we do not want the amendments we table to be passed, rather it is an avenue to debate issues. When there are significant matters which it is important to debate, the general ruling on a financial charge, which is a broad stroke, should be dealt with as broadly and with as much discernment as possible by the Office of the Ceann Comhairle so that we can address issues about which others are asking and we can have a reasoned response from the Government on these matters.

Amendments Nos. 4 to 12, inclusive, not moved.

**Mr. R. Bruton:** I move amendment No. 13:

In page 10, between lines 16 and 17, to insert the following:

"(3) For the purpose of implementing *subsection (1)*, the Minister shall introduce a system of assessment of performance and a policy of facilitating the transfer of persons to alternative responsibilities within the public service where appropriate, in their later working years."

This amendment is tabled in the context of the change we are making in retirement age. I am looking for new systems of assessment of people and support for them to move on to other positions in their later years.

One of the features of raising the compulsory retirement age, which is proposed in this Bill so that people can work on indefinitely, is that there is a tendency for people to remain in positions of very high responsibility into very late years. There is always the danger that those who will choose to stay on are those one would prefer to leave and *vice versa*. It is important that we

7 o'clock

have better systems of assessment of performance in that context.

**Acting Chairman:** As it is now 7 p.m. I am required to put the following question in

accordance with an order of the Dáil of this day: “That Fourth Stage is hereby completed and the Bill is hereby passed.”

Question put.

The Dáil divided: Tá, 67; Níl, 48.

Tá

Ahern, Dermot.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Aylward, Liam.  
Brady, Johnny.  
Brady, Martin.  
Brennan, Seamus.  
Callanan, Joe.  
Callely, Ivor.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Collins, Michael.  
Coughlan, Mary.  
Cregan, John.  
Cullen, Martin.  
Curran, John.  
Davern, Noel.  
Dempsey, Noel.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Grealish, Noel.  
Hanafin, Mary.  
Haughey, Seán.  
Hoctor, Máire.  
Jacob, Joe.  
Kelleher, Billy.  
Kelly, Peter.

Killeen, Tony.  
Kirk, Seamus.  
Lenihan, Brian.  
Lenihan, Conor.  
McCreevy, Charlie.  
McDaid, James.  
McEllistrim, Thomas.  
McGuinness, John.  
Martin, Micheál.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Nolan, M. J.  
Ó Cuív, Éamon.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Donoghue, John.  
O'Donovan, Denis.  
O'Keeffe, Batt.  
O'Keeffe, Ned.  
O'Malley, Tim.  
Parlon, Tom.  
Power, Peter.  
Power, Seán.  
Ryan, Eoin.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Wallace, Dan.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.

Níl

Allen, Bernard.  
Boyle, Dan.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Connolly, Paudge.  
Costello, Joe.  
Cowley, Jerry.  
Crawford, Seymour.  
Crowe, Seán.  
Deasy, John.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
Enright, Olwyn.  
Gilmore, Eamon.  
Gregory, Tony.  
Harkin, Marian.  
Hayes, Tom.  
Healy, Seamus.  
Higgins, Joe.  
Hogan, Phil.  
Howlin, Brendan.  
Lynch, Kathleen.  
McGinley, Dinny.

McGrath, Finian.  
McManus, Liz.  
Mitchell, Olivia.  
Morgan, Arthur.  
Moynihan-Cronin, Breeda.  
Murphy, Gerard.  
Naughten, Denis.  
Neville, Dan.  
Noonan, Michael.  
Ó Caoláin, Caoimhghín.  
O'Dowd, Fergus.  
O'Sullivan, Jan.  
Penrose, Willie.  
Rabbitte, Pat.  
Ring, Michael.  
Ryan, Eamon.  
Ryan, Seán.  
Sargent, Trevor.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Timmins, Billy.  
Upton, Mary.  
Wall, Jack.

Tellers: Tá, Deputies Hanafin and Kelleher; Níl, Deputies Durkan and Stagg.

Question declared carried.

### Private Members' Business.

#### Social Welfare Cuts: Motion (Resumed).

The following motion was moved by Deputy Penrose on Tuesday, 23 March 2004:

That Dáil Éireann:

- noting that there are approximately 120,000 persons in receipt of contributory or non-contributory widow/er's pensions;
- conscious of the enormous social and financial difficulties that they face following the loss of a spouse and that many are forced to work in order to provide for the welfare and education of their families;
- deplores the decision of the Government to end the entitlement of this group of recipients to the additional half-rate payment of disability benefit, injury benefit and unemployment benefit as part of the savage sixteen social welfare cuts, which was based on the social insurance contribution they had paid;
- further deplores the decision to apply these cuts to those on lone parent payments;
- notes that while the cutback will create severe difficulties for widow/ers and lone parents, the saving to the Government will be less than €6 million;
- calls for the reversal of this mean and miserly cut especially against the background of positive exchequer returns for the first two months of this year, which show tax returns running €430 million above the level forecast, and
- urges the Government to give a commitment to the early extension of the social welfare free schemes to widow/ers who do not currently qualify.

Debate resumed on amendment No. 1:

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

- " notes the measure announced in November 2003 and introduced in the context of the Estimates for 2004 to discontinue entitlement to an additional half rate payment of some benefits where the recipient is already in receipt of widow/er's pensions, lone parent payments etc., for new claimants;
- notes that only a small fraction of the approximately 120,000 persons in

receipt of contributory and non-contributory widow/er's pensions will be affected by the measure as it will not have an impact on those over 66 years of age and existing claimants;

- welcomes the Government's ongoing recognition of the particular difficulties facing people following the loss of a spouse and notes the improvements provided in recent years including:
  - the substantial increase since 1997 of over 85% in the widow/er's contributory pension for those over 66 years, increasing the rate to €167.30;
  - an increase of over 55% in the widow/er's contributory pension for those under 66 years, increasing the rate to €140.30;
  - the introduction of a widowed parent grant in 1999 which was increased in budget 2004 to €2,700;
  - notes that while only 7% of persons in receipt of widow/er's pension have dependant children the Government has increased substantially the support for children in the form of child benefit;
  - notes in addition the special allowances provided in respect of widows/widowers, that is,
  - that substantial special tax allowances are provided for widows/ers with children in the three year period following bereavement;
  - that widow/ers pensioners are not liable to pay any social insurance contributions on their pension income;
  - that widow/ers pensioners who are working are only liable to pay employee's social insurance contributions if their income from employment exceeds €287 per week;
  - that widow/ers pensioners who are working are not liable for the 2% health contribution as is the case with other workers; and
  - commends the Government's prudent management of the public finances which has allowed for a record allocation of €11.62 billion this year to provide real increases in social welfare payments and notes the Government's intention to make further improvements in the widow's/widower's pension in line with the commitment in An Agreed Programme for Government and in Sustaining Progress."
- (Minister for Social and Family Affairs).

**Mr. B. Smith:** I wish to share my time with Deputies Killeen, Finneran, Sexton, O'Connor and Callanan.

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

**Mr. B. Smith:** I am glad to have this opportunity to make a short contribution tonight in support of the amendment tabled by the Minister for Social and Family Affairs, Deputy Coughlan. We all know the Minister has obtained a substantial budget for social services for the coming year. That is evident when one realises that more than €11 billion will be provided this year for the social welfare budget. That provides real increases in social welfare payments which will make a difference in supporting the income position of many people who depend on social welfare for their income.

The specific issue before us tonight is of great importance. I am glad the Minister for Social and Family Affairs, Deputy Coughlan, has said she will review the issues which have caused some concern. The Minister said last night that approximately 120,000 widows are in receipt of a payment from her Department. The measure which came into effect recently will cause some difficulties for a number of people. None of us wants to under estimate their concerns about the new measure. A small proportion of widows are affected by the measure.

The loss of a spouse is traumatic and, in many cases, unexpected. The trauma and hardship which follows a sudden death is difficult for the families concerned. It is at that time that the spouse and children need the maximum possible support from an income point of view.

I welcome the substantial increases in all social welfare payments in recent years. Public representatives on all sides of the House have cited the difficulties which may arise for widows, particularly those with young children, as a result of these new measures. The income position of those families has been improved by a substantial increase in child benefit since 1997. The child benefit payments and the substantial increase in such payments delivered real income support and an improved income position in recent years, particularly for people on low incomes and people dependent on another social welfare income. Since 1997 the rates of child benefit for the first two children have been increased by almost €94 a month, which is almost 245%, while the rates for third and subsequent children have been increased by almost €116 a month, which is an increase of approximately 233%. The further increase next month will help to improve that situation.

**Mr. McCormack:** The Government should back down.

**Mr. B. Smith:** Will the Minister review the situation as soon as possible and ensure that where there are cases of hardship her Department officials deal in the most compassionate manner possible with the difficulties arising for families? I also welcome

the Minister's statement that working widows on low income may be eligible for family income supplement. I hope her Department officials ensure that the families affected will be given the necessary additional income support they require.

**Mr. McCormack:** They should be given what they paid in.

**Mr. B. Smith:** The Deputy was glad to support the miserable increases a few years ago. There was an increase of £1.80 a week a few years ago when Deputy Howlin was a Minister.

**Mr. Howlin:** The Minister did not give the Deputy a brief this time.

**Mr. B. Smith:** I do not need a brief.

**Mr. Stagg:** The last brief the Deputy got from the Minister bounced back on him fairly badly.

**Mr. Killeen:** There appears to be an impression that all 120,000 recipients of widow's and widower's pensions will be adversely affected by the changes.

**Mr. McCormack:** It is the principle.

**Mr. Killeen:** I join Deputy Brendan Smith and others in pointing out that this is not the case. While I had intended contributing to the debate in a fairly neutral fashion, it is difficult to resist the opportunity to compare and contrast the records of various parties on social welfare payments over recent years.

**Mr. Howlin:** We cut nobody's pension.

**Mr. McCormack:** It is a smokescreen.

**Mr. Killeen:** We should be grateful to the sponsors of the motion for giving us another opportunity to outline some of the positive developments in social welfare payments since the bad old days of 1995 and 1996, when at least 18 of the signatories of this Private Members' motion were Ministers or Ministers of State. If the mudslinging is to begin, people in glass houses ought to be more careful than usual.

Aside from people over 66 years of age who cannot be affected by these measures, current claimants are exempt but, to be fair and accurate, only for the duration of their current claim. However, many employees are currently covered by company sick and maternity pay schemes and these, in general, co-ordinate with the social welfare provision. Under these schemes, employees are entitled to full pay or a proportion of full pay while absent from work in these circumstances. In many cases the loss of the half rate benefit will be offset by the increase in the level of occupational sick or maternity leave.

Unusually, this motion acknowledges in the sixth paragraph the Government's success in managing the economy by referring to positive



[Mr. Killeen.]  
Exchequer returns, and we should be grateful for that.

**Mr. Hayes:** It learned a good lesson.

**Mr. Stagg:** It is bad at spreading it out.

**Mr. Killeen:** There is a significant drop in the rate of inflation. This more than any other factor contributes to the benefit of the payments which have been generously increased over recent years. It is incumbent on all Members of the House to bear in mind that the economic well-being of the country ultimately determines what type of provision can be made not just in the social welfare code but also in areas such as health, education and the other high spending Departments.

It is also reasonable to commend the Minister for her efforts to streamline and modernise the social welfare code and to target resources to those in most need. Her commitment to reforming the system is commendable, as is her willingness to evaluate the concerns of the Widows Association and to monitor the effects of various changes in the code.

**Mr. Stagg:** It is just a simple cut of €76 per week.

**Mr. Killeen:** Changes are made which have an unforeseen impact and these need to be addressed.

**Mr. Stagg:** It is not difficult to evaluate that.

**Mr. Killeen:** It is difficult to hear this from somebody who was a Minister of State in a previous Government whose own record does not stand up to scrutiny in these circumstances. It is worthwhile putting on record some of the achievements of this and the previous Governments.

**Mr. Hayes:** Here we go again.

**Mr. Killeen:** Here we go again is true.

**Mr. McCormack:** How many broken promises? No cutbacks.

**Mr. Stagg:** What about the social welfare cuts?

**Mr. Killeen:** The facts stand up to scrutiny.

**Mr. Stagg:** They do.

**Mr. Killeen:** They certainly stand up to comparison with the record of the Opposition in government.

**Mr. Howlin:** We cut no pensions.

**Mr. Stagg:** What about the dirty dozen?

**Mr. Hayes:** We did not single out widows.

**Mr. Killeen:** A number of measures were outlined last night by the Minister which, if time permitted, I would be happy to discuss. Each of them improves the position of widows and widowers and each of them is valuable. The Minister outlined at least 15 new benefits which were introduced in last year's budget—

**Mr. Stagg:** Crumbs.

**Mr. Killeen:** —and since 1997 which have been enormously beneficial to social welfare recipients. In that context, we must examine how reform of the code can be achieved while ensuring that nobody is unduly adversely affected.

**Mr. Finneran:** I am glad to have the opportunity to contribute to this debate. I acknowledge the Minister's statement last night that she had discussions with the Widows Association and that she will monitor the position.

**Mr. Boyle:** That changes nothing.

**Mr. Stagg:** There is not much monitoring on €76 a week.

**Mr. Finneran:** I hope that will be the case—

**Mr. Hayes:** She knows she made a mistake.

**Mr. Finneran:** —and that if there is hardship, the matter will be addressed.

**Mr. Stagg:** There is hardship and it needs to be addressed. There is no need to monitor it.

**Mr. Finneran:** I do not want a lecture from Deputy Stagg. He will have his opportunity to speak if he has not done so already. He had his time in government, too, and we saw what he did then.

**Mr. Stagg:** We did not cut the widow's pension anyway.

**Mr. Finneran:** Over the past year, we have heard nothing but negativity and complaint from the Opposition. It is its business to oppose but negativity is a different matter. Over the past week, members of the Opposition have suddenly become extremely concerned about widows.

**Mr. Penrose:** No, it was last November.

**Mr. Hayes:** Nonsense.

**Mr. Finneran:** Where was this concern when they were last in Government? Where was this concern when they gave widowers a mere £90.28 a week?

**Mr. Penrose:** You were smothered with spin doctors.

**Mr. Finneran:** Since then we have increased the widow's contributory pension by 85% to €167.30.

**Mr. Ring:** Did prices not go up since then?

**Mr. Finneran:** Where was the concern for the lone parents when they expected them to live on a derisory £85.71 per week?

**Mr. S. Ryan:** Come back to the real world.

**Mr. Finneran:** We have increased this payment by 57% to €134.80.

**Mr. Hayes:** Prices have doubled.

**Mr. Finneran:** When the Opposition Members were last in government there was no such thing as a widowed parent grant. This Government introduced it in December 1999 for widows and widowers with children. The grant was last increased in the 2004 budget to €2,700. Opposition Members are experts at complaining and condemning while ignoring their failures when they were in government.

We rarely hear a positive idea or policy initiative uttered by the complainers.

**Mr. S. Ryan:** Come on.

**Mr. Stagg:** The Deputy should throw away that script and speak for himself.

**Mr. Finneran:** They scream and shout about what Fianna Fáil in government has done wrong but they do not tell us what they would do instead. Since they refuse to enlighten us as to what they would do, we can only imagine——

**Mr. Hayes:** The spin doctors are at it now.

**Mr. Finneran:** ——what a mishmash Government, comprising Fine Gael, Sinn Féin and the Green Party, they would produce. If we go by what they have done in the past, we would have a Government that would increase unemployment and disability benefits by a meagre €2.76.

**Mr. Penrose:** Get your head out of the clouds.

**Mr. Finneran:** This was the average rate of increase when Fine Gael and the Labour Party were last in government.

**Mr. Howlin:** A thousand jobs a week were being created when we left office.

**Mr. Finneran:** In comparison, Fianna Fáil in government has increased the minimum rates of payment by up to 43% since 1997. Judging by a £1.80 increase in pensions when last in government, I presume the Opposition would raid the pension fund and hold down pensions by linking them to the average industrial wage, as it promised in the last general election.

**Mr. Ring:** That is the spin doctors writing again for the Deputy.

**Mr. Finneran:** We would have a Government which would implement a high tax rate of 50%, as suggested by Sinn Féin and the Green Party in their election manifestos. Since this Government came into office, the tax burden has been reduced by almost €5 billion——

**Mr. McCormack:** For the big lads.

**Mr. S. Ryan:** What about the people who do not pay tax?

**Mr. Ring:** For Magnier, McManus and the others.

**Mr. Finneran:** ——and this has been weighted heavily in favour of the less well off. The Government's prudent management of public finances has allowed for a record social welfare allocation of over €11 billion this year to provide real increases in social welfare payments. That is real money in people's pockets. The measures taken yielded savings which went into the substantial budget allocation of €630 million.

The improvements in the budget for widows include a special additional increase for widow's and widower's contributory pension for those over 66 years, bringing it up to the maximum rate of old age pension. That is an overall increase of €11.50. Compare that with what was done when the Opposition Members were in government. There is a €10 increase for all widow's and widower's contributory and non-contributory pensions, an increase of between 7.5% and 8%. That is more than three times the rate of inflation. I appreciate that it is still not enough.

**Mr. Stagg:** There were cuts of €57 million in the social welfare budget. That is the bottom line.

**Mr. Finneran:** These increases benefit all widows each week. Fianna Fáil in government has implemented the most generous social welfare improvements since the foundation of the welfare state.

**Mr. Hayes:** The Deputy should check with the widows.

**Mr. Finneran:** The Opposition constantly ignores this fact.

**Mr. McCormack:** Why is the Visitors Gallery filled with widows?

**Mr. Finneran:** Since the election, its only contribution to political debate in this country has been to bang the drum of discontent.

**Mr. Hayes:** The Deputy should check his facts before making such a statement.

**Mr. Finneran:** It has produced few constructive policies. The Opposition often offers no credible policies in the area of social welfare. It is time it acknowledged that there is more to politics than criticising, complaining and condemning.

**Mr. Stagg:** The Deputy should sack his spin doctor.

**Mr. Ring:** There is more to politics than the rich.

**Mr. Finneran:** The people of Ireland want action, not pontification. This is what Fianna Fáil in Government has done and will continue to do.

**Mr. Ring:** It looks after the rich.

**Mr. Finneran:** I have no doubt that in any review that takes place the Minister will take on board and address the concerns of the National Association of Widows in Ireland and others under the social welfare code.

**Ms Sexton:** Thank you, a Leas-Cheann Comhairle, for the opportunity to speak on this motion.

**Mr. Ring:** The Deputy should speak up for women.

**Ms Sexton:** The social welfare package for this year amounts to more than €11 billion, the highest spending of any Department, even the Department of Health and Children. It represents an increase of more than €630 million on the figure for 2003. That is something of which we on this side of the House should be proud.

It is geared towards improving the lives of the less well-off and the most vulnerable members of our community.

**Mr. Stagg:** By cutting their benefits.

**Ms Sexton:** It includes increases in unemployment and child benefit, respite care and death grants. These are good, positive developments of which we can be justifiably proud.

**Mr. McCormack:** Why is the Gallery packed?

**Ms Sexton:** However, of the changes made to the entitlements of widows, widowers and lone parents we cannot say the same. The change will save the Exchequer almost €6 million for the remainder of this year and €12 million annually. That is short change when considered in the overall context of expenditure by the Exchequer.

This radical change in the benefit conditions undermines and weakens the position of one of society's most vulnerable groups, and it paints this Government as harsh and uncaring. The irony is that nothing could be further from the truth.

Everyone in this House acknowledges that the Minister is compassionate and dedicated to ensuring an equitable, fair and just social welfare system.

**Mr. S. Ryan:** People are getting sick in the Gallery.

**Ms Sexton:** Since her appointment she has done great work in ensuring that money allocated to her Department is directed where it is most needed. Her commitment to ensuring the eradication of fraud within her Department has meant——

**Mr. Hayes:** No wonder people are walking out of the Gallery.

**Ms Sexton:** I ask the Chair to ensure that the unruliness ceases.

**An Leas-Cheann Comhairle:** Order, please. It is not in order to refer to people in the Gallery.

**Ms Sexton:** The Minister's commitment to ensuring the eradication of fraud has meant savings to her Department and to the taxpayer in tandem with making greater funds available for those in genuine need. It is regrettable, therefore, that in attempting to streamline the payments system and bring equity across the board regarding double social welfare benefit payments, hardship has been inadvertently inflicted on this group of widows, widowers and lone parents. This is a group in society that we all agree should be afforded additional protection, not undermined financially. To lose a spouse is a traumatic experience without the additional worry of how to cope financially in the event of personal illness, having found the resolve to return to work. If I found myself in the position of any of the group I would be considering a legal challenge to the measure, given that it is a contributory benefit.

**Mr. McCormack:** Why did the Deputy vote for it?

**Ms Sexton:** For a Government with such a strong track record in terms of real increases in the value of pensions and child benefit, which introduced the minimum wage and increased carer's benefit across the board, to name but a few, the change makes little sense morally or financially. It affects a small and dispersed group of just 2,000 people, a group not generally considered to be either a vocal or aggressive lobby.

I pride myself on being a realist and I recognise that sometimes tough decisions must be made by Government. I also appreciate that in tough economic circumstances, savings must be made.

**Mr. Stagg:** At the expense of the poor.

**Ms Sexton:** The truth is that the financial situation here has improved significantly since the

budget was first framed. Tax receipts are up. In the first three months of this year income from taxation exceeded the Department of Finance estimates by €350 million. Nearly €90 million has been raised by Revenue from fines and penalties imposed and paid by non-compliant bogus non-resident account holders. Economic forecasts are being revised upwards. What seemed prudent and necessary six months or even three months ago may not necessarily hold true now. If economists can revise forecasts, surely we, as politicians and legislators, can do so too and amend decisions.

**Deputies:** Hear, hear.

**Ms Sexton:** Nothing should ever be so binding that it cannot be changed.

**Mr. McCormack:** What about the vote?

**Ms Sexton:** Hard cases should never be dismissed. I am glad the Minister has already met with the widows' and widowers' association. It demonstrates that this is a responsive Government that is prepared to listen and take on board legitimate concerns. The Tánaiste is correct in saying that the hallmark of any society is how it treats its most vulnerable and how it responds to challenges.

**Mr. Stagg:** How will the Deputy vote?

**Ms Sexton:** I appreciate the Minister's comments last night and again today and take heart from them. In voting with the Government on this amendment tonight—

**Mr. Boyle:** This was pure platitude.

**Mr. Hayes:** That is typical of the PDs.

**Ms Sexton:** Common manners would dictate—

**An Leas-Cheann Comhairle:** Order, please.

**Ms Sexton:** A Leas-Cheann Comhairle, may I conclude? I would like to allow Deputy O'Connor an opportunity to speak.

I appreciate the Minister's comments last night and again today and I take heart from them. In voting with the Government on this amendment tonight I trust and put my faith in this Administration that the issue will be re-examined and rectified in the near future to the satisfaction of widows, widowers and lone parents.

**Mr. McCormack:** The Deputy could rectify it tonight. Now is her chance.

**Mr. O'Connor:** I have only a very short time and Members know I am a sensitive soul and might give me my two minutes. If they want to engage with me, they can do so on another day.

**Mr. S. Ryan:** The Deputy should not forget the telephone call.

**Mr. O'Connor:** Regarding the telephone call, I am always embarrassed when I am mentioned in the media because I go about my business, keeping my head down, not looking for attention or publicity. I understand I was mentioned on "Liveline" today. That is fine because the whole country listens to Joe Duffy. I know everybody in Tallaght listens to him. I am glad a lady phoned the programme but I am sorry that a call she made to my office was not returned. I apologise for that because I take great care with the calls I get.

This debate is about the role of Deputies. I do not intend to go into history other than to remark on comments to the effect that Government Deputies sit at home watching television and never get out of bed. That is not why I was elected. Deputies must take the good with the bad. I am always prepared to listen to what people say to me. I listen very carefully to all my constituents. Many people in Tallaght, Greenhills, Templeogue and Firhouse have contacted me about this issue. I know many of the widows who contacted me and I knew their late spouses. It is a matter of grave concern. Opposition Deputies may taunt Government Deputies as much as they like for voting with the Government but they did exactly the same because that is how the system works.

**Mr. Stagg:** They are voting against widows.

**Mr. O'Connor:** We are not voting against widows. The only way I can represent the concerns which are brought to my attention is to stand up in the Dáil or go to the parliamentary party and make my case.

**Mr. Stagg:** There is a vote at 8.30 p.m.

**Mr. Callely:** There is an amendment as well.

**Mr. O'Connor:** This is the real world. If Deputy Stagg wants to go for the soundbite he can work away. I am not interested in soundbites. I am just as concerned as everybody in this House about this issue. I believe that in matters of Government policy mistakes are sometimes made.

**Mr. Gilmore:** Is this a mistake?

**Mr. O'Connor:** The Minister made it clear last night in her discussions with the National Association of Widows in Ireland that she would constantly review this. I join with my colleagues in calling for an acceleration of the review. Changing one's mind is not always popular. Opposition Members face the same challenges. I am very supportive of the Minister. I am a colleague of hers in the parliamentary party and on the social welfare policy group of my party. I am on the joint Oireachtas committee ably



[Mr. O'Connor.]

chaired by Deputy Penrose and I pay tribute to his work in this regard. However, the Minister should understand that while it is not always popular to rethink policy, this is an occasion where that should be done. If Opposition Members want to go for soundbites, they can do what they want at 8.30 p.m. The rest of us must deal with the real policy, and I am not afraid to say that.

**Mr. Ring:** We know the Deputy is embarrassed.

**Mr. O'Connor:** I will do what I have to do at 8.30 p.m., but it will not stop me representing my constituents in a genuine way.

**Mr. Ring:** It would send out a strong message.

**Mr. O'Connor:** I hope this policy is reversed as quickly as possible because the whole world should not revolve around Private Members' Business.

**Mr. Ring:** What about the widows?

**Mr. O'Connor:** There are many other issues at stake in this. Many people are upset about this issue, and I am not afraid to represent them.

**Mr. Ring:** The Deputy should vote with us.

**Minister of State at the Department of Health and Children (Mr. Callely):** As Minister of State with responsibility for older people I am happy to have the opportunity to participate in this debate. I have listened to it with interest and I hold strong views in favour of providing appropriate supports, especially for widows, widowers and lone parents, which is the subject of this debate.

I acknowledge the huge interest expressed by the widows' association and the excellent discussion in the media, in particular the Joe Duffy show. I have put a strong case to my ministerial colleague, Deputy Coughlan, and I am pleased to note that the Minister has this matter under review.

**Mr. Stagg:** She is reviewing the situation.

**Mr. Ring:** Just like the home helps.

**Mr. Durkan:** Why introduce it in the first place?

**Mr. Callely:** The Government's record in caring for widows, widowers and other disadvantaged people contrasts starkly with the miserable increases provided by the rainbow Government.

**Mr. Durkan:** Another history lesson.

**Mr. Callely:** This year's Estimates provide for social welfare spending of well over €11 billion, a

doubling of the total social welfare expenditure over the period of this Government in office.

For example, increases of more than 85% have been provided since 1997 in the rate of widows and widowers' contributory pension for those over 66 years. This represents the largest increase granted to any group of social welfare recipients. For recipients of widows and widowers' non-contributory pension aged under 66, the weekly rate increased by more than 57%.

The Opposition Members have tried to give the impression that the measure being debated forms part of a wider attack on widows and widowers' entitlements.

**Mr. Durkan:** It does.

**Mr. Callely:** Again, the Government's record in this area speaks for itself. We have also introduced a wide range of other improvements for widows and widowers. A new widowed parent grant of €1,270 introduced in 1999 for newly widowed persons with children has been more than doubled and was increased in the budget for 2004 to €2,700. The bereavement grant was introduced in 1999 and the rate has been increased substantially increased from €127 to €635 — a fivefold increase. The after death payment arrangements were enhanced in 2003 and 2004.

**Mr. Ring:** How much does a funeral cost in Dublin?

**Mr. Callely:** I hope everybody listening to this debate realises that what I have just outlined was implemented by this Fianna Fáil-led Administration.

**Mr. Durkan:** And the cuts as well.

**Mr. Stagg:** It cut €76 a week.

**Mr. Callely:** People who had the opportunity to deliver what I have just outlined — fivefold increases and so on — failed miserably.

**Mr. Durkan:** Why is the Government taking it back? Leave the widows alone.

**An Leas-Cheann Comhairle:** Order, please.

**Mr. Callely:** All widows and widowers aged 70 and over now have automatic entitlement to the household benefits package, regardless of the household composition.

**Mr. Durkan:** That is a two-edged sword.

**Mr. Callely:** It must be remembered that it was a Fianna Fáil Minister who introduced the new widowers' contributory pension scheme in 1994.

**Ms Lynch:** They had no choice.

**Mr. Callely:** The Government is further committed in its agreed programme to implement improvements in widows and widowers' pensions to €200 by 2007.

**Mr. Durkan:** It gives with one hand and takes away with the other.

**Mr. Callely:** My good friend and colleague, the Minister for Social and Family Affairs, Mary Coughlan, is doing a tremendous job in social welfare.

**Mr. Stagg:** The widows do not think so.

**Mr. Callely:** She has met many groups including, last night, the National Association of Widows in Ireland and undertook to keep the implementation of the reforms under review—

**Mr. Boyle:** But not change it.

**Mr. Callely:** —to ensure that the total social welfare budget continues to be best spent in tackling disadvantage and inequality and in providing other social support.

A number of issues were touched on last night and I took note of some of them. Deputy Ring claimed that the Government has made the poor poorer.

**Mr. Ring:** That is true.

**Mr. Callely:** Deputy Ring is wrong again.

**Mr. Ring:** That is true. The Government is a disgrace.

**Mr. Callely:** The data on poverty levels contradict that.

**Mr. Ring:** The Minister of State should listen to the Combat Poverty Agency, the Society of St. Vincent de Paul and other State agencies.

**Mary Coughlan:** The Deputy should listen to himself.

**An Leas-Cheann Comhairle:** Order, please.

**Mr. Ring:** All the Government is good for is taking photographs but it does not deliver. It attacks the poor—

**An Leas-Cheann Comhairle:** Order, please.

**Mary Coughlan:** Has Deputy Ring any more to say?

**Mr. Callely:** Poverty levels among the population generally more than halved between 1997 and 2001. That is a fact.

**Mr. Ring:** Ask the Society of St. Vincent de Paul.

**An Leas-Cheann Comhairle:** The Minister of State must conclude. His time is up.

**Mr. Ring:** That is the programme managers for you.

**Mr. Callely:** I regret that, because of the interruptions, I do not have sufficient time to answer all the questions posed, but I am satisfied that I have adequate answers to each of them.

**Mr. Ring:** What about home helps? That is the Minister of State's responsibility. He is taking from the poor again.

**Mr. Durkan:** He should give the money back.

**Mr. Crowe:** I wish to share time with Deputies Gregory, Finian McGrath, Cowley, Connolly and Seán Ryan.

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

**Mr. Crowe:** Listening to the debate on this motion, I realised, not for the first time, how similar every Private Members' Business is in this House. The Opposition motion is ridiculed by Government speakers who give us endless streams of carefully selected and edited figures. A Government backbencher will have been given instructions to attack the record in Government of two of the five Opposition parties. We will also be told what a great job this Government is doing. If we are lucky, and we were fortunate last night, the Minister will talk about setting up a committee, an implementation body or some type of "maybe when the economic climate improves" solution.

Last night we got a vague half nod that we may see something coming from the Minister, especially after her meeting with the national widows' association. This proposed announcement would be welcome news, especially if it came before the June elections. After all, this is a caring Government. Changes might be made over the next few months but, then again, they might not.

The Minister said that the Government had to make difficult choices. What exactly does that mean? Does it mean that the Government has a choice? Does it mean it can fund the essential services by taxing those who can afford to pay rather than cut services? The Government has chosen to cut essential services that hurt the less well-off. We see it every day in our communities. The Government could have taken the difficult choice and made the extremely rich and wealthy pay a greater proportion of tax, but the choice to reduce their taxes was made. The difficult choice was to allow them continue to pay little or no tax.

I did not make that choice; the Minister did. The Government's choice was to follow a path that would inevitably hurt the less well off and the most vulnerable sections of society. The Government has made choices that have widened

[Mr. Crowe.]

the gap between rich and poor. Widows and widowers can rest easy. Changes might be made over the next few months but, then again, they might not. Each hard luck story will be taken on its own merits.

The question widows and widowers might legitimately ask is when the Government, when faced with a choice, has ever stood up to the rich and powerful in society. Ordinary working people are being ground down daily with increases in essentials such as food, electricity, accommodation, transport, fuel, insurance and health care. According to CORI's justice commission, one in five Irish people now live below the poverty line. The Society of St. Vincent de Paul has said that the number of calls for assistance to the Dublin office has increased by a staggering 94% in the past 12 months. A total of 20% of households live in poverty and the majority of other such households are pensioners, the disabled or those otherwise out of the workforce.

The other side of society is legalised tax evasion for the rich. In 2002, a survey of the top 400 earners revealed that one fifth paid less than 15% tax, and some do not bother paying any tax. There are so many tax breaks the Minister, Deputy McCreevy, does not know the cost of all of them. Hundreds of millions of euro have been given away on tax breaks, State cars, consultants, spin doctors, hand-outs for the wealthy—

**Mary Coughlan:** The Deputy would know all about that. He had plenty of them.

**Mr. Crowe:** —tax cuts for the wealthy, welfare cuts and increasing stealth taxes for workers, and increasing bank accounts for the wealthy. Is this the just society we occasionally hear about? Like other Deputies who spoke, local constituents have contacted me on these cuts. These people have suddenly discovered the effect of the sneaky hard-edged cuts the Minister introduced at the end of last year. With a stroke of her pen she ripped away and erased their hard-won entitlements. People cannot understand how a Government that prides itself on its touchy-feely, caring society platitudes could be so mean-hearted, deaf and blind to the problems it faces, so absolutely ignorant of hardship and the difficulties with which people must deal daily. Widows and widowers who worked hard all their lives are now faced with the fact that on losing their jobs or becoming seriously ill the Government has removed their welfare entitlements.

**Mary Coughlan:** That is trite coming from a party that is in a precarious position with my Department.

**Mr. Crowe:** Deputy Penrose best summed it up in his remarks last night when he said the motion is about an issue “that goes to the heart of

determining the sort of society we want to create.”

**Mary Coughlan:** Sinn Féin might answer a few questions from my Department.

**Mr. Crowe:** Sinn Féin will support this motion and the vision of society that it represents and oppose the Fianna Fáil-Progressive Democrats Government amendment. The Opposition motion will no doubt be defeated. The Government backbenchers will take their places to vote and make their difficult choice in favour of this spiteful and mean cut in widow's and widower's entitlement.

**Mr. Callely:** What good would it do to vote down the amendment?

**Mr. Crowe:** Will there be no amendment?

**Mr. F. McGrath:** The applause from the gallery is the Minister's answer.

**Mary Coughlan:** Sinn Féin should come over to my Department and answer a few questions.

**Mr. Crowe:** Yes, maybe the Minister should ask me a few questions. The Minister is welcome to ask me any questions she likes, anywhere.

**Mary Coughlan:** Let us open some files, then the Sinn Féin Deputies will be ashamed to be public representatives. They have a cheek.

**Mr. Gregory:** I have only two minutes to speak and the Minister might allow me to use them. I abhor this most despicable decision of the Fianna Fáil-Progressive Democrats Government to remove from widows and widowers their entitlement to additional half-rate payments of disability and unemployment benefits. This is the pettiest of the pathetic record of the Government and the worst of its savage 16 social welfare cuts.

Widows and widowers are in a very special position, facing most distressing social and financial difficulties in the aftermath of losing a spouse. In many cases widows are first out to work to help provide for their own needs and those of their families. It is particularly repulsive to read in the Government's amendment a boast that it pays widows and widowers a contributory pension of €140 a week. What a sum on which to try to survive in a country with an extremely high cost of living. How could anyone have a decent quality of life on such a miserable allowance? This is the same Government that has increased payments to barristers at tribunals to several thousands of euro a day so that in three days a senior counsel earns from the taxpayer, through the Government, what a widow or widower is given to last a year.

This is yet another clear example of the unequal society created by the Fianna Fáil-Progressive Democrats philosophy. These cuts in social welfare must be seen in the context of an

affluent Ireland whose *per capita* income is the second highest in the European Union yet which has the widest, and increasing, gap between rich and poor of any country in the Union. If the Government continues with this approach Ireland will become an even more deeply divided two-tier society. This is unfair, unjust, unacceptable and unsustainable.

**Mr. F. McGrath:** Thank you for allowing me to speak on the motion on the working widows of this State losing out on social welfare benefits, and the withdrawal of sickness and unemployment benefit. This cut to more than 2,000 working widows nationwide, who have made a valuable contribution to our society, is a disgrace and a shame, particularly when last week we saw revenue running €430 million ahead of the level forecast. In a week when the Government got €430 million it attempted to cut €6 million from a group of deserving widows.

I offer my total support for the National Widows Association in this and their other policy areas. This affords me an opportunity to highlight other areas where the elderly are treated with contempt. Last week, a 94 year old widow in my constituency was told that she is to be allowed only one hour of home help per day. This is miserly in a booming economy but it is the reality for many elderly people and a direct result of the shallow social and economic policies of the Government. It is time for the Government's right wing policies to be exposed. Why does a Government hammer people who have lost a spouse and are forced to work to provide for the welfare and education of their families? I urge every Deputy to support widows and widowers. This is not a time for sitting on the fence, it is a time for leadership, vision and commitment to our people. Deputies who vote against this motion show their true colours to be a Tory blue.

I utterly deplore the decision by the Government to end the entitlement of this group of recipients to an additional half-rate payment of disability, injury and unemployment benefit as part of the savage 16 welfare cuts from their social insurance contributions. Furthermore, I demand that the Government give a commitment to the early extension of the social welfare free scheme to widows and widowers who do not qualify. This debate is about how we distribute the resources of the State. It is not a question of lacking funds or extra revenue, the Government seems to be obsessed with cuts, especially binge cutting of social services that seem to attack elderly and disabled persons. It forces families of children and adults with intellectual disabilities to go to the courts to get their rights and services. It squanders taxpayers' money on legal cases and holds back on an equality rights-based disability Bill. I urge the Deputies to support this motion tonight.

**Dr. Cowley:** It seems wrong and immoral to reduce the income of vulnerable widows and

widowers when the racehorses of Ireland are supported and pampered as if money was going out of fashion.

**Deputies:** Hear, hear.

**Dr. Cowley:** This cut was made to save €6 million a year. Whatever excuse there was for visiting this cut on a vulnerable and defenceless population of widows and widowers, it is totally and utterly inexcusable not to reverse it now that the financial state of the country for the first quarter of this year is better than expected by €350 million. There is no shame in reversing this cut but there is in not doing so immediately in the face of a better financial climate. I hope the Government will do the honourable thing and reverse it. Tribunals and public inquiries cost €138 million up to last year. How many €6 millions could have been saved if Fianna Fáil had kept its house in order and avoided the tribunals altogether? The answer is that 6 million goes into 138 million 23 times. The Government might at least have kept some check on the exorbitant fees of €1,900 to €2,500 a day paid to senior counsel. Approximately €60 a week for someone who is ill pales into insignificance beside those fees. The Government is responsible for this.

People are being turned away from Mayo General Hospital because there are no beds. Sick people are told not to go there. How many beds could that money buy? The Tánaiste and Minister for Enterprise, Trade and Employment said today that the hallmark of a society is how it treats its weakest citizens. That was rich considering how widows have been treated. To hear the Government all day churning out figures on national health and social welfare expenditure is cold comfort. It is reminiscent of Marie Antoinette's comment "let them eat cake", coupled with the tighten-your-belt philosophy while racehorses run rampant and industry thrives. To paraphrase Hamlet, there is something rotten in the State of Ireland, and it is the Government.

**Mr. Connolly:** A short time ago someone expressed pride in the Government side of the House. This is not a night to feel proud about anything, least of all this debate about taking €5.8 million from widows. I do not know how that person could feel proud. I was gobsmacked by the comment because it ran close to arrogance to make such a statement here.

**Mr. Boyle:** We are beyond arrogance.

**Mr. Connolly:** Last year, the Government introduced a plethora of savage cuts and increased many stealth taxes. What we did not know at the time was that last November the Minister for Social and Family Affairs was entering into her own stealth spirit with several cutbacks that radically affected the lives of some of the least protected citizens. Among these was



[Mr. Connolly.]

the subject of tonight's motion, depriving widows, widowers and lone parents of an entitlement to a half-rate payment of disability, unemployment and injury benefits.

Many widows have given a lifetime of service to the State. They have paid their taxes and have sought nothing by way of recompense. They are a forgotten group in society. Many of them find it difficult to barely survive at subsistence level but they manage to retain their dignity and care for their families. It is conceivable that the Minister may not quite appreciate the difficulty and trauma visited on a widow on the loss of a partner or spouse, particularly in cases where there are young children. It is especially hard on these young families to have to beg to be fed, dressed or otherwise cared for, or to be adequately provided for in the case of children with special needs. These same people are providing the caring services which the State could not afford.

Widows face the prospect of grieving in private as they get on with the business of rearing their families. The job is made infinitely more difficult for them by the Minister's cut. Throughout this debate, which started yesterday evening, there has been somewhat of a backtracking exercise. I will compliment the Minister if she follows through on this. I urge the Minister to keep the issue under review and do the brave thing. The sum involved is only €5.8 million. The Minister can see the public reaction. It is not worthwhile making the cut. I would commend the Minister if she decided to reverse the cut and I hope she does.

**Mr. S. Ryan:** I compliment Joe Duffy and his "Liveline" team on affording the widows of this country the opportunity to highlight their plight and the discrimination against them by Government. Other journalists did not deem this issue, which has been highlighted by the Labour Party since last December, a fit one on which to run. This campaign has been a new and eye-opening experience for the majority of people in the Gallery. They have been particularly angry and depressed with the performance of the Minister. They have come here in the hope and expectation that she will appreciate and respond to their legitimate grievances.

It was pathetic to hear the Minister and her backbenchers endeavour to justify the indefensible, the scrapping of the half rate of disability and unemployment benefit for widows and lone parents at a cost of €5.8 million per annum. This particular one of the 16 savage social welfare cuts has hit the most vulnerable in society — widows, lone parents and families in need of crèche and diet supports.

Ireland is one of the richest countries in the world for some. The growth and prosperity is due in no small way to the sacrifices made by ordinary working people, especially widows, over the years. Widows, with little support from the State,

worked day and night to rear and educate their children on their own. What have they received from the State in return? A widow under 66 years of age is expected to live on €140.30 per week. The child dependant rate is €21.60 per week, a figure which has not been increased since 1994. Furthermore, the Minister has decided that working widows paying PRSI contributions will no longer be entitled to disability or unemployment benefit should they be struck down by illness or unemployment.

At the same time, this Government can justify policies which favour the rich and people with influence. At the time when the Minister made cutbacks of €58 million in social welfare payments, her colleague the Minister for Finance, Deputy McCreevy, provided an additional €67 million for the rich and famous in the racing industry. Over the past three years Ministers have spent over €100 million on consultancy fees and spin doctors in the hope they will be re-elected. This is an utter scandal.

In the Gallery tonight, for example, is a woman whose husband died at 28 years of age, leaving her with two children and expecting a third. She never remarried and she has worked since for over 21 years paying PRSI contributions. As a result of the Minister's cutbacks, if this widow becomes sick, she will not be entitled to disability benefit. Another person in the Gallery became a widow three years ago. Thankfully she got back to work. However, she has recently been made redundant. She contacted the Department and was informed that she could register as unemployed but that she was not entitled to unemployment benefit while she was seeking alternative employment, notwithstanding her and her spouse's contributions.

These cuts are totally unacceptable to the Labour Party and we will keep up the pressure, both inside and outside the Dáil, until the cuts are reviewed and changed.

**Mr. Stagg:** I wish to share time with Deputy Moynihan-Cronin.

**Acting Chairman (Mr. B. O'Keeffe):** Is that agreed? Agreed.

**Mr. Stagg:** I thank the Labour Party leader, Deputy Rabbitte, and my colleagues for tabling this timely motion which seeks the approval of the House for the reversal of one of the most unnecessary and meanest cuts ever seen in the State.

I want to bring home to the House and the Minister the reality of the existence of a widow and her family who are neighbours of mine. Duncan and Mary — not their real names — were married for 13 years and had two children aged 12 and ten. Duncan was employed as a meat worker and earned €650 per week. Their council house was on a purchase scheme and they also had a car. Their existence was comfortable until

tragedy struck when Duncan died of a heart attack at work.

The lives of Mary and her two children were turned upside down. When the grief and shock subsided the stark reality sank home. The family income was reduced suddenly from €650 per week to €140 for Mary and €21.60 for each child, a weekly reduction of €467 per week. The family was suddenly on the breadline. Savings were quickly dissipated, the car was sold and the family's standard of living plummeted. Standards of diet, clothing and entertainment were dramatically reduced. Try as she would, Mary could not stretch the €183 per week to meet the family's basic needs. Mary was forced to seek employment outside the home to make ends meet.

Obligated to work family-friendly hours she got a part-time job in Maynooth college working early mornings and late nights. She does 30 hours cleaning work at the minimum rate of €7 per hour. Her gross pay is €210 per week. She pays full PRSI and her pension is taxable. She pays €36 per week more in tax than any of the others. She is exhausted but the money improves the food and clothing situation for the family. However, when the Easter and summer college breaks arrive she is laid off but up to now she could draw unemployment benefit to tide her over. She was entitled to half the normal rate, €76 per week. The same would apply if she got sick.

Now, this miserable mean-spirited Minister has taken away Mary's lifeline in the event of sickness and unemployment. She will no longer get the €76 per week. She will be reduced to the breadline by a Government awash with money. This Minister is mean, miserable and a disgrace. In her heartless and mean-spirited contribution to the debate last night, she identified a long list of minor benefits available to widowed persons. She did so with the usual sneering *straois gháire* and in a threatening manner. The implications of her remarks were that widows should be thankful for the crumbs that fall to them and that if they do not behave, some more crumbs will be removed.

It is nonsense to suggest that the Minister is some sort of political innocent. She is a senior Minister in this sovereign State and vested in her are the powers that go with that position. She alone is responsible for the mean, heartless decision that gave us the 16 savage cuts. She alone is responsible for the decision to remove the rights of widows and single parents to draw disability benefit if they are sick and for the decision to deny them the right to unemployment benefit when they are unemployed. It was this Minister's decision to hit viciously at the weakest and most deserving of our citizens.

In tonight's vote I ask for the support of Fianna Fáil backbenchers who have shadow-boxed around this issue. They should stop the forked tongue attitude and use the vote at 8.30 p.m. to show whether they are for or against widows.

**Mr. Callely:** They will vote for the amendment.

**Mr. Stagg:** I am sure they will vote against widows. I have no confidence in them doing otherwise.

**Mr. Callely:** They will vote for widows by voting for the amendment.

**Ms B. Moynihan-Cronin:** I pay tribute to my party colleague, Deputy Penrose, for putting the motion before the House and for raising this issue last November. It is shameful that such a motion had to come before the House. Fianna Fáil and Progressive Democrats Members are only too aware of the necessity to reverse the social welfare cuts that are having and, will have, such a devastating effect on widows, widowers and lone parents.

People in receipt of survivors' pensions or lone parent allowances, who also pay tax on these payments, are shocked to realise they are not entitled to what should be their rightful benefits if an accident, illness or unemployment befalls them. What about the contract these taxpayers have with the Department of Social and Family Affairs through the payment of PRSI contributions? Are they not correct in presuming that contract will entitle them to a benefit when they become ill or lose their employment? The Department is breaking its contract with these people. I have doubts about the legality of such a move. If these cuts were forced on any other sector, people would take to the streets, but, unfortunately, the people we are dealing with, widows, widowers and lone parents, do not have the time to protest, as they are on their own trying to look after their families and keep their homes together in difficult times on very little income.

Is the Government not aware that when someone loses a partner he or she also loses an income? However, the same bills come in week after week which need to be paid despite the dramatic drop in income.

On top of this we must consider the stealth taxes that have been forced on people since the last election which is making the plight of people in these situations more desperate. Such increases include, for example 13.5% in ESB bills, 18% in VHI premia, 9% in gas bills, 70% in third level registration fees, 12% extra for motor taxation and a 42% rise in the cost of attending accident and emergency departments. I could go on but I do not have the time. The Government has cut the income of the most vulnerable when they are at their lowest ebb.

Fianna Fáil and the Progressive Democrats will do what they do best. They will be both in Government and in Opposition at the same time. They outlined the difficulties for widows and widowers, but they will proceed to vote for the Government. They will not support the Labour Party motion. We will see who supports a fair society and who does not.

I hope the Minister, Deputy Coughlan, will do a U-turn on this. Such an action would not have

[Ms B. Moynihan-Cronin.]  
occurred without this debate and the pressure from the Widow's Association.

**Deputies:** Hear, hear.

**Ms B. Moynihan-Cronin:** I acknowledge its contribution. These cuts should have never been introduced.

**Mr. Calley:** That is not true.

**Ms B. Moynihan-Cronin:** That is true.

**Mr. Penrose:** I brought this to the Minister's attention last December but she did not listen.

**Mr. Sargent:** I wish to share time with Deputies Kenny and Rabbitte.

**Acting Chairman:** Is that agreed? Agreed.

**Mr. Sargent:** The Green Party subscribes to the view that the greatness of a nation is judged by the way it treats its most vulnerable people. By that yardstick the Government is damned.

I thank the Labour Party for highlighting the mean spirited nature of the Government. We support the joint Labour Party, Fine Gael and Green Party motion to reverse these miserly cuts against widows, widowers and lone parents. This is all for the sake of clawing back less than €6 million against a background of tax returns running at €430 million above the level forecast. The Minister, Deputy Coughlan, has a strong case at Cabinet if she is interested in doing the job she was elected and appointed to do.

Many widows and widowers listening to the debate in the Visitors Gallery have been paying PRSI through the years and they are entitled to a pension. Some people in the Visitors Gallery have been paying €50 per week in combined employers' and employees' PRSI contributions. Many widows and widowers told me that in the 1980s they paid 56 pence in the pound in tax. They are entitled to the money. This is not a case of contingency based hand-outs, as the Minister suggested. These people did not ask or plan to become widows or widowers. Have they not been traumatised enough without these mean cuts? The Minister's heart of stone refusal to budge is a dangerous and hypocritical position.

**Mr. Calley:** That is not true.

**Mr. Sargent:** The Minister argued for one payment per person in spite of the fact that many widows and widowers are doing the work of at least two people. They have to go out to work and look after their children. They are carers and, in many cases, are doing a great deal more than a person who has not been widowed.

It is strange to hear the Minister refer to one payment only. When she ceases to be a Minister — and who knows how soon that might be — she will have a Minister's and TD's pension. It is

hypocritical to talk about people only being allowed to have one payment.

**Mary Coughlan:** I spoke about social welfare.

**Mr. Sargent:** It is important that we are consistent. It is also important that the Minister does not just cite increases in child benefit, as if people are getting payments hand over fist. As has been pointed out, the increased cost of child care, the accident and emergency service and the high cost of living in general far outweigh any increased payments from Government. In effect, a loss of payment applies rather than an increase when one takes the cost of living into account.

How can the Minister continue to serve in a Government which gave €16 million to PuncHESTOWN, more to the Kenmare marina project, which is in breach of basic planning law and continues to favour the rich, tribunal lawyers, land speculators and tax exiles while the less than €6 million saving out of €40 billion Government expenditure is snatched from the mouths of families traumatised by bereavement and disenfranchised by an uncaring Government?

If the Minister intends continuing in Government she must support this motion, otherwise there is no course of action but to resign.

**Deputies:** Hear, hear.

**Mr. Calley:** Support the amendment.

**Mr. Kenny:** The Fine Gael Party is happy to fully support the Labour Party motion on this appalling decision by Government. We call on the Fianna Fáil and Progressive Democrats Deputies to vote against this decision by Government which inflicts hardship on the most vulnerable section of our community. It is particularly appalling that this decision, striking directly at the heart of this category in society, comes under the seal of office of the Minister for Social and Family Affairs.

This is an important night. It is one for the public representatives of Fianna Fáil and the Progressive Democrats to reveal their conscience in the Chamber by the way they vote. They can show they have a political conscience and that they are willing to use it. If they have the courage of their convictions, if they are truly outraged as we hear some of them are, by the Government's decision to give Ireland's widows the bureaucratic equivalent of "a belt of the crozier" then now is their chance to prove it. By voting against their parties on this despicable decision, one that demeans the House and society, they have an opportunity to redeem themselves to some extent.

The country would be reassured to know there are still a few good men and women closeted deep in the ranks of the Coalition, or among those passionate, no-nonsense Independents who



support the Government. Perhaps they might like to declare themselves for something higher.

The Government's decision to treat widows of all groups with its trademark sneakiness is intriguing. This coalition usually reserves its special treatment for those in society who tend not to vote or who tend not to cast their ballot in favour of the Fianna Fáil and Progressive Democrat alliance. However, widows are in the category of those who vote regularly and in significant numbers. Intriguing or otherwise, the Government's strike against widows is disgraceful. We have ample evidence, as has been outlined by Deputies from all sides, of pet projects bankrolled without examination. The widows and widowers, however, just get steamrolled.

Widows are, by their nature, one of the most vulnerable groups in society, even in societies that would claim to be as developed as our own. The way the Government is treating Ireland's widows suggests that our societal evolution is far from complete. The Government obviously considers that the €100 million it spends on its spin machine is an investment. I do not trust its management of the economy, but things are not so bad that the only thing that will save us from economic ground zero is the €5.8 million that is to be wrested from the country's widows.

Let us put that in context. The ramp at Connolly station which must be demolished to make way for the Luas will cost the taxpayer €40 million. The legal costs of the cock-up the Government has made of the smoking ban will cost up to €1 million. The national stadium that never was in Abbottstown, which will go down in history as part of our mythology, has already cost €200 million. The failure and refusal of the Government to cap the deal with the religious orders could cost up to €1 billion. Up to 50% of the public is unhappy with the Government's decision to spend €40 million on electronic voting. In the context of that financial circus, profligate waste and wanton raid of public funds, €5.8 million is the quintessential widow's mite.

Saving this sum is not prudence. It personifies meanness, selfishness and downright arrogance. It demonstrates how out of touch with reality the Government has become. It is a mite to the State, but one that will cost 2,000 widows and many families in this country dear. Those who receive the pension and who pay tax on that pension and their earnings now face the hard and unnecessary fact that they are not entitled to benefit if they are unfortunate enough to be sick or have an accident. What a shameful way to treat these hard-working people. Our decency and conscience demand that we oppose this appalling decision and support the Labour Party motion. When we say that politics should make a difference to people's lives, we mean for the better. This decision of the Government is morally wrong. It demonstrates the hypocrisy of the Taoiseach's commitment at the Fianna Fáil Ard-Fheis last year in Killarney when he stated

that his Government would put the people first. Ba cheart go mbéadh náire ar fad orthu. Shame on the Government. Its actions will be bulldozed through by its vote but will not be forgotten by the people.

**Mr. Rabbitte:** I thank the Fine Gael Party and the Green Party for endorsing this motion in the name of my colleague, Deputy Penrose, and thank Sinn Féin and the Independent Deputies on this side of the House for their support for the motion which is designed to persuade the Minister to change her mind.

Why has the Government decided to go after the widows of Ireland? Having listened to the debate, I do not understand why the Minister and her Cabinet colleagues and the Taoiseach have decided to target 2,000 widows and widowers in this country. What is the explanation? Have the widows not suffered enough trauma with the loss of a spouse without being punished when out of work or sick? Has the Minister done this for €5.8 million?

**Mr. Callely:** No.

**Mr. Rabbitte:** If the Minister of State, Deputy Callely, shakes his head and says "No", why has the Minister done this?

**Mr. Howlin:** It must have been done for malice.

**Mr. Rabbitte:** All the Minister's colleagues are skulking in their offices because they are ashamed to be in the Chamber and to be seen to support the mean-spirited decision the Minister has made. Nonetheless they will slither down here and vote with her. As Deputy Kenny said, they ought to be ashamed of themselves.

There is no explanation for this. It is not as if the country was on its uppers. The tax receipts for the first two months of this year are up by €430 million. The chairman of the Revenue Commissioners appeared before the Committee of Public Accounts a few weeks ago to say that €25 million has been retrieved from tax evasion alone in the past three months.

The same Minister for Finance who called the Minister for Social and Family Affairs to make this decision could give an increase to lawyers at the tribunals of €800 per day and then attend the Fianna Fáil Ard-Fheis, profess great concern at the cost of tribunals and promise to do something about it. He is the man who increased the fee to lawyers at the tribunals while cutting the half-payment to widows and widowers in circumstances where they were out sick or unemployed.

**Mr. Callely:** That is a very one-sided argument.

**Mr. Rabbitte:** Of course I am making a one-sided argument. What the Minister of State's Government colleagues have failed to do thus far is to make any side of an argument. I heard my constituency colleague, Deputy O'Connor,



[Mr. Rabbitte.]  
preening himself about getting an adverse mention on “Liveline” today. He is like the corncrake. One can hear him but not know on which side of the argument he is. He is usually on both sides. However, the fact is that the Minister made the cut.

**Mr. Callely:** The Government increased social welfare payments.

**Mr. Rabbitte:** Untypical of me, I am on record in this House in expressing my personal high regard for the Minister of State, Deputy Callely. I do not like admitting I was wrong, but it would appear that my earlier conclusion that he was duped by the Minister for Finance because of his inexperience was incorrect. The Minister of State seems to take some kind of pleasure in singling out the most vulnerable, defenceless and voiceless groups in society for cuts. He has done it to those who have special dietary needs, are on rent supplement or are lone parents. He has levied €58 million in cuts on the people who do not matter electorally to Fianna Fáil. He has calculated that the 2,000 widows do not matter because they are scattered in 42 constituencies throughout Ireland. What is the explanation?

**Mary Coughlan:** That is not fair.

**Mr. Durkan:** Cuts are not fair either.

**Mr. Rabbitte:** It is not as if the Government has not got the money. The Minister for Finance is finding a crock of gold from tax evasion every month and he did not anticipate this. He is the man who said there was no tax evasion. The purpose of the Labour Party motion is to get the Minister for Social and Family Affairs to change her mind.

**Mr. Callely:** The amendment does not rule that out.

**Mr. Rabbitte:** Keep that ventriloquist quiet until I finish. I did not interrupt him.

The Minister of State has no choice but to have the courage to reverse his decision. If he does not do so, for as long as he is a Member of this House, he will be known as the Minister who robbed the widows of Ireland.

**Deputies:** Hear, hear.

**Mr. Rabbitte:** This will be his legacy. He has imposed cuts on the most defenceless in society. He has not advanced an argument. He has had the audacity to repeat the Tánaiste’s argument and give us lectures about the €11 billion in social welfare payments. What good is €11 billion to the widow whose plight Deputy Stagg described so graphically tonight? What is the point talking to her about €11 billion? Apparently Deputy Sexton thinks it is so bad that it ought to be legally challenged. I do not know what that means. She can legally challenge the Minister of State as a member of the Government parties by voting against the amendment, which is the only decent way to vote. I hope when his cowardly colleagues have the courage to come into this House now, they will take their courage in their hands, if they have any left, and reverse this disgraceful, mean-spirited and completely unnecessary lamentable cut.

Amendment put.

The Dáil divided by electronic means.

**Mr. Stagg:** Due to the importance of the issue at hand, and to ensure that all Deputies are seen when they are voting, as a teller, under Standing Order 69, I propose that the vote be taken by other than electronic means.

**An Ceann Comhairle:** As Deputy Stagg is a Whip, under Standing Order 69 he is entitled to call a vote through the lobby.

Amendment again put.

The Dáil divided: Tá, 69; Níl, 54.

Tá

Ahern, Dermot.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Aylward, Liam.  
Brady, Johnny.  
Brady, Martin.  
Brennan, Seamus.  
Callanan, Joe.  
Callely, Ivor.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Coughlan, Mary.  
Cregan, John.  
Cullen, Martin.  
Curran, John.  
Davern, Noel.  
Dempsey, Noel.

Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Grealish, Noel.  
Hanafin, Mary.  
Haughey, Seán.  
Hector, Máire.  
Jacob, Joe.  
Kelleher, Billy.  
Kelly, Peter.  
Killeen, Tony.  
Kirk, Seamus.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.

Tá—*continued*

McCreevy, Charlie.  
McDaid, James.  
McEllistrim, Thomas.  
McGuinness, John.  
Martin, Micheál.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Nolan, M. J.  
Ó Cuív, Éamon.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Donoghue, John.  
O'Donovan, Denis.  
O'Keeffe, Batt.

O'Keeffe, Ned.  
O'Malley, Fiona.  
O'Malley, Tim.  
Parlon, Tom.  
Power, Peter.  
Power, Seán.  
Ryan, Eoin.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Wallace, Dan.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.  
Wright, G. V.

## Níl

Boyle, Dan.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Connaughton, Paul.  
Connolly, Paudge.  
Costello, Joe.  
Coveney, Simon.  
Cowley, Jerry.  
Crawford, Seymour.  
Crowe, Seán.  
Deasy, John.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
Enright, Olwyn.  
Gilmore, Eamon.  
Gormley, John.  
Gregory, Tony.  
Harkin, Marian.  
Hayes, Tom.  
Healy, Seamus.  
Higgins, Michael D.  
Howlin, Brendan.  
Kenny, Enda.  
Lynch, Kathleen.  
McCormack, Padraic.

McGrath, Finian.  
McHugh, Paddy.  
McManus, Liz.  
Mitchell, Gay.  
Mitchell, Olivia.  
Morgan, Arthur.  
Moynihan-Cronin, Breeda.  
Murphy, Gerard.  
Naughten, Denis.  
Neville, Dan.  
Noonan, Michael.  
Ó Caoláin, Caoimhghín.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Penrose, Willie.  
Perry, John.  
Rabbitte, Pat.  
Ring, Michael.  
Ryan, Eamon.  
Ryan, Seán.  
Sargent, Trevor.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Timmins, Billy.  
Upton, Mary.  
Wall, Jack.

Tellers: Tá, Deputies Hanafin and Kelleher; Níl, Deputies Boyle and Harkin.

Amendment declared carried.

Question put: "That the motion, as amended,  
be agreed to."

The Dáil divided: Tá, 67; Níl, 52.

## Tá

Ahern, Dermot.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Aylward, Liam.  
Brady, Johnny.  
Brady, Martin.  
Brennan, Seamus.  
Callanan, Joe.  
Callely, Ivor.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Coughlan, Mary.  
Cregan, John.  
Curran, John.  
Davern, Noel.  
Dempsey, Noel.

Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Grealish, Noel.  
Hanafin, Mary.  
Haughey, Seán.  
Hoctor, Máire.  
Jacob, Joe.  
Kelleher, Billy.  
Kelly, Peter.  
Killeen, Tony.  
Kirk, Seamus.  
Kitt, Tom.

Tá—*continued*

Lenihan, Brian.  
 Lenihan, Conor.  
 McCreevy, Charlie.  
 McDaid, James.  
 McEllistrim, Thomas.  
 McGuinness, John.  
 Martin, Mícheál.  
 Moloney, John.  
 Moynihan, Donal.  
 Moynihan, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donnell, Liz.  
 O'Donoghue, John.

O'Donovan, Denis.  
 O'Keeffe, Batt.  
 O'Keeffe, Ned.  
 O'Malley, Fiona.  
 O'Malley, Tim.  
 Parlon, Tom.  
 Power, Peter.  
 Power, Seán.  
 Sexton, Mae.  
 Smith, Brendan.  
 Smith, Michael.  
 Wallace, Dan.  
 Walsh, Joe.  
 Wilkinson, Ollie.  
 Woods, Michael.  
 Wright, G. V.

Níl

Boyle, Dan.  
 Breen, Pat.  
 Bruton, Richard.  
 Burton, Joan.  
 Connaughton, Paul.  
 Connolly, Paudge.  
 Costello, Joe.  
 Cowley, Jerry.  
 Crawford, Seymour.  
 Crowe, Seán.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 Enright, Olwyn.  
 Gilmore, Eamon.  
 Gormley, John.  
 Gregory, Tony.  
 Harkin, Marian.  
 Hayes, Tom.  
 Healy, Seamus.  
 Higgins, Michael D.  
 Howlin, Brendan.  
 Kenny, Enda.  
 Lynch, Kathleen.  
 McCormack, Padraic.  
 McGrath, Finian.

McHugh, Paddy.  
 McManus, Liz.  
 Mitchell, Gay.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Moynihan-Cronin, Breeda.  
 Murphy, Gerard.  
 Naughten, Denis.  
 Neville, Dan.  
 Noonan, Michael.  
 Ó Caoláin, Caoimhghín.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Penrose, Willie.  
 Perry, John.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Ryan, Eamon.  
 Ryan, Seán.  
 Sargent, Trevor.  
 Sherlock, Joe.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Timmins, Billy.  
 Upton, Mary.  
 Wall, Jack.

Tellers: Tá, Deputies Hanafin and Kelleher; Níl, Deputies Stagg and Durkan.

Question declared carried.

### Messages from Seanad.

**An Ceann Comhairle:** Seanad Éireann has passed the Social Welfare (Miscellaneous Provisions) Bill 2004, without amendment. Seanad Éireann has accepted the Finance Bill 2004 without recommendation.

### Adjournment Debate.

#### Food Labelling.

**Mr. Hayes:** I thank the Ceann Comhairle for selecting for the Adjournment this important matter, that of beef from outside the EU being further processed and sold as Irish beef. I am not satisfied with this position. I have been told from several sources that many meat processors,

particularly those in the pork and poultry industries, continue to import meat into Ireland, process it and pass it off as Irish. It is imperative that this issue is resolved through the introduction of tighter labelling laws during Ireland's Presidency of the EU.

A survey carried out by the Department of Agriculture and Food highlighted the fact that almost 70% of consumers wanted to know the specific country of origin of the produce they buy. This is a fair and reasonable demand. Irish consumers have a right to know if what is labelled as Irish beef was born, raised, slaughtered and processed in Ireland. If not, the consumer should be clearly aware of this before he or she makes such a purchase.

Currently, the regulations do not go far enough. Country of origin labelling should apply to all imported meat products in the retail and catering food services sector. This is currently not the position. Irish farmers are not afraid of

competition from imported meat, but it is only fair to our farmers that Irish meat means Irish. Consumers should be allowed to make up their minds but to do this they need information that is honest and transparent, which currently they are not getting.

The Minister has expressed his support for regulations at EU level that beef served in the catering and restaurant sectors would have country of origin on the menu, but this needs to be extended to all meat types, namely, chicken, pork and lamb. This provision will be meaningless unless Irish consumers can be guaranteed that what they are eating is Irish and not from another country. Currently, labelling requirements do not guarantee this. The Minister is claiming that he is waiting for the EU to enact regulations, but this does not have to be the case. He recently introduced legislation to ensure that consumers buying non-packaged poultry meat are made aware of the country of origin at the point of sale. Why can the Minister not act to ensure that the country of origin appears on all meat products sold to consumers in Ireland? He must take action.

The food labelling group set up by the Minister for Agriculture and Food failed to reach agreement on a clear recommendation for country of origin beef labelling. This is simply not good enough. We need to establish a clear, single, transparent label for Irish goods. That is what Irish producers and consumers badly need.

**Minister of State at the Department of Agriculture and Food (Mr. Aylward):** I assume the review of labelling regulations to which the Deputy is referring is the one being carried out by the Commission on the beef labelling regulations. Article 21 of these regulations obliges the Commission to submit a report on the possibility of extending the scope of this regulation to processed products containing beef or beef-based products. I expect that this report will be presented by the Commission shortly.

The current position in regard to the labelling of beef is that under the EU labelling regulations introduced in 2000, operators involved in the marketing of beef are required to label their product with a reference code to enable the beef to be traced back to the animal or group of animals from which it was derived, the approval number of the slaughterhouse and the country in which it is located, the approval number of the de-boning hall and the country in which it is located and an indication of the origin of the animal from which the beef was derived.

For the purpose of these regulations, marketing means all aspects of beef production and marketing up to and including sale through retail outlets. Where beef is imported into Ireland, the above labelling requirements, which are compulsory in all member states, apply to the marketing of such beef, regardless of whether that beef was produced within the Community or in a third country. Where beef is imported into

the Community from a third country and not all the above details are available, that beef must at a minimum be labelled as "Origin: non-EC" along with an indication of the third country in which slaughter took place.

It should also be noted that the beef labelling regulations apply equally to branded and own label beef sold at retail outlets. Unfortunately, these regulations on origin do not currently apply to beef sold in the food service outlets, such as restaurants, canteens, etc. In the context of the review by the Commission to which I referred earlier, the Minister for Agriculture and Food was in contact with the Commission and asked that the requirement to indicate the country of origin be extended to the catering and food service sector.

In respect of the concern expressed by the Deputy on imported beef from Brazil, I would like to put beef imports into context. The total beef production in Ireland in 2003 was 560,000 tonnes, of which 500,000 tonnes were exported to over 50 countries worldwide. This is the highest level of exports since 1999 and is 12% higher than 2002. The value of these exports was €1.28 billion. This figure should be placed against the 4,977 tonnes of beef imported from Brazil during the period January to the end November 2003. This represents less than 1% of the total production of beef in Ireland. However, I wish to make it quite clear that it is totally unacceptable that consumers are misled either deliberately or by omission as regards origin.

On the labelling of foodstuffs generally and, in particular, the origin of the product, the Minister's concerns on this issue have been on record for some time and the actions to date prove this fact. As the Deputy would know, the Minister addressed the concerns brought to his attention by the consumer liaison panel which was established in 2002 by setting up a food labelling group to examine all issues on food labelling. In December of that year, that group presented its report to me making a series of recommendations. In regard to the origin of meat, there was full agreement within the food labelling group that consumers have a right to information on the origin of the meat they cook in their homes or eat out. While the group could not agree on how origin should be defined, there was unanimous agreement that further research was necessary to establish consumers' wishes in this area. At the Minister's request, the consumer liaison panel has carried out this research, the results of which were presented in December 2003.

We are determined, in so far as it is within the powers available, to meet the wishes of consumers, as identified in the research. The Department recently introduced two regulations on the labelling of poultry meat, the first of which requires poultry meat — loose and pre-packaged — originating in a country outside the EU to bear an indication of the country of origin when offered for sale in a retail premises. The second



[Mr. Aylward.]

requires information regarding class, price per unit weight, condition and slaughterhouse details in respect of loose poultry meat — that is non-pre-packaged poultry meat — to be provided to the consumer. Heretofore, while these labelling indications have been compulsory for pre-packaged poultry meat it had not been a requirement to provide this information for poultry meat sold loose.

It is the view that consumers should be made aware at the time of purchase of the origin of the meat they are being offered, whether in restaurants or in retail establishments so they can make an informed choice as to what they eat. To this end, in addition to the above mentioned action, I have arranged that each sector will be reviewed on a commodity by commodity basis to identify any deficiencies from a consumer viewpoint in the labelling regulations for those commodities. In light of this review, I wish to assure the Deputy that further action will be taken by me and the Department over the coming period in regard to labelling.

#### **Adult Education.**

**Mr. Andrews:** Thank you, a Cheann Comhairle, for allowing me the opportunity to raise this issue. It arises out of two incidents in the past year, namely, the failure to implement the McIver report which looked into further education and the Government's decision to place a control on enrolment policies in further education colleges.

The further education sector in Ireland services the disadvantaged, such as people who have failed at second level or have made a choice to go back to education in the form of adult education. It is in this capacity that it has served a vital social function over the past 20 years. It has been developed and led by teachers in the design of courses and their reaction to changing needs. The second function of further education is to react to whatever the economy might need at a particular time. In particular, in the past five years the information technology revolution has found the further education sector a source of employees.

I was a student in a VEC, albeit for a short time in transition year. I was a PLC teacher in a VEC in Ballyfermot and I served on Dún Laoghaire VEC as a member of the board. Therefore, in soccer parlance, I have been capped at all levels of the VEC and I know what I am talking about. The Government is in danger of being accused of not taking this sector seriously.

The McIver report arises out of the Government's commitment to lifelong learning. The OECD is currently looking into the area in order to decide whether or not the education sector can deliver the impetus for dynamism within the economy. It sees the education sector as the engine for growth in the economy and the further education sector within it as being very important indeed. However, the Government has

not delivered on the recommendations made more than 12 months ago. I understand negotiations are ongoing with the TUI and the IVA, which one can only hope will come to fruition in the short term.

The more critical issue is the capping — as the TUI sees it — of enrolment numbers. The effect of this is that the number of students one has in, say, 2002-03 becomes the upper limit of the number of students one may take in the following year. That figure also becomes the upper limit in terms of teacher allocations, which is based on a pupil-teacher ratio, and the upper limit for general DES grants. If one's student numbers fall for any reason, the cap also falls which means that colleges can either remain at the same enrolment figure or reduce it, but they can never increase it. Furthermore, if they reduce enrolment numbers, they cannot return to the original figure.

Naturally, the understanding from the teachers, students, unions, management and everyone involved in the VECs is that this spells the end of this particular sector. Everyone involved is therefore entitled to an explanation from the Government as to why or if this is the case. I look forward to hearing the Government's position on this matter.

**Mr. Aylward:** I thank Deputy Andrews for raising this matter. I have noted how many times he has been capped through the VEC system. I am a former chairman of the VEC, therefore, I had a cap too.

On behalf of the Minister for Education and Science, I am pleased to respond to the matters raised by him. A range of course options is available in the further and higher education sectors for young people who wish to continue their studies after second level or for adults who wish to return to education. PLC programmes are also provided for adults who return to education to obtain a qualification preparatory to returning to the workplace. The primary purpose of PLCs is to enhance the prospects of students to gain employment. PLCs also provide an alternative route to entry into higher education in the institutes of technology through the NCVA/FETAC links scheme.

Since 1985 PLCs have been developed in a wide range of disciplines supporting industry and community needs and have significantly widened the scope of educational provision. For example, during 2000-03, PLCs were delivered in 225 centres around the country in both second level schools and stand-alone colleges, mainly in the VEC sector, and the number of participants grew to more than 28,000 from 12,000 in the 1989-90 academic year.

The pattern of enrolments in approved PLCs in recent years is as follows: 1997-98 — 21,278; 1998-99 — 23,810; 1999-2000 — 24,453; 2000-01 — 25,519; 2001-02 — 26,722; 2002-03 — 28,656. The number of PLC places approved in 2003-04 is nearly 29,000.

In dealing with the question of PLC numbers, the Department of Education and Science is not always in a position to approve of all the PLC places applied for in any particular academic year. For example, a total of 37,900 places were sought nation-wide for 2002-03 from a planned pool of approximately 27,500 places. For the 2003-04 academic year schools and colleges sought approval for 40,733 places. It should be recognised that uncapped growth of the scale featured in the applications for PLC places may not be supported.

Statistical data on applications for places and actual enrolment does not point towards a decline in numbers in the sector in the future. There will be a continuing requirement to plan and manage expenditure and provide for future investment and growth, as necessary, within the context of overall educational policy and provision.

The sector plays a key role in meeting skill needs. Government commitment to the sector is evident in the following: the introduction of maintenance grants for students with effect from September 1998; substantial investment in equipment for centres providing the international teleservices programme and related student support scheme for placement abroad; recognition of programmes and national qualifications from the Further Education and Training Awards Council, FETAC, and; the PLC review.

The Department completed a review of the PLC sector in April 2003. The review arose from a commitment in the Programme for Prosperity and Fairness and in the White Paper on adult education, Learning for Life. Its purpose was to examine and make recommendations on the structures and resources required in schools and colleges with large scale PLC provision, having regard to good practice in related areas across the system and in other countries.

A steering group representing the Irish Vocational Education Association, the Joint Managerial Body, the Association of Community and Comprehensive Schools, the Association of Secondary Teachers in Ireland, the Teachers Union of Ireland and representatives of the Department of Education and Science was established to oversee the process. The consultancy study and the report and recommendations were prepared following an extensive research and consultation process.

The recommendations in the report are wide ranging and encompass proposals that extend beyond PLC provision. The report poses considerable challenges in the shaping of structures for the delivery of further and adult education in the future.

During 2003, in separate meetings, officials of the Department met the management and staff representative interests in the sector to examine their respective priorities and to consider issues surrounding a number of the recommendations of the report as well as areas of common interest, having regard to the implications for other areas

of the education system. Further exploratory meetings with the relevant stake holders in the sector will be necessary in the period ahead in connection with this report.

### Hospital Consultant Posts.

**Caoimhghín Ó Caoláin:** At a meeting of the North Eastern Health Board on Monday last, 22 March, the members were presented with a report from Comhairle na n-Ospidéal on dermatology services. The report recommended the creation of one additional post to the North Eastern Health Board, to give a total of three posts. However, the blow fell in the final two sentences of the report. The report recommended that all posts should be based in Our Lady of Lourdes Hospital, Drogheda, contrary to the health board's earlier decision to base posts in Our Lady of Lourdes Hospital and Monaghan General Hospital. This is a decision to which both Deputy O'Dowd and I were party, as members of the health board.

Once again, the people of Monaghan are witnessing a promise broken and a commitment reneged upon. This was no ordinary promise delivered from Dublin and dispatched to our constituency in Government party election literature or over the airwaves. This was a promise made and a commitment given by the Minister for Health and Children, Deputy Martin, himself, on a platform outside Monaghan General Hospital and in front of a crowd of 2,000 people.

On 22 January 2002, the Minister visited Monaghan where he was greeted by one of the largest protests seen in our county for many years. People were demanding the restoration of maternity, gynaecology and paediatric services, which had been axed at Monaghan. They were demanding upgrading instead of downgrading. As reported in our local newspaper, *The Northern Standard*, the Minister made the following very clear commitment:

In terms of the future, the health board had adopted a plan in March 2001 for all health services in the region. The Minister promised his audience that as part of this, two new consultants, one in dermatology and one in geriatrics — the latter having a specific interest in rehabilitative medicine — would be appointed at the hospital.

Now we have a report from Comhairle na n-Ospidéal, which purports to overturn the Minister's commitment and the North Eastern Health Board's decision. It is totally unacceptable and should be rejected by the Minister and the board.

The chief executive officer of the North Eastern Health Board told last Monday's meeting that the consultant dermatologist post was advertised in late January 2003 and interviews held last May. A candidate was recommended but the candidate advised last week that he is not taking up the offer. The CEO went on, "Before

[Caoimhghín Ó Caoláin.]

re-advertising this post consideration will have to be given to the recommendations contained in the Comhairle na n-Ospidéal report”.

Given the all-powerful role of Comhairle na n-Ospidéal and the Royal College of Surgeons in Ireland in determining the configuration of hospital services in the State, this is, effectively, the axing of the Monaghan based consultant dermatology post. As my party colleague on the health board, Councillor Brian McKenna has said, “I am very angry and disappointed that once again it appears the people of this county have been cheated out of a speciality service which was promised for Monaghan General Hospital”. I remind the House that it was promised by the Minister for Health and Children.

When he spoke on that cold January day in Monaghan, the Minister also promised the extension of the accident and emergency unit, which has since been closed, to all intents and purposes, while the Minister has stood idly by. That is something we will return to on another occasion.

Tonight I call on the Minister to intervene directly to ensure that his promise of 22 January 2002 is fulfilled and that the consultant-led dermatology service at Monaghan is provided. In his attempts to answer critics of the Hanly report, the Minister said, in a letter to *The Irish Times*, on 16 March:

The message of Hanly is clear. Decentralise a large proportion of care to our smaller hospitals as long as it can be done safely.

The reality of Hanly and of the Minister's promise is in the Comhairle na n-Ospidéal report. That reality is further centralisation, further downgrading of local hospitals and further neglect of the health care needs of communities. I urge the Minister to stand by his promise to the people of County Monaghan and preserve whatever shred of credibility he has remaining.

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** I am replying to this matter on behalf of my colleague, the Minister for Health and Children, Deputy Martin.

Comhairle na nOspidéal published the report of the committee on dermatology services in November 2003. The terms of reference of the committee were, among other things, “to examine the existing arrangements for the provision of consultant dermatology services nationally and following consultation with the interested parties, to make recommendations to Comhairle na nOspideal on the future organisation and development of dermatology services”.

I understand that during the review the committee met the Irish Association of Dermatologists, which comprises the consultant dermatologists practising in the public hospitals in Ireland as well as managerial representatives

from all the health boards and relevant voluntary hospitals. Site visits were undertaken at the Mater and Beaumont hospitals and at a recommended centre of excellence for dermatology at Ninewells Hospital in Dundee. The committee also consulted literature relating to dermatology service provision in the UK, Europe, North America and Australia. In addition, all health boards and relevant voluntary hospitals made submissions to the committee.

The key recommendations of the report focus on the issues of equity, regional self-sufficiency and future consultant staffing levels. There are currently 19 consultant dermatologist posts approved by Comhairle na nOspideal, representing a ratio of one consultant dermatologist per 206,000 population. The report recommends a target of one consultant dermatologist per 100,000 population in the medium to long term which would result in a substantial improvement on the current level of service and staffing. To achieve this, the report recommends the appointment of an additional 19 consultant dermatologists.

The report further recommends that consultant-provided dermatological services should be located as near to the patient as possible. To that end, the committee recommended that consultant dermatologists based in regional centres should undertake outreach clinics at other hospitals in their region. Furthermore, the report points out that no consultant dermatologist should work in isolation and that each dermatology centre should be staffed by a minimum of two consultants.

There is currently one consultant dermatologist in post in the north-eastern region with a commitment of seven sessions in Drogheda, two in Dundalk and two in Beaumont. There is also one post waiting to be filled, which was approved by Comhairle in May 2002 with a commitment of six sessions in Monaghan General Hospital, three in Cavan General Hospital and two in Our Lady of Lourdes Hospital. I understand that interviews were held in May 2003 for the new post and that a candidate was selected in September 2003. However, early this month, this candidate informed the board that he would not be taking up the position.

The Comhairle report, which was published in November 2003, recommends a total of three consultant dermatologists for the north-east, with all three posts to be based at Our Lady of Lourdes Hospital in Drogheda, with outreach services provided to the acute hospitals at Cavan, Dundalk, Navan and Monaghan. The Minister for Health and Children intends to enter into discussions with the North Eastern Health Board to chart the way forward for the development of dermatology services in the north-east.

**Údarás na Gaeltachta.**

**Mr. O'Dowd:** I thank you, a Cheann Comhairle, for taking this matter and for allowing me to speak tonight. I welcome the Minister for



Community, Rural and Gaeltacht Affairs to the House to answer these serious questions which are of national importance.

The Minister has ordered that Údarás na Gaeltachta must sell off many of its assets. I understand that up to €7 million worth of assets will be sold this year. The Minister must insist that a structure is put in place to deal with all tenders so that these issues do not arise in the future. The Government must insist on a fair, transparent and equitable structure for all people who tender for any of these contracts. The tender of €1.9 million was the largest tender, which is the most money that would be available to the taxpayer. The second biggest tender was from Gael Linn, which is the leading light in education and Irish language affairs for many years. It also lost out. The third tender, which was for €1.45 million, won. No one understands the process.

The questions I asked the Minister during the week and again today, which he did not answer, are simple and clear. Was each tender placed before the board? There were 11 tenders in total, but I understand only three went before the board. I acknowledge and accept that the board is not bound to accept the highest tender. Why then were all the tenders not placed before the board so they could be discussed fully? That question relates to value for money. If the board was deciding on the best value for money, it would have had to accept the €1.9 million tender. Where is the transparency, openness and equity in accepting a tender of €1.45 million?

Equally important is the question of the Irish language. The advertisement said that all those who tendered for the proposal had to have a plean gnó Gaeilge and plean gnó Gaeltachta. What happened to those plans? The question I asked the Minister, which he did not answer yesterday, was whether each of those plans in full had been placed before the board or whether only a memorandum and a summary of the cases had been put before it, as I believe happened. Is it true that Gael Linn is unhappy with what happened? If property is being sold off in the Gaeltacht, our strongest desire is that it would be used for the purposes of renewing and educating people in Irish. If I was to decide on a cúrsa gnó tré Gaeilge, I would choose Gael Linn.

The board of Údarás na Gaeltachta decided not to accept the highest tender or the one which would spend hundreds of thousands of euro in developing those homes into an educational establishment to further the Irish language. Did the successful tender have a full business plan? The information I have been given is that a full business plan was not in place. I do not know what happened.

There are serious questions which must be answered by the Minister in the interest of transparency and openness. I know the Minister is not a member of the board, but he instructed the board to sell the properties. He refused to answer the parliamentary questions I tabled in the House. I asked him two questions today

which he refused to answer. The first question was whether the advertisement stated that those who submitted tenders had to have their tax affairs in order. Were those issues clarified and brought before the board? The other question was whether the proper State tendering procedures were in place before this situation arose. As regards the other millions of euro worth of property which the Minister has ordered to be sold, it is important that he openly answers those questions. I want the Minister to show leadership and courage in tackling this issue and to insist that the decisions made by Údarás na Gaeltachta are transparent and open and are put in the public domain tonight.

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Ba mhaith liom buíochas a ghabháil leis an Teachta as ucht an cheist seo a thógáil. Cuireann an Teachta beagáinín iontas orm mar níl sé ach cúpla seachtain ó shin ó bhí sé ar an ráidió ag tabhairt amach fúim mar go raibh i gceist agam smacht a choinneáil agus freagracht a glacadh as cúntasaí dímhaoin. Anseo anocht, nuair is léir ón reachtaíocht go bhfuil neamhspleachas ag an Údarás i rudaí, tá sé ag iarraigh orm an smacht sin, a bhí sé ag tabhairt amach fúim faoi choicís ó shin, a glacadh thugaim fhéin.

Mar a dúirt mé so bhfreagra a thug mé ar ceisteanna Dála 146 agus 592 den 9ú Márta agus den 23ú Márta 2004 faoi seach, tuigtear dom gur tógadh cinneadh maidir le díol na tithe saoire in Eanách Mheáin ag cruinniú de Bhord an Údaráis ar an 20ú Feabhra 2004. Tá comhráití fós ar bun maidir leis seo agus tá siad len é a phlé arís ag an gcéad chruinniú boird eile atá le bheith ar siúl ar an 26ú Márta 2004. Tuigim, freisin, nach bhfuil Conradh leis an sealúchas seo a dhíol sínithe go dáta.

D'éirigh an bhaint a bhí agam leis an gcás áirithe seo nuair a tugadh rudaí chun suntais dom agus lorg mo Roinn soiléiriú ar na nithe seo. Tá roinnt eolais faighte go dáta agus tá curtha in iúl ag Údarás na Gaeltachta go gcuirfidh sé tuilleadh eolais ar fáil dom tar éis an chéad chruinniú boird eile atá le bheith ar siúl dé hAoine seo chugainn.

Tá a fhios agam go bhfuil tuairisciú forleathan déanta ar an gceist seo agus tuigim inní an Teachta i dtaobh na nithe atá ardaithe. Caithfidh mé a rá, áfach, mar a dúirt mé sa freagra le cheist Dála ar an ábhar, go mbéadh sé mícheart domsa mar Aire níos mó a rá ag an am áirithe seo. Is gnó é seo d'Údarás na Gaeltachta a bhfuil freagracht díreach air agus tá an rud fós faoi chaibidéal ag an mbord.

Ba mhaith liom athrá a thabhairt ar na príomh fhíricí. Is ar Údarás na Gaeltachta atá an fhreagracht maidir le díol maoin agus is air sin a chaithfidh a chinntiú go ndéantar é seo go dleathach agus de réir nós mharacht ceart, tá an cheist seo á phlé sa gcás áirithe seo i gcónaí, agus níl sé ceart agamsa dá bharr agus bhéadh se mífhreagrach agam mar Aire tuilleadh a rá ag an pointe seo.



[Éamon Ó Cuív.]

I wish to set out the background to the proposed sale of tithí saoire Eanach Mheáin. In October 1999, Indecon International economic consultants were appointed to conduct a review of expenditure of Údarás na Gaeltachta. Among the varied and useful recommendations which resulted from that review was a specific recommendation about undertaking significant revision of Údarás property development activities. This included rationalisation of the land bank, the sale of buildings to existing tenancies and the involvement of the private sector in new building projects on a partnership basis. The recommendation took into account several factors, for example, the land bank held by Údarás was in excess of what was required to meet likely demand for industrial premises in the near future, some existing properties were unlikely to be let for industrial purposes in the foreseeable future, and sale of buildings to existing tenants would result in a number of advantages, including release of public capital, although not only that. In summary, the rationale for this recommendation was that public capital should not be unnecessarily tied up in equity when it could be employed in a better alternative use.

My Department acted on this recommendation by appointing consultants, Farrell Grant Sparks, to undertake a study and provide advice on the feasibility of the introduction of a property sales programme for Údarás, the options relating to the organisation's equity portfolio, and the level of State aid that would be required to ensure that the private sector would provide new industrial and business property sufficient for the job creation targets of Údarás. While the contents of the Farrell Grant Sparks report are, in the main, commercially sensitive and must remain confidential, I can confirm that the holiday homes at Eanach Mheáin were identified as having potential for sale.

On the sale of the houses in question, I emphasise that Údarás na Gaeltachta does not

have to revert to me or my Department on the sale of its assets. This position is set down in statute. Section 8 of the Údarás na Gaeltachta Act 1979 stipulates the functions of an tÚdarás and specifies at subsection 8(7):

For the purposes of this section, an tÚdarás shall have power to acquire, receive on transfer, hold, sell, mortgage, lease, let or otherwise dispose of land, buildings, markets, premises or plant and to erect, alter or maintain buildings, markets, premises or plant.

**An Ceann Comhairle:** The Minister's five minutes have concluded.

**Éamon Ó Cuív:** The rest of what I had intended to say has already been said in Irish. Unfortunately, there is a difficulty when something relating to the Gaeltacht is put down in English. I am always in a quandary as to whether I should reply in Irish.

**Mr. O'Dowd:** The Minister did not answer the question. It is ráiméis.

**Éamon Ó Cuív:** The Deputy asked specific questions and is probably wondering why I did not give specific answers. As this process is not completed, my obligation as Minister is to ensure that every step of the process is correct and carried out legally and according to Government processes. That is my role. I do not have the function of making individual decisions.

The Údarás will discuss this matter next Friday and everybody will benefit by leaving the Údarás to complete the process. However, it must do so according to the law and proper Government processes. I have made that clear. I have no doubt that, when the discussion that is due to take place is completed, the Údarás, which has the right to dispose of its properties without reference to the Minister, will do it according to good process.

The Dáil adjourned at 9.50 p.m. until 10.30 a.m. on Thursday, 25 March 2004.

## Written Answers.

**The following are questions tabled by Members for written response and the ministerial replies received from the Departments [unrevised].**

*Questions Nos. 1 to 9, inclusive, answered orally.*

### Veterinary Inspection Service.

10. **Mr. Penrose** asked the Minister for Agriculture and Food his views on calls from local authority vets that all such posts should be permanent appointments; his further views on whether these appointments should be made *in toto* for all vets who currently have temporary appointments; and if he will make a statement on the matter. [9157/04]

**Minister for Agriculture and Food (Mr. Walsh):** Local authorities have a statutory responsibility under a number of Acts to provide a variety of veterinary services requiring the employment of veterinary surgeons. Many of these services are now encompassed by service contracts between the local authorities individually and the Food Safety Authority of Ireland, FSAI.

While the Local Government Act 1941 assigns to the Minister for Agriculture and Food certain functions concerning the appointment, conditions of service and remuneration of local authority veterinary inspectors, proposals on the creation and filling of whole-time permanent posts in respect of the local authority veterinary inspectorate service are, in the first instance, a matter for each local authority concerned. It falls to each local authority to make application for such appointments as it considers necessary and such applications are then processed by my Department.

Approval is on a case by case basis having regard to the merits of each case put forward by a local authority in respect of the creation or filling of a post within its own service. Such approval is also, *inter alia*, conditional on the requirement that the creation of the post is not breaking any restriction in regard to the overall staffing numbers within the local authority concerned and is within existing resources. Each year my Department receives and responds to a number of such applications and this will continue to be the case. In other words, my Department will continue to respond to the needs identified by local authorities on an individual basis.

### Food Safety Standards.

11. **Mr. Howlin** asked the Minister for Agriculture and Food his plans to ensure that border inspection posts are adequately resourced to ensure that foods from accession countries meet EU standards and that the level of traceability is the same as food produced in other

EU countries; and if he will make a statement on the matter. [9170/04]

**Minister for Agriculture and Food (Mr. Walsh):** With effect from 1 May 2004, the ten accession countries comprising Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia and Slovakia will become member states of the European Community and, in accordance with the provisions of the treaty establishing the European Community and the Treaties of Accession, may, subject to meeting appropriate standards, trade with the other member states of the EU without the requirement for border controls for the purposes of animal and public health.

The standards with regard to trade are contained within Community legislation providing for health and safety controls on production and on intra-Community trade in animals, animal and plant products and foods. These controls apply in particular to the structure of and hygiene in establishments and the control and the health marking of the products.

It has been a key element of the enlargement negotiations in the agriculture sector that the candidate countries transpose the EU's veterinary legislation into their own national legislation and undertake its full and effective implementation from the date of accession. The objective has been to ensure that enlargement does not result in any dilution of the existing EU levels of public health, food safety, animal health, and animal welfare. Furthermore, candidate countries have been required to ensure that all their external borders satisfy the levels of controls required within the EU and to make sure that full and effective enforcement of the internal market control systems takes place from the day of accession. The Food and Veterinary Office, FVO, of the Commission monitors the implementation of these controls by the acceding states.

In order to facilitate the transition from the existing arrangements in the new member states to the EU control system and to take account of stocks of products and packaging on hand in those states at the date of accession, the Commission has taken a formal decision laying down transitional measures for the marketing of products originating in those states.

Practically speaking these ensure that with effect from 1 May 2004: products produced in accession states before the date of accession and which bear the national health mark may only be placed on the market within the state in question up to the end of 2004; and products that have been produced in the period before accession by an export approved establishment and which bear the EU approved health mark may, up to 30 August 2004 only, be traded within the EU provided the commercial document accompanying the products certifies they are products "Produced before 1 May 2004, in conformity with the Commission Decision".

### Food Labelling.

12. **Ms McManus** asked the Minister for Agriculture and Food the additional resources he plans to provide to ensure that food borne businesses can ensure the full traceability of foods; and if he will make a statement on the matter. [9173/04]

**Minister for Agriculture and Food (Mr. Walsh):** The responsibility of my Department for the production of food covers controls at farm level up to and including the processing of certain products. The main products coming within the remit of my Department are those of animal origin including meat and milk. I am satisfied that the level of resources employed and the systems currently in place provide robust traceability for these products. Traceability and labelling are two separate issues. Traceability is the ability to track products from its production right through to purchase or consumption by the consumer, while labelling is a tool used to inform the consumer.

At the production stage, excellent systems exist to trace animals to the point of slaughter. Examples of these are the cattle movement monitoring system, CMMS, the national sheep identification system and the national pig identification and tracing system. Under the CMMS, there is a comprehensive identification and tracing system already in place comprising physical identification, accompanying documents and a central database which holds information on the origin, identity and life history of all bovine animals in Ireland. More than €62 million has been spent since 1997 in construction, development and enhancement of the bovine system. In 2004 in excess of €14 million will be spent to maintain, monitor and further develop the system and, in particular, to deliver a modern, flexible, fully networked computer system to support the Department's numerous and varied animal health and welfare activities.

The national sheep identification system, which came into effect in June 2001, provides full individual identification and traceability of sheep from farm of origin to slaughter. It is designed to be multi-functional, facilitating aspects such as flock management, consumer assurance and disease monitoring and control. The national pig identification and tracing system was launched in 2002. This identification programme involves tagging and slap marking of pigs together with movement documentation. It also entails the notification of all movement of pigs to a central database to provide full national traceability for all pigs.

The slaughtering plants in which these animals are processed are required to keep records of their origin and other pertinent details that can trace the animal back to the producer. The operators must be able to identify the animal during any point of the process. Records of the movement and destination of the product from plants must also be maintained.

Milk processors are required to maintain a register of the milk production holdings, which supply them with their milk. Production batches can be traced back to the suppliers who provided the milk for the particular batch.

My Department monitors the traceability controls operated by these food businesses.

While this process ensures the traceability of animal products, it is important that consumers can be assured of this through the labelling of products. In the first instance, this is done through the oval stamp, which identifies the premises in which the product was last processed.

In addition, the EU beef labelling regulations, which were introduced in 2000, require operators involved in the marketing of beef to label their product with: a reference code to enable the beef to be traced back to the animal or group of animals from which it was derived; the approval number of the slaughterhouse and the country in which it is located; the approval number of the de-boning hall and the country in which it is located; and an indication of the origin of the animal from which the beef was derived. For the purpose of these regulations, marketing means all aspects of beef production and marketing up to and including retail sale.

These labelling requirements, which are compulsory in all member states, apply to the marketing of beef within the Community, regardless of whether that beef was produced within the Community or in a third country. Where beef is imported into the Community from a third country and not all the above details are available, that beef must, at a minimum, be labelled as "Origin: non-EC" along with an indication of the third country in which slaughter took place.

However, these regulations do not currently apply to beef sold in the food service outlets. These regulations are currently being reviewed. In that context, I wrote to Commission Fischler asking him to consider including a provision for the labelling of origin of meat in such outlets. It is expected that a report on the review should be issued shortly.

The series of actions I have taken on food labelling have been guided by the report published in December 2002 of the food labelling group, which I established, and the subsequent consumer research on origin carried out, at my request, by the consumer liaison panel. In this context, I recently introduced two regulations for the labelling of poultry meat. The first of these regulations requires poultry meat, loose and pre-packaged, originating in a country outside the EU to bear an indication of the country of origin when offered for sale in a retail premises. The second requires information regarding class, price per unit weight, condition and slaughterhouse details in respect of loose poultry meat, that is, non-pre-packaged, to be provided to the consumer. Heretofore, while these labelling indications have been compulsory for pre-packaged poultry meat, it had not been a

requirement to provide this information for poultry meat sold loose.

I have also arranged that each sector will be reviewed on a commodity by commodity basis to identify any deficiencies, from a consumer viewpoint, in the labelling regulations for those commodities. I intend to take further action over the coming period in all commodity areas as appropriate.

#### **Farm Retirement Scheme.**

13. **Mr. Broughan** asked the Minister for Agriculture and Food the action he intends to take to defend the rights of retired farmers to ensure that they are not unduly disadvantaged by virtue of having taken early retirement; and if he will make a statement on the matter. [9162/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department is involved in working groups and in continuing discussions with the European Commission on the detailed rules for implementing the mid-term review agreement. I have already raised a number of issues relating to farmers who have retired under the early retirement schemes, and the implications for them of decoupling and the single payment scheme.

Under the European Council regulation introducing the single payment scheme, a farmer may have access to the scheme if he or she was an active farmer during the reference years 2000, 2001 and 2002, and received payments under the livestock premia and/or arable aid schemes. In addition, farmers for whom entitlements will be established must activate those entitlements in 2005 by continuing to farm and submitting an area aid declaration in that year. In general, farmers must also have an eligible hectare of land for each payment entitlement.

Farmers participating in the early retirement scheme before the commencement of the reference period will not have any entitlements established for them under the single payment scheme. This is because they had already retired from farming; and their obligations under the early retirement scheme preclude them from returning to farming in the future. The persons who were leasing these retired farmer's lands, and were active farmers in the reference period, will have entitlements established for them. It should be noted that entitlements are attached to the farmer who was actively farming during the reference period, and not to the land. However, during the Council negotiations last year I secured agreement that farmers, including offspring of farmers who retired before the reference period, who take over the holding of the retired farmers at some date in the future will be able to apply to the national reserve for payment entitlements under the single payment scheme.

Farmers who entered the early retirement scheme during or after the reference period will have entitlements established for them, provided

they were actively farming during the reference period and received payment under the relevant schemes. Since these farmers undertook to give up farming definitively when they joined the early retirement scheme, they will not be in a position to obtain payment under the single payment scheme in 2005 or thereafter. The European Council regulation provides for such entitlements to revert to the national reserve. However, the question of whether retired farmers in this category should be allowed to activate entitlements — not for their own use but with a view to leasing them out in 2005 and thereafter — is one of the items still under discussion in the context of the Commission detailed rules regulation. Agreement on the detailed rules is not expected until the end of this month or early in April and it would not be helpful to speculate on the final outcome.

#### **Common Agricultural Policy.**

14. **Ms Burton** asked the Minister for Agriculture and Food his views on whether farmers will receive sufficient support to cope with the changes in the agriculture industry introduced by European Commissioner Franz Fischler; and if he will make a statement on the matter. [9160/04]

**Minister for Agriculture and Food (Mr. Walsh):** EU agricultural policy changes are decided by the Council of Agriculture Ministers. The most recent change of particular interest to Ireland was made in the mid-term review of Agenda 2000 which was decided by the Council in June 2003 and which provided for full decoupling of direct payments and a range of options for partial decoupling, at the discretion of member states. I decided to apply full decoupling in Ireland on the grounds that full decoupling is in the best interests of Irish farmers and the future development of the agricultural sector. The new regime will provide substantial direct payments to Irish farmers.

Significant measures exist to assist farmers in meeting environmental standards and waste control. Teagasc has a range of advisory programmes and, in particular, the post Fischler advisory programme, in place to assist producers under the new regime.

#### **EU Directives.**

15. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food if he will be discussing the broiler directive at any meeting of the EU Agriculture Council; and if he will be advocating the early implementation of this directive. [9203/04]

**Minister for Agriculture and Food (Mr. Walsh):** There are no proposals before this Council at present relating to this broiler sector. However, a number of meetings of an EU Commission working group on broiler welfare legislation have taken place since the beginning



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of last year with a view to formulating proposals. My Department has been represented at these meetings.

It is intended that the Commission in due course will formulate a document, which will be presented to the Council of Agriculture Ministers. Ireland's perspective will therefore be brought to bear at both official and political level as the matter progresses. I have been supportive of measures, which will improve welfare for animals.

#### **Farm Household Incomes.**

16. **Dr. Upton** asked the Minister for Agriculture and Food the initiatives his Department intends to take to ensure that employment opportunities for part-time farmers are supported and promoted; and if he will make a statement on the matter. [9164/04]

**Minister for Agriculture and Food (Mr. Walsh):** The need to develop viable full-time and part-time farming was one of the issues addressed in the agri-food 2010 plan of action. Subsequent actions taken by my Department were to ensure that part-time farmers had equal access to agricultural schemes on the same basis as full-time farmers and to encourage the development of off-farm employment opportunities. The availability of off-farm employment has improved significantly in recent years.

Schemes offered by my Department take full account of the wish of many farm families to supplement their incomes. For example, eligibility criteria for many grant schemes, such as farm waste management, dairy hygiene, commercial horticulture, organic sector and alternative enterprises, require applicants to have a minimum of 30 income units to meet a viability threshold and ensure that the investment is worthwhile. However, to facilitate part-time farmers only 20 of these income units need come from farming and the remaining ten can be from off-farm employment.

To qualify for installation aid and the early retirement scheme farmers are required to meet an minimum viability threshold of 50 income units but up to 30 of these can come for off-farm sources. The early retirement scheme also allows for participation by part-time farmers as transferors and transferees and the enlargement clause has been removed.

Part-time farmers are also eligible to receive the same direct payment as full-time farmers and have benefited from the increased payments under Agenda 2000. Similarly, other market support measures such as intervention and export refunds, which help maintain output prices, benefit both full and part-time farmers. In addition, part-time farmers will have the same ability to establish their entitlements to the single farm payment under the Luxembourg agreement as their full-time counterparts.

The rural viability service offered by Teagasc contributes to meeting the needs of part-time farmers and identifying methods of boosting their household incomes. Programmes such as Leader have also encouraged the development of off-farm local enterprises. The Government is committed to ensuring that small-scale producers have opportunities to supplement their incomes through off-farm work and that farm families have a choice in this matter. Obviously for part-time farmers, the availability of off-farm jobs in the economy is extremely important and is the key to their remaining in and contributing to the development of rural communities.

Since the Government came into office many additional job opportunities have been created that allow those farmers who wish to supplement their income through off-farm employment to do so. This, in effect, allows these farmers to benefit from the flexibility that is available in many of the schemes operated by my Department for full-time and part-time farmers and by the economic climate that has resulted from the policies of the Government, which has created substantial job opportunities for those wishing to avail of off-farm employment.

#### **Alternative Farm Enterprises.**

17. **Mr. Costello** asked the Minister for Agriculture and Food the initiatives he and his Department will take to support farmers or part-time farmers to engage in small-scale specialist, high quality food production; and if he will make a statement on the matter. [9166/04]

**Minister for Agriculture and Food (Mr. Walsh):** The national development plan includes a number of food related measures. While geared towards food companies of all sizes, many of the initiatives assist developing small and micro-sized companies. Significant funding is provided for Bord Bia's company marketing schemes to improve the marketing capabilities of micro, small and medium sized food enterprises. Recipients include small producers engaged in the production of farmhouse cheeses and speciality foods.

Recently, I launched an industry-led group to provide a national framework for the strategic development of the traditional, artisan, and speciality food sector called the TASTE council. The council will focus on issues such as: consumer education; market entry, innovation and market share; and distribution.

A useful tool for small producers interested in setting up a farmers' market is Bord Bia's web based guide, pioneering routes to market. The guide identifies the benefits of these markets to producers, consumers and local economies, lists their locations, training days offers clear advice on what makes successful markets and outlines the benefits and expansion opportunities, in farmer markets.

The report of the organic development committee, published by Department of

Agriculture and Food in April 2002, estimated that a target of 3% of land area in organic farming by 2006 was feasible for Ireland. A number of recommendations of the report have been implemented including the establishment of a national steering group to act as a driving force for the development of the organic sector. Progress was also made in the setting up of a demonstration farms and work on the possible development of a national label for organic produce.

Financial support for the sector is provided through a supplementary measure in the rural environment protection scheme. This measure was reviewed as part of the recent evaluation of REPS and changes to enhance the measure were included in the recent submission on REPS to the European Commission. There is also a scheme of grant aid for the development of the organic sector. A European action plan for organic food and farming is expected to be published in the first half of 2004.

These developments together with the decoupling of direct payments from production in January 2005, which will provide a greater market orientation, should provide new opportunities for producers both large and small to develop specialised food enterprises.

#### **Organic Farming.**

18. **Mr. M. Higgins** asked the Minister for Agriculture and Food the targets he and his Department have for organic food production; and if he will make a statement on the matter. [9167/04]

**Minister for Agriculture and Food (Mr. Walsh):** The organic development committee, in its 2002 report, estimated that a target of 3% of land area in organic farming by 2006 was feasible. The census of organic production, published last year, confirms that the land area under organic farming in Ireland is currently less than 1%.

The organic market development group, established on foot of a recommendation in the report, is to examine in detail the individual areas within the organic sector. Following this analysis, the group will review the preliminary 3% land target and also decide whether targets for the individual areas should be set. While I believe that organic farming offers real opportunities to some Irish farmers, particularly in view of the outcome of the mid-term review of the CAP, I believe that any targets set should reflect market realities.

19. **Mr. M. Higgins** asked the Minister for Agriculture and Food the research projects his Department funds to promote organic farming; and if he will make a statement on the matter. [9168/04]

**Minister for Agriculture and Food (Mr. Walsh):** Teagasc, which operates under the aegis of, and is largely funded by my Department, provides integrated research, advisory and

training services for the agriculture and food industry in Ireland. Teagasc has a number of organic research projects in progress. These include research into dairy, beef and sheep production systems, and tillage. The projects are located at the organic farm at Mellows centre in Galway, which, I am pleased to say, has become a dedicated organic research unit this year.

The partnership expert working group, established on foot of a recommendation in the report of the organic development committee, co-ordinates, facilitates and monitors the provision of training, education, advice and research in the organic sector. My Department recently approved a recommendation from this group to carry out a literature review of the organic poultry feed situation across Europe, along with a comprehensive examination of the situation in Ireland. I will await with interest the outcome of this study, as I am conscious of the problems that exist for organic poultry producers in relation to feed.

The group has also identified cereal research as a priority and seed trials will be carried out this year.

#### **Departmental Strategy Statements.**

20. **Mr. Durkan** asked the Minister for Agriculture and Food his plans to ensure the viability of the agriculture sector in the future; if the agricultural sector here is keeping pace with producers in other EU and non-EU countries; and if he will make a statement on the matter. [9085/04]

**Minister for Agriculture and Food (Mr. Walsh):** As Minister for Agriculture and Food, it is one of my priorities to ensure that viability is maintained and improved for the farming sector as a whole. This is an ongoing process. In June 2003 the fourth Department statement of strategy was published. The statement of strategy describes the environment, both internal and external, within which my Department operates and identifies the challenges ahead. It states our mission for the years ahead and identifies the goals and strategies of my Department on a long-term basis. Among the major goals is the ongoing commitment to maintain farm viability.

Farm viability is critical to the maintenance of the maximum number of farm households in the rural economy. In line with this ongoing concern, my Department has successfully implemented a range of measures including substantial market supports and direct payments. In 2003 my Department spent €2.8 billion for this purpose with €1.6 billion of this going in direct payments to farmers. In addition, the general developments in the economy with greater availability of employment and increased levels of participation within the labour force has resulted in greater opportunities for those who wish to improve their incomes by combining an off-farm job with their farming activities.

[Mr. Walsh.]

The recent reform of the Common Agriculture Policy and the implementation of the Luxembourg agreement will have important consequences for farmers. These changes will make returns from the market and overall farm efficiency all the more important. This in turn emphasises the need on the part of farmers to avoid any inefficient practices and to maximise their productive potential to ensure that they produce what the market requires.

With an eye to the medium to long-term, I formed the agri-vision 2015 committee to examine the findings and recommendations of the previous agri-food 2010 committee. This is to reflect and act upon the changes that have occurred in the external environment in which Irish agriculture operates. Developments at WTO level are potentially significant and the enlargement of the EU eastwards to incorporate ten new member states will obviously have implications some of which will be challenging for the agri-food sector. However, perhaps the most notable of these changes have been the mid-term review of the CAP with the move toward the decoupling of payments. The central lesson to be learned from this change is the need to address all aspects of competitiveness and the increased emphasis to be placed on the market place.

This new committee is examining a range of options and likely scenarios for the agri-food sector and I expect that the issue of viability, for farmers of all sizes, will be given appropriate attention in its report.

One aspect that is vital in ensuring viability is the issue of competitiveness. As the changes referred to previously will inevitably mean a greater range of competitive pressures and a greater exposure to market forces in the agri-food sector, there is a consequent need to re-focus on competitiveness.

Given the degree of importance that I place on this issue my Department has sponsored considerable research into the issue of competitiveness so that we may better understand where Ireland stands *vis-à-vis* our competitors both inside and outside the EU.

There is an interesting conjunction in the findings of the three separate studies published to date. Broadly speaking, the Irish dairy and tillage sectors have retained their competitiveness when compared to other food exporting countries. While a reasonable level of competitiveness is indicated for all sectors — dairy, beef, sheep and cereals — which have been examined, there is no room for complacency particularly when compared with certain countries outside the EU.

I am sure these matters will be addressed by the 2015 committee and, in any event, I will tailor my Department's strategies and policies to see that viability is constantly addressed and remains a priority.

#### **Farm Waste Management.**

21. **Mr. Gogarty** asked the Minister for

Agriculture and Food the extent to which his Department has familiarised itself with and availed of alkaline hydrolysis in disposing of agriculturally derived waste; and if he will make a statement on the matter. [9200/04]

**Minister for Agriculture and Food (Mr. Walsh):** In April 2002, the Government established an interdepartmental and interagency committee to consider viable options for the disposal of meat and bonemeal, MBM. The committee's report, which was presented to Government and published earlier this year, identified alkaline hydrolysis, coupled with anaerobic digestion, as possible disposal method for MBM and other animal by-products and recommended that the use of this technology be kept under review.

Although EU regulations envisage the use of animal by-products in the production of biogas, the use of alkaline hydrolysis technology has not yet been formally approved by the EU. It is expected that alkaline hydrolysis will be formally approved in the near future. Officials of my Department have met industry representatives interested in offering alkaline hydrolysis as an alternative method of disposal of animal waste in Ireland.

While my Department will advocate the use of EU approved disposal options for animal by-products, the decision to establish such facilities will ultimately be a commercial one for the industry.

#### **Genetically Modified Organisms.**

22. **Mr. Ferris** asked the Minister for Agriculture and Food if he will make a statement on the decision by the British Government to allow the commercial growth of GM crops; and if he has consulted with the British Government regarding whether the decision will also apply to the Six Counties. [9072/04]

27. **Mr. Sargent** asked the Minister for Agriculture and Food if, in view of the British Government's decision to proceed with limited commercial production of Chardon LL GM maize for commercial growing in the UK, he has sought assurances from the British Government that no commercial growing of GM crops will take place in Northern Ireland; and if he will make a statement on the matter. [7788/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 22 and 27 together.

The recent announcement by the UK Government refers to the approval for the commercial cultivation of the GM herbicide-tolerant maize variety known as Chardon LL, subject to the variety being successful in the application for entry on to the UK national catalogue of approved varieties for marketing. This GM variety was first approved in 1998 for deliberate release within the EU under the then EU Directive 90/220 but Spain was the only



member state which registered this GM variety on its national catalogue.

If this crop is grown in Northern Ireland, the issue is one of co-existence to ensure that it does not contaminate conventional or organic crops grown in this country. In formulating new EU legislation on GM crops and GM food, the Commission with agreement from the European Parliament and the Council decided that the issue of the coexistence of GM crops alongside non-GM crops should be addressed at member state level under a series of guidelines. As a result all member states, including Ireland and the UK, are currently in the process of drawing up strategies and best practices to ensure effective coexistence.

To establish the appropriate measures necessary for Irish farming practices and farming conditions an interdepartmental and interagency working group has been established within the Department of Agriculture and Food and has been given the task of: identifying and evaluating the issues and implications for crop production in Ireland that would arise from the cultivation of GM crops; and developing proposals for a national strategy and best practices to ensure the co-existence of GM crops with conventional and organic farming.

This working group, as part of its work programme, proposes to meet and discuss with relevant stakeholders in the preparation of its recommendations on the strategies and best practices for coexistence. These discussions will include the Northern Ireland authorities with particular reference to their coexistence strategies.

#### **Dairy Production.**

23. **Ms Lynch** asked the Minister for Agriculture and Food if he and his Department have plans to promote the adding of value to liquid milk; and if he will make a statement on the matter. [9172/04]

**Minister for Agriculture and Food (Mr. Walsh):** It is generally accepted that the Irish dairy industry must continue to reduce its reliance on commodity products and develop a greater range of added value products. This will be an ongoing requirement if the industry is to offer the necessary returns to milk producers in the years ahead as they face an environment of reduced EU support prices and greater competitive pressures in the international market, notwithstanding the availability of direct payments.

The need for greater investment in research and development of added value products was a key recommendation of the recently published Prospectus report, which I commissioned along with Enterprise Ireland and the dairy industry, in order to identify the most appropriate strategies for the industry in the coming years. It is clear that while much has been done in this regard, there is considerable potential for increased value added in the dairy sector. The fact that we can

freely trade in a soon to be enlarged EU of approximately 450 million consumers can only be of benefit to Ireland's dairy sector, given its extremely high export dependency. An essential element in exploiting this opportunity is the need to produce the type of products required by the market.

While the development of added value products is ultimately a matter for the industry, it is my policy and that of the Government to provide whatever encouragement is possible to bring this about. The availability of top class research facilities in both Teagasc and in the universities provides the type of infrastructure necessary to facilitate this development. This is underpinned by a grant aid programme, known as the food institutional research measure, operated by my Department. At company level, Enterprise Ireland also operates a programme of grant aid for suitable projects in the areas of R&D and value added initiatives.

At producer level, there is potential to increase the protein content of milk and, thus, increase the value of it to both the producer and the industry generally. Unlike fat content, there is no limit on protein content under EU quota rules and so any increase beyond Ireland's relatively low level compared to EU average can only be of benefit.

#### **Farm Retirement Scheme.**

24. **Mr. Penrose** asked the Minister for Agriculture and Food his views on the mid-term review for farmers who participated in the early retirement scheme; his further views on the consequences of the review for the farmers who took early retirement; and if he will make a statement on the matter. [9156/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department is involved in working groups and in continuing discussions with the European Commission on the detailed rules for implementing the mid-term review agreement. I have already raised a number of issues relating to farmers who have retired under the early retirement schemes, and the implications for them of decoupling and the single payment scheme.

Under the European Council regulation introducing the single payment scheme, a farmer may have access to the scheme if he or she was an active farmer during the reference years 2000, 2001 and 2002 and received payments under the livestock premia and/or arable aid schemes. In addition, farmers for whom entitlements will be established must activate those entitlements in 2005 by continuing to farm and submitting an area aid declaration in that year. In general, farmers must also have an eligible hectare of land for each payment entitlement.

Farmers participating in the early retirement scheme before the commencement of the reference period will not have any entitlements established for them under the single payment scheme. This is because they had already retired



[Mr. Walsh.]

from farming and their obligations under the early retirement scheme preclude them from returning to farming in the future. The persons who were leasing these retired farmers' lands and were active farmers in the reference period will have entitlements established for them. It should be noted that entitlements are attached to the farmer who was actively farming during the reference period and not to the land. I should point out, however, that during the Council negotiations last year I secured agreement that farmers — including offspring of farmers who retired before the reference period — who take over the holding of the retired farmers at some date in the future will be able to apply to the national reserve for payment entitlements under the single payment scheme.

Farmers who entered the early retirement scheme during or after the reference period will have entitlements established for them, provided they were actively farming during the reference period and received payment under the relevant schemes. Due to the fact that these farmers undertook to give up farming definitively when they joined the early retirement scheme, they will not be in a position to obtain payment under the single payment scheme in 2005 or thereafter. The European Council regulation provides for such entitlements to revert to the national reserve. However, the question of whether retired farmers in this category should be allowed to activate entitlements — not for their own use but with a view to leasing them out in 2005 and thereafter — is one of the items still under discussion in the context of the Commission detailed rules regulation. Agreement on the detailed rules is not expected until the end of this month or early in April and it would not be helpful to speculate on the final outcome.

#### **Beef Exports.**

25. **Mr. Broughan** asked the Minister for Agriculture and Food the plans he and his Department have to promote the sale of beef as a specialist product; and if he will make a statement on the matter. [9163/04]

**Minister for Agriculture and Food (Mr. Walsh):** I have availed of every opportunity to promote sales of Irish beef in the context of supporting promotional events organised by Bord Bia, by assisting the industry to establish new markets and by consolidating our presence in existing markets. I am also engaged in ongoing efforts to reopen traditional markets for Irish beef and secure access to third country markets.

Bord Bia implements a wide range of specialist marketing and promotion activities to enhance Ireland's reputation as a quality beef producer. Activities are focused on building consumer awareness of Irish beef at retail and food service level. In 2004, Bord Bia will undertake an intensive marketing campaign to attract new retail customers in France, Italy and Scandinavia.

A marketing innovation programme will be established to assist the industry in moving up the value added chain. Bord Bia plans to establish a series of chef's Irish beef clubs in the United Kingdom, Italy and the Netherlands to enhance the brand image of Irish beef. A European meat forum is planned for Dublin in May 2004 to demonstrate the capability of the Irish meat industry, including the beef sector.

Irish beef exports reached record levels in 2003 as the industry exported 500,000 tonnes of beef valued at €1.28 billion. Exports to EU markets increased by 30% to 150,000 tonnes, as the industry took advantage of the resurgence in consumption in continental EU markets.

#### **Live Exports.**

26. **Mr. Gilmore** asked the Minister for Agriculture and Food if, in view of recent events, he intends to take action to ensure that the live export of animals is protected and that the welfare of animals in transit is not compromised; and if he will make a statement on the matter. [9158/04]

**Minister for Agriculture and Food (Mr. Walsh):** I assume the Deputy is referring to the recent lifting of a High Court injunction in relation to the carriage of livestock from Ireland by a particular ferry company. My Department has been in touch with the company concerned at senior level and has emphasised the importance to Irish farmers of the livestock trade. The company in question has pointed out that although the injunction has been lifted the substantive case for damages remains outstanding. It is not clear how long this will take to be resolved. Until such time as it has been resolved, I do not anticipate any change in practice by the company in respect of the carriage of livestock from Ireland. I will continue to monitor the situation closely.

I have stated on numerous occasions that I regard the live export trade as of vital strategic importance to the agriculture sector in Ireland and to the Irish economy. Regarding the proposal for a Council regulation on the protection of animals during transport, which in its initial form contained elements of concern to Ireland and many other member states, I assure the House that my determination to protect the live trade has been conveyed to all involved in the negotiations at EU level. The Irish Presidency has worked assiduously towards reconciling the positions of the various member states around a compromise proposal and I believe we have made good progress in that regard. While more work must be done, I am reasonably optimistic that a compromise can be reached which will command the support of the Agriculture Council and which will permit the live export trade to continue in a manner which ensures that animals are transported under the highest possible standards of animal welfare.

*Question No. 27 answered with Question No. 22.*

### **Disadvantaged Areas Scheme.**

28. **Mr. Timmins** asked the Minister for Agriculture and Food if there will be no change to the status of land classification in County Monaghan; and if he will make a statement on the matter. [9212/04]

**Minister for Agriculture and Food (Mr. Walsh):** Following the most recent revision in 1999 of the list of more severely handicapped areas in County Monaghan, some 85% of the land in the county is now classified as more severely handicapped. On the basis of the data used in the revisions which took place in the 1990s, the remaining 15% of County Monaghan could not be reclassified as more severely handicapped.

There is a commitment in Sustaining Progress to examine, in conjunction with the European Commission, the question of designating the remaining parts of County Monaghan as severely handicapped. My Department has raised this matter at a number of meetings with the Commission and on each occasion the Commission services strongly made the point that a review request for reclassification of any area could lead to a demand for justification of the current designation and classification of all Ireland's existing disadvantaged areas. On the most recent occasion when my Department's officials endeavoured to progress this matter — at a meeting with the Commission on 9 December last — they were advised again by the Commission to be well aware of the risk associated with an examination of any formal request for reclassification. In light of the Commission's attitude, which has its basis in negative comments by the Court of Auditors, my Department is examining at present how best it can progress this matter further.

### **Food Industry.**

29. **Mr. Durkan** asked the Minister for Agriculture and Food the degree to which hotels and restaurants currently use Irish beef, lamb, pork and poultry; if it represents an increase or decrease; and if he will make a statement on the matter. [9084/04]

**Minister for Agriculture and Food (Mr. Walsh):** It is primarily a commercial matter for the food service sector whether it chooses to use Irish beef, lamb, pork and poultry. Once meat is in free circulation on the EU market, operators have the right to offer it to their customers. However, consumers, whether at retail or the food service-catering stage, should have access to full information regarding the food they eat, particularly where origin is concerned.

With regard to beef, existing EU beef labelling regulations introduced in 2000 are applicable to sale at retail and wholesale level but do not apply

to beef sold in the catering and food service sectors. In the context of an EU Commission report on the implementation of the beef labelling regulations due to be presented soon to the Agriculture Council, I have raised with the Commission the question of extending these regulations to the food service sector.

With regard to poultry meat, I recently implemented new legislation to require country of origin information to be provided at the point of retail sale. The possibilities of extending this requirement to sale at food service and catering establishments and to other meats is currently being examined.

Bord Bia introduced a Féile Bia scheme in June 2001 in response to growing consumer concerns about the quality and origin of ingredients used in the food service sector. Membership of Féile Bia is on a voluntary basis and over 1,290 hotels, restaurants, pubs and catering outlets nationwide have joined to date. Members are required to check and record the origin of the meat they are serving and are asked to label the origin of the meat on their menus.

It should be pointed out that figures available for total retail sales of meat in Ireland in 2003 showed an increase of 5% over the previous year. Beef sales were up by 10%, lamb by 6%, poultry by 7% while pigmeat sales remained at a similar level to the previous year.

### **Food Safety Standards.**

30. **Ms McManus** asked the Minister for Agriculture and Food the actions being taken to ensure the promotion of healthy eating options in his Department; and if he will make a statement on the matter. [9174/04]

**Minister for Agriculture and Food (Mr. Walsh):** While my Department's primary responsibility is to ensure that only food which meets the highest standards of food safety and quality enters the food chain, I also recognise the importance of a balanced diet in a healthy lifestyle. A good balance of diet and physical exercise is essential for well being and good health.

The food promotion agencies under the aegis of my Department, Bord Bia and Bord Glas, have comprehensive programmes in place to promote the virtues of good nutrition and healthy eating habits. Bord Bia has devised a range of initiatives including quality assurance schemes for the pigmeat, egg and poultry sectors, the expansion of the Féile Bia programme to encourage consumption of quality assured food and the establishment of the taste council to promote speciality food.

Bord Glas promotes the consumption of fruit and vegetables as a central part of a healthy diet. In 2003, Bord Glas and the health promotion unit of the Department of Health and Children launched a public awareness campaign "Vegetables — Because Fast Food Comes Naturally" to highlight the health benefits of

[Mr. Walsh.] vegetables. Consumers were encouraged to eat four or more portions of fruit and vegetables a day as part of a healthy lifestyle.

My Department is also co-funding with the European Commission and the trade, programmes to provide information about, and to promote food products on the internal market. These programmes aim to boost the image of Union food products, in particular as regards the quality, nutritional value, food safety and methods of production. To date, Ireland has funded programmes in the milk and mushroom sectors.

#### **Food Industry.**

31. **Ms Lynch** asked the Minister for Agriculture and Food the plans he has to encourage supermarkets and other food retailers to establish national targets for the use of local produce; and if he will make a statement on the matter. [9171/04]

**Minister for Agriculture and Food (Mr. Walsh):** The rules governing the Single Market preclude national authorities from compelling retailers giving preference to domestic product, a rule that has operated in our favour as a food exporting nation. Some 80% of Irish food production is exported. The key to market access is producing what the market demands in terms of quality, convenience, price and product specification within the overriding need to remain competitive.

A key strategy for me is to ensure that agriculture and the food industry contribute to the maximum extent possible to the continued economic and social development of this country and to the maintenance of the physical environment. Central to this is improving competitiveness and innovative capability which will enable the sector to compete successfully in an increasingly competitive and fast moving environment. Under the national development plan significant funding has and is being made available for capital investment, research, technology and innovation, marketing and promotion and human resources.

I am confident that the strategies we have put in place will enable the industry to secure that vital shelf space on the domestic market. I will continue to encourage retailers to source product on the domestic market by taking every opportunity to extol the quality and safety of Irish product.

#### **Decentralisation Programme.**

32. **Mr. Stanton** asked the Minister for Agriculture and Food the progress regarding his plans to decentralise the offices of his Department to Macroom from Cork city; when he expects this decentralisation to be complete; the number of personnel and appointments involved; and if he will make a statement on the matter. [9068/04]

**Minister for Agriculture and Food (Mr. Walsh):** The Government decision on decentralisation as announced in the Budget Statement in December 2003 provided for the relocation of 70 staff from Cork city to Macroom. The decentralisation implementation committee established by the Government is examining all aspects of the implementation programme for decentralisation. The transfer of staff to Macroom is being considered as part of this process.

#### **Forestry Sector.**

33. **Mr. Gogarty** asked the Minister for Agriculture and Food the progress being made to reach targets set for forestry planting here; and the extent to which Ireland continues to rely on timber imports. [9199/04]

**Minister for Agriculture and Food (Mr. Walsh):** Current Government policy on forestry in Ireland is informed by Growing for the Future — A Strategic Plan for the Development of the Forestry Sector in Ireland. I recently announced a review of this strategy which will examine, *inter alia*, planting targets as well as national and international timber market developments. This review will be completed by September this year.

With regard to planting in the current year, applications for planting approval have been received for over 17,000 hectares in the current planting season. These applications are at various stages of processing. I am confident that planting levels of at least 10,000 hectares can be achieved in 2004 and that forestry will continue to be an attractive option under the reformed CAP.

In 2002 the Irish sawnwood market amounted to 1.4 million cu. m. Irish grown timber accounted for 602,000 cu. m., or 43% of the market. Irish processors are particularly strong in the pallet wood and fencing markets where they supply 75% of the market. A total of 34% of the needs of the construction market are served by Irish timber.

#### **Food Labelling.**

34. **Mr. Howlin** asked the Minister for Agriculture and Food the action he intends to take following the consumer liaison panel of his Department reporting that 90% of respondents in a recent survey stated a specific preference for country of origin labelling on meat; and if he will make a statement on the matter. [9169/04]

**Minister for Agriculture and Food (Mr. Walsh):** The results of the research carried out at my request by the consumer liaison panel confirmed that consumers want information on the origin of the meat they consume, either in the home or when dining out. I am determined, in so far as it is within the powers available to me, to meet the wishes of consumers, as identified in the research.

In response to the results of the survey, I recently introduced two regulations in respect of



the labelling of poultry meat. The first of these requires poultry meat — loose and pre-packaged — originating in a country outside the EU to bear an indication of the country of origin when offered for sale in a retail premises. The second requires information regarding class, price per unit weight, condition and slaughterhouse details in respect of loose poultry meat that is, non pre-packaged, to be provided to the consumer. Heretofore, while these labelling indications have been compulsory for pre-packaged poultry meat, it had not been a requirement to provide this information for poultry meat sold loose.

In addition to the above mentioned action, I have arranged that each sector will be reviewed on a commodity by commodity basis to identify any deficiencies, from a consumer viewpoint, in the labelling regulations for those commodities. I intend to take further action over the coming period in all commodity areas as appropriate.

In the beef sector, EU beef labelling regulations on origin do not currently apply to beef sold in the food service outlets. These regulations are currently being reviewed in Brussels. In the context of that review, I wrote to Commissioner Fischler asking him to consider including a provision for the labelling of origin of meat in such outlets. It is expected that a report on the review should be issued shortly.

#### **Milk Quota.**

35. **Mr. Boyle** asked the Minister for Agriculture and Food the estimate of the amount by which Ireland will overproduce milk for 2003-04; the likely cost of the resultant super levy; and if he will make a statement on the matter. [9196/04]

**Minister for Agriculture and Food (Mr. Walsh):** The milk quota-super levy year runs from 1 April to 31 March. It is, therefore, too early to say whether the quota will be exceeded or to indicate the level of any possible excess.

However, at the end of February, the estimated position based on returns from co-operatives and dairies was that Ireland was approximately 1% over profile for the April-February period. At that stage and, indeed, over the previous months, I had advised producers to keep a close eye on their quota position and to keep in close contact with their co-operative or dairy in relation to the overall position. The situation at the end of March, therefore, will depend on the ability of producers to manage their quotas over the final few weeks of quota year.

If at the end of quota year, Ireland's milk production was 1% over quota, as it was at the end of February, the super levy to be paid by producers would be just over €19 million.

#### **Malting Barley Industry.**

36. **Mr. Stanton** asked the Minister for Agriculture and Food the mechanisms in place to

carry out seed trials on malting barley; and if he will make a statement on the matter. [9069/04]

**Minister for Agriculture and Food (Mr. Walsh):** The malting barley industry, with the co-operation of the Department, is providing a service for malting barley producers in identifying new and better malting barley varieties.

The Department, from its ongoing nationwide trials on spring feeding barley, recommended list, national list and REPS trials, carried out by the Department's crop variety testing division, provides yield and agronomic data to the malting barley industry on varieties requested by them.

The samples of grain from varieties identified by the malting industry as having malting potential are taken in by the Department at its Moorepark facility and treated to produce agronomic data, that is, dried down to 12% moisture, dormancy is broken, and samples are monitored to achieve a minimum 96% germination figure. The dried samples are then sent to the malsters for micro-malting analysis. Using the agronomic and micro-malt data, the malting barley industry then decides what varieties are suitable for recommendation to the malting barley growers for production under Irish conditions.

#### **Suckler Cow Quota.**

37. **Mr. Boyle** asked the Minister for Agriculture and Food if he is considering whether money paid for quota rights bought in 2002 can be converted into entitlements for the active farmer. [9195/04]

**Minister for Agriculture and Food (Mr. Walsh):** I assume the Deputy is referring to the purchase of suckler cow quota in 2002. I appreciate that farmers paid a high price for suckler cow quota in 2002 as there was a huge demand for it at the time. However, such farmers who purchased suckler cow quota in 2002 benefit from the suckler cow premium scheme at a rate of €224.15 per animal for the three years 2002, 2003 and 2004 plus top-ups on heifers under the national envelope and payment under the extensification premium on the suckler cows, if eligible. Furthermore the value of their single payment entitlements will be higher as a result of the purchase of quota in 2002 than if they had not increased their quotas. The detailed implementing provisions for the single payment scheme are still under negotiation with the European Commission.

Until such time as these detailed rules are agreed, which is expected at the end of this month or early in April 2004, it will not be possible to say what will be the final arrangements.

#### **Mechanical Grading System.**

38. **Mr. Timmins** asked the Minister for Agriculture and Food the reason for the delay in



[Mr. Timmins.] implementing the mechanical grading system for the meat factories; and if he will make a statement on the matter. [9213/04]

39. **Ms Burton** asked the Minister for Agriculture and Food if he has satisfied himself with the progress being made in relation to the introduction of mechanical grading in meat factories; if he has further satisfied himself with the level of grant aid application received by his Department for this purpose; and if he will make a statement on the matter. [9161/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 38 and 39 together.

I have already indicated my commitment to the early introduction of mechanical carcase grading in beef factories and regard it as an important step for the beef industry towards securing its future as a high quality supplier of beef to EU consumer markets. It is a policy that is favoured by the farm organisations and the beef processing industry and is included in Sustaining Progress. I was in a position earlier this year to officially approve three machines for commercial use in Ireland following the conclusion of formal trials conducted under the terms of EU Regulation 1215/2003.

In an effort to drive the implementation phase forward I announced a scheme of grant assistance towards the purchase and installation costs of the equipment. This included a grant rate of 40% of approved eligible expenditure, subject to a maximum of €170,000. This equated to a grant of up to €68,000 per machine installed.

The lack of take-up of the grant scheme is disappointing given the opportunity it presented to the industry to incorporate this modern method of classification of beef carcasses into their processing lines. This technology will be in widespread use in other EU countries later this year and would clearly enhance the producer processor supply chain and provide wider benefits to the industry in future years.

I remain confident that grading machines will be in operation in a large number of factories in the coming months.

#### **Special Investigation Unit.**

40. **Dr. Upton** asked the Minister for Agriculture and Food if he intends to review the powers of the SIU of his Department; his views on whether it is appropriate that in the event of a dispute, his Department should investigate itself; his further views on whether it is appropriate that an external agency should be responsible for the resolution of disputes; and if he will make a statement on the matter. [9155/04]

**Minister for Agriculture and Food (Mr. Walsh):** The remit of the SIU is to assist different

areas of my Department in the implementation of various schemes and in particular to investigate breaches of legislation governing animal disease control; identification and smuggling; animal medication; the production, processing, handling, trading or otherwise handling of animals, carcases or meat intended for human consumption or the manufacture or trading of feeding stuffs.

Staff of the SIU are departmental officers who operate fully in accordance with the provisions contained in a range of national and EU legislation. Their activities have formed the basis for almost all of the successful court prosecutions which in itself is clear evidence of the legalities of the actions taken and the integrity of the procedures applied. The investigative procedures comply with the standard requirements in regard to the taking and presentation of evidence and the rights of the person or persons being investigated. They follow the usual type of criminal investigation carried out by the Garda. On occasion, investigations by the unit involve the use of search warrants, with all the rules of evidence being complied with. Interviews are carried out under caution and statements are prepared for use in court by counsel on behalf of the Department.

A formal code of practice relating to the SIU's operations which codified existing guidelines has recently been finalised. While this provides that in the first instance, complaints will be dealt with through line management and if necessary subsequently through the quality service unit, complainants also have recourse to third party bodies such as the Ombudsman's office and, if necessary, the courts.

The reality is that the majority of farmers and others in the agri-food sector comply with the law and therefore have no reason to be concerned with the activities of the SIU. Indeed the operation of the SIU is protecting the interests of farmers generally and the reputation of the Irish food industry from the malpractices of the few. In the circumstances, I have no proposals to amend the powers exercised by officers of the SIU.

#### **Veterinary Medicines.**

41. **Mr. Cuffe** asked the Minister for Agriculture and Food his views on the suggestion by Veterinary Ireland that there should be recommended retail prices for farm drugs; and his further views on whether this is price-fixing. [9197/04]

**Minister for Agriculture and Food (Mr. Walsh):** I have no function in the pricing of veterinary medicines. Within the context of the control regime which exists to ensure both legal and appropriate use of such medicines, I would, however, be anxious to see healthy price

competition within the veterinary medicines market.

My Department is currently considering responses it has received from various stakeholders arising from my recent announcement of a range of proposed changes in the national regime governing the approval and distribution of veterinary medicines. That announcement followed a lengthy review by my Department of the current control regime, which included consultation with stakeholders, to take account of developments since that regime was put in place almost a decade ago and prospective developments, including at EU level.

While the question of formal price control as such would be a matter for my colleague, the Tánaiste and Minister for Enterprise, Trade and Employment, it is important that I place on record that, in so far as the changes proposed by my Department are concerned, it is not intended to reduce in any way the protection afforded by the regime to consumers of Irish food or to the health and welfare of animals. Rather, the overall objective of the proposed changes is to put in place a regime which, by addressing a number of difficulties which were identified arising in particular from inflexibilities in the existing regime, not least in regard to prescribing by veterinarians, would be more workable and through improved record-keeping, would be more amenable to supervision by my Department. It is my belief that certain of the changes I am proposing will promote price competition in the market while retaining the necessary safeguards.

Given the extensive nature of the consultation which has already taken place with stakeholders during the review, it is my intention that having considered and responded as appropriate to the most recent round of views expressed, to convene the animal remedies consultative committee as soon as possible with a view to finalising the changes to be made to the legislation.

#### **Company Closures.**

42. **Mr. Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will review at any stage the redundancy package for the workers at Comerama, Castlecomer, County Kilkenny, with a view to increasing the level of redundancy paid; and if she will make a statement on the matter. [9351/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** The new redundancy rates were agreed with the social partners, the unions, employers and relevant Departments during the talks on Sustaining Progress and given legislative effect by the Oireachtas with effect from 25 May 2003 when the required commencement order was signed by the Tánaiste.

I regret that the Comerama and other workers did not benefit from the increased redundancy payments as due to legal advice received retrospection is not possible. As a result I will not be reviewing the redundancy package for the workers at Comerama.

#### **Job Creation.**

43. **Mr. Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her plans to replace jobs at Comerama, Castlecomer, County Kilkenny, in view of the serious impact that these job losses have had on the local economy; and if she will make a statement on the matter. [9352/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The factory in question is currently for sale. A number of businesses viewed the property and expressed an interest in it. The closing date for tenders for the purchase of the premises was 19 March 2004, and it is expected that the outcome of the tendering process will be announced on 24 March 2004.

The development agencies are members of the Castlecomer area advisory forum which has undertaken the challenge of identifying and promoting quality employment opportunities for the town. Support has also been provided for the recruitment of an enterprise development executive. There has been significant progress to date with a wide range of projects initiated and in the pipeline. These cover a broad spectrum including local tourism based projects and the extension of the local enterprise centre.

In addition, a project has emerged in recent days which involves a two year contract to refurbish the electricity network in County Kilkenny and County Laois. I understand that this project will be based in Castlecomer.

#### **Defence Forces Strength.**

44. **Mr. McGinley** asked the Minister for Defence the number of personnel enlisted to the FCA and Slua Muirí by month and brigade since 1 October 2003; the number of persons who have presented for enlistment to the FCA and Slua Muirí and been examined for hearing in the Military Hospital, Dublin, since 1 November 2003 by month; the number of persons who have presented for enlistment to the FCA and Slua Muirí who can be examined in that hospital each month in respect of hearing to July 2004; if his attention has been drawn to the considerable disquiet that has been expressed at the lack of processing ability at that institution in respect of hearing tests, not only for those who have presented for enlistment, but for those who currently await their periodic examination as serving members in the FCA and Slua Muirí in the eastern brigade, and the consequent reduction in enlistment to those Forces in 2004;

[Mr. McGinley.]  
the proposals to meet the problems that exist in respect of hearing examinations; and if he will make a statement on the implementation of proposals to address the evident difficulties that exist at the military hospital. [9386/04]

**Minister for Defence (Mr. M. Smith):** The material sought by the Deputy is not readily available. The details sought are being compiled by the military authorities and the related issues raised are being examined. I will be in touch with the Deputy on these matters as soon as possible.

### Defence Forces Deployment.

45. **Mr. McGinley** asked the Minister for

| Reserve Defence Force                 | Lt. Col. | Comdt. | Capt. | Total |
|---------------------------------------|----------|--------|-------|-------|
| <i>2 Eastern Brigade</i>              |          |        |       |       |
| Posted                                | 1        | 8      | 5     | 14    |
| In addition                           |          | 5      | 3     | 8     |
| <i>1 Southern Brigade</i>             |          |        |       |       |
| Posted                                | 1        | 12     | 11    | 24    |
| In addition                           |          | 2      | 9     | 11    |
| <i>4 Western Brigade</i>              |          |        |       |       |
| Posted                                | 1        | 14     | 8     | 23    |
| In addition                           |          | 1      | 8     | 9     |
| <i>Defence Forces Training Centre</i> |          |        |       |       |
| Posted                                | 1        | 5      | 1     | 7     |
| In addition                           |          |        | 3     | 3     |
| <i>Slua Muirí</i>                     |          |        |       |       |
| Posted                                |          | 2      | 1     | 3     |

Total Officers Posted 71.

Total Officers in Addition 31.

In 2003 the allowances, rates and total amounts, paid over and above salary to Permanent

Defence Force personnel employed with the FCA and Slua Muirí are as follows:

Mileage allowances (€0.563m)

Rate per Mile

|                  | Engine Capacity |             |             |
|------------------|-----------------|-------------|-------------|
| Miles in a year  | Up to 1200cc    | 1201-1500cc | Over 1500cc |
| Up to 4000       | 27.59cent       | 30.28cent   | 45.94cent   |
| 4001 and upwards | 35.68cent       | 40.00cent   | 43.92cent   |

Car allowances — Officers (€0.266m)

| Rate   | Bands       | Current Annual Rates |
|--------|-------------|----------------------|
|        |             | €                    |
| Rate 1 | 0-1200cc    | 1,815.73             |
| Rate 2 | 1201-1500cc | 2,148.39             |
| Rate 3 | 1501-9999cc | 2,236.01             |

## FCA allowances (€0.492m)

| Officers | Rates (depending on appointment) |
|----------|----------------------------------|
|          | €                                |
|          | 15.84 daily                      |
|          | 12.27 daily                      |
|          | 5.92 daily                       |

| NCO's/Private       | Rates |
|---------------------|-------|
|                     | €     |
| Urban Rate (weekly) | 33.44 |
| Rural Rate (weekly) | 73.89 |

**Defence Forces Expenditure.**

46. **Mr. McGinley** asked the Minister for Defence the total cost incurred in the recent visit by the Chief of Staff of the German Army; and the breakdown of these costs. [9388/04]

**Minister for Defence (Mr. M. Smith):** The Chief of Defence Staff of the German Armed Forces and a delegation of five personnel visited the Defence Forces on 27 and 28 January 2004 as guests of the Chief of Staff. The total cost of this visit was €3,538.49 which included, VIP courtesy at Dublin Airport on arrival and departure, €508.30; visitor accommodation, €1,455.47; meals and entertainment, €1,450.60, and miscellaneous expenses, €120.22.

**Rural Environment Protection Scheme.**

47. **Mr. Timmins** asked the Minister for Agriculture and Food the situation with respect to REP scheme 3; and if he will make a statement on the matter. [9215/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department submitted proposals on REPS to the European Commission early in December 2003. Those proposals had emerged from a comprehensive consultative process involving the farming organisations and a wide range of other stakeholders and also reflected the significantly increased payment rates agreed in Sustaining Progress. My officials have since met the Commission services twice to progress the approval of the changes and remain in regular contact with them. I have written and spoken to Commissioner Fischler to enlist his help in getting early approval for the new scheme and I am confident of a favourable outcome.

**Common Agricultural Policy.**

48. **Mr. Durkan** asked the Minister for Agriculture and Food when he foresees EU support for agriculture decreasing; the extent to which he expects it to decrease; and if he will make a statement on the matter. [9233/04]

**Minister for Agriculture and Food (Mr. Walsh):** The European Council in October 2002 decided on the EU budget allocations for the CAP until 2013. As part of the mid-term review of Agenda 2000, the Council of Agriculture and Fisheries Ministers agreed in June 2003 to the introduction of a financial discipline mechanism, which will apply from 2007 to ensure CAP budget allocations will not be exceeded. I am not aware of any proposals for a reduction in the overall levels of EU support for agriculture.

**Irish Dairy Industry.**

49. **Mr. Durkan** asked the Minister for Agriculture and Food his plans for the future of the dairy industry. [9234/04]

**Minister for Agriculture and Food (Mr. Walsh):** The future of the Irish dairy sector will be influenced by a number of factors, including the implementation of the mid term reform, MTR, of the CAP and the enlargement of the EU on 1 May 2004.

Enlargement of the EU will provide increased marketing opportunities in the new member states while also bringing increased competition to the EU market. The MTR, by setting new intervention limits and reducing intervention prices, has highlighted the need to become less reliant on commodity products and to increase the added value nature of our output. This was also identified by the prospectus report which concluded that the future success of the industry was dependent on a number of factors including its ability to increase scale and efficiency, reduce costs, and increase research and development. There is a real need to ensure that our product mix meets the demands of the marketplace and allows for reasonable return on production.

During recent months, I have met most of the major players in the dairy sector to discuss the implementation of strategies for the future and to identify any areas where I may be able to assist or facilitate with the changes required in the Irish dairy industry. It is clear that the prospectus report provided the industry in general with an opportunity to examine its strengths and weaknesses, and to consider the best options for the future. While my Department and the other relevant State agencies will provide whatever assistance is possible in this process, the ultimate decisions in relation to processing structure and product mix are a matter for the management and boards of the individual undertakings.

On production at farm level, producers will also have to look at increasing the scale of their operations, reducing costs where possible, and improving the quality of the milk they produce. The MTR has ensured the extension of the quota regime until 2014-15. There is a clear need now, more than ever, to assist those who wish to expand their operations within this new environment. The decision, which I made to bring forward the decoupling of the dairy premium to 2005 should help those who wish to expand.



[Mr. Walsh.]

Producers who have activated their entitlement will be able to cease production while retaining the direct payment, thus freeing up additional quota for those who remain in production. It will continue to be my policy that milk quota becoming available in Ireland benefits, as far as possible, those active, committed producers on whom the future of the industry depends.

### **Poultry Industry.**

50. **Mr. Durkan** asked the Minister for Agriculture and Food his plans for the future of the poultry industry; and if he will make a statement on the matter. [9235/04]

**Minister for Agriculture and Food (Mr. Walsh):** The Irish poultry industry is an extremely important element within our domestic agri-food sector. It is worth €150 million to producers and is an important contributor to economic and social development, particularly in certain areas. Overall, it is my policy that this industry should develop to its full potential and be in a position to meet the demands of today's consumers and withstand the very strong competition from abroad.

The most recent strategic evaluation of the poultry industry is set out in the report of the agri-food 2010 committee. It is clear from this exercise that a significant issue facing the sector is its poor competitive position. The committee recommended a significant reduction in the number of poultry slaughter plants and a reduction in capacity of about 20%. Rationalisation of this nature is very much a matter for the industry itself but it is important that the industry position itself so that the current levels of producer incomes, employment and market share are maintained in the years ahead. The poultry sector will of course be included in the deliberations of the agri-vision 2015 committee which I established recently and I look forward to receiving their views in this regard.

Much of my Department's involvement with the poultry industry is in the area of ensuring food safety. Consumer confidence in the product is a fundamental requirement for any industry. To this end, my Department will continue to maintain an intensive food safety supervisory programme at processing plants. Also, the salmonella monitoring programme, which is operated at producer level, and involves extensive official sampling and testing by officials of my Department will continue to enhance poultry safety. Consumer confidence is also very much linked to appropriate labelling. It is my view that consumers have a right to full knowledge about the product they are buying and, therefore, over the past month or so, I have introduced legislation requiring country of origin to be indicated at the point of sale in the case of loose poultry. It is my intention to extend these measures to provide for full information to be supplied in respect of all poultry sales.

A chicken quality assurance scheme is due to be launched shortly. This has involved considerable effort on the part of Bord Bia working in conjunction with the poultry industry. The scheme's quality mark is viewed by consumers as a guarantee of quality and I am confident that the market position of our poultry will be enhanced as a result. My Department has assisted the development of this scheme and will be involved on an ongoing basis in its operation as well as in the continuation of the very successful egg quality assurance scheme.

### **Beef Industry.**

51. **Mr. Durkan** asked the Minister for Agriculture and Food his plans for the development of the beef industry in view of increased competition; and if he will make a statement on the matter. [9236/04]

**Minister for Agriculture and Food (Mr. Walsh):** The focus of the Irish beef industry has been to broaden and expand its market reach at EU retail level, shifting its orientation away from international commodity markets and into the higher priced internal EU marketplace. This contrasts sharply with the situation that prevailed throughout the 1990s when the industry exported 50% of its products into non-EU markets. Last year, this share dropped to just 17% while the EU share increased proportionately. These increased sales into continental Europe coincide with the emergence of an EU market deficit in beef for the first time in 25 years together with falling production levels aligned with a strong recovery in consumption.

Ireland is now well placed to consolidate this position, having demonstrated the quality and safety of Irish beef through its broad appeal to EU consumers. A targeted approach based on quality production represents the best and most profitable way forward to the Irish industry. This in turn highlights the importance of good breeding policies, payment related to quality and modern techniques which mechanical grading will provide.

It is the case that a high value market such as that which exists within the EU will attract competitively priced product from a range of markets, most particularly from South America. I believe the best way to withstand such competition and build on our own already strong presence there is for our beef industry to maximise its efficiency levels at all stages and continue to offer the type and quality of product required by the market.

### **Dairy Exports.**

52. **Mr. Durkan** asked the Minister for Agriculture and Food his plans to expand the export markets for Irish dairy produce; and if he will make a statement on the matter. [9238/04]

**Minister for Agriculture and Food (Mr. Walsh):** Ireland exports a wide range of dairy

products to more than 100 countries worldwide. The main products exported include cheese, butter, casein, milk powders, and baby food. More than 85% of all dairy exports from Ireland are destined for other EU member states, making it a very important market for Irish dairy products. The value of this market is likely to grow even further with the improved market access provided by the enlargement of the EU on 1 May 2004. Ireland also exports a considerable volume of dairy product to countries outside the EU and this is likely to continue in the years ahead.

It is clear that the Irish dairy industry is highly dependent on exports and I recognise the need to increase and expand our presence in export markets. While my Department and Bord Bia will continue to assist the industry in anyway possible, the identification and exploitation of export opportunities for dairy products, in both commodity form and in the form of increasingly sophisticated ingredient and value-added products, is essentially a matter for the industry. The number of countries to which Ireland exports dairy products is testament to the success of the industry in the past and I am confident that this success will continue into the future.

#### **Food Labelling.**

53. **Mr. Durkan** asked the Minister for Agriculture and Food his plans to improve meat labelling with particular reference to clear identification of the country of origin. [9239/04]

55. **Mr. Durkan** asked the Minister for Agriculture and Food if he has satisfied himself that adequate information is provided through product labelling to identify country of origin in respect of all meat, poultry and dairy products on sale here; and if he will make a statement on the matter. [9241/04]

56. **Mr. Durkan** asked the Minister for Agriculture and Food the steps he has taken to encourage hotels, pubs and restaurants to advertise the origin of the meat or poultry served; and if he will make a statement on the matter. [9242/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 53, 55 and 56 together.

The consumer liaison panel recently completed a survey, at my request, on consumer concerns regarding the origin of meat and the information provided in both the retail and catering sectors. The results of this research confirmed that consumers want information on the origin of the meat they consume either in the home or when dining out. I am determined, in so far as it is within the powers available to me, to meet the wishes of consumers, as identified in the research.

In the beef sector, the EU beef labelling regulations which were introduced in 2000 require operators involved in the marketing of beef to label their product with a reference code

to enable the beef to be traced back to the animal or group of animals from which it was derived; the approval number of the slaughterhouse and the country in which it is located; the approval number of the deboning hall and the country in which it is located, and an indication of the origin of the animal from which the beef was derived. For the purpose of these regulations, marketing means all aspects of beef production and marketing up to and including retail sale. These labelling requirements, which are compulsory in all member states, apply to the marketing of beef within the Community, regardless of whether that beef was produced within the Community or in a third country. Where beef is imported in to the Community from a third country and not all the above details are available, that beef must, at a minimum, be labelled as 'Origin: non-EC' along with an indication of the third country in which slaughter took place.

However, these regulations do not currently apply to beef sold in the food service outlets. The regulations are currently, being reviewed by the EU Commission. In the context of that review, I wrote to Commission Fischler asking him to consider including a provision for the labelling of origin of meat in such outlets. It is expected that a report on the review should be issued shortly.

In the poultry sector, I recently introduced two regulations on the labelling of poultry meat. The first of these regulations requires poultry meat, loose and pre-packaged, originating in a country outside the EU to bear an indication of the country of origin when offered for sale in a retail premises. The second, requires information regarding class, price per unit weight, condition and slaughterhouse details in respect of loose poultry meat non-prepackaged, to be provided to the consumer. Heretofore, while these labelling indications have been compulsory for pre-packaged poultry meat it had not been a requirement to provide this information for poultry meat sold loose.

In addition to the above mentioned action, I have arranged that each sector will be reviewed on a commodity by commodity basis to identify any deficiencies, from a consumer viewpoint, in the labelling regulations for those commodities. I intend to take further action over the coming period in all commodity areas as appropriate.

On catering outlets, the Féile Bia scheme, which is a voluntary scheme organised by Bord Bia in conjunction with the Restaurants Association of Ireland and the Irish Hotels' Federation, requires members to undertake to source meat, chicken and eggs from suppliers that are: current members of Bord Bia quality assurance schemes, or members of a recognised national or international quality assurance schemes that are deemed to be equivalent to the Bord Bia quality assurance schemes. A consumer entering a Féile Bia restaurant knows that the food has been monitored at all stages along the food chain and that the Féile Bia approved

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establishment is inspected and assessed by independent inspectors.

### **Sheepmeat Exports.**

54. **Mr. Durkan** asked the Minister for Agriculture and Food his plans to open up new export markets for Irish lamb; and if he will make a statement on the matter. [9240/04]

**Minister for Agriculture and Food (Mr. Walsh):** Irish sheepmeat production last year amounted to 64,000 tonnes. The main export destination continues to be France, accounting for some 31,000 tonnes or almost half total production. Other important markets for Irish sheepmeat last year were the UK, Germany, Italy and Portugal, which together absorbed some 11,000 tonnes.

A significant feature of last year's trade was the recovery in domestic consumption. As a result, overall lamb consumption is estimated to have increased by some 8%, to 21,500 tonnes. The forecast is for a continuation of this level of domestic consumption, which will ensure that more than one-third of Irish sheepmeat production will be consumed on the home market, compared to one quarter ten years ago. The meat industry will continue, with the support of Bord Bia, to explore any new market opportunities that may have the potential to deliver a good return to the Irish sheepmeat industry.

*Questions Nos. 55 and 56 answered with Question No. 53.*

### **Beef Exports.**

57. **Mr. Durkan** asked the Minister for Agriculture and Food the steps he proposes to take to prevent a monopoly in the beef processing area in the event of a cessation of live exports; and if he will make a statement on the matter. [9243/04]

60. **Mr. Durkan** asked the Minister for Agriculture and Food if he has plans to boost beef exports in order to compensate for a reduction or cessation in live exports; and if he will make a statement on the matter. [9246/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 57 and 60 together.

It is my policy and that of Government to ensure that Irish beef and livestock exporters have unrestricted access to all markets worldwide where exporters consider there are commercial possibilities. Every effort will continue to be made at political, diplomatic and technical level to have all potential markets open to Irish exporters.

Last year Irish live cattle exports reached some 220,000 head, an increase of almost 50% on the level of live exports achieved in 2002. The bulk

of this growth was to continental EU markets driven by increased demand from Holland, Italy and Spain, which remains the principal destination for Irish cattle. Moreover, exports to the Lebanon were 15% higher last year than in 2002. I have no reason to expect that live exports in 2004 should be any less vibrant.

Clearly there is no shortfall in beef processing capacity in Ireland. The report of the beef task force concluded that there was a weekly slaughtering capacity in export approved beef plants of 75,000 head. Average weekly slaughterings in 2003 were 35,000 head. These figures would suggest that there is healthy competition for cattle supplies.

I am satisfied that there are valuable market outlets for our beef output. It is estimated that EU beef consumption in 2004 will exceed production by 400,000 tonnes. Last year exports to the UK amounted to some 265,000 tonnes representing an increase on the previous year's level. Markets for Irish beef in France, Netherlands, Italy, Germany and Sweden also remain strong. In the course of the past year Switzerland, the Czech Republic, Poland and Hungary have lifted their restrictions on Irish beef imports.

With regard to non-EU markets, I am very keen to have existing restrictions, where they remain, removed at the earliest possible date and the most recent initiatives have focused on Saudi Arabia and the Gulf Region. In September 2002 Russia lifted its remaining BSE related restrictions on Irish beef imports. Egypt also reopened its market and Irish exporters now have the option of trading with that market. As part of the efforts to regain access to the Egyptian market, I negotiated a special export refund of 30% above the normal rate for exports to that destination. In total, exports to international markets reached 85,000 tonnes in 2003.

The focus of the Irish beef industry has been to broaden and expand its market reach at EU retail level, shifting its orientation away from international commodity markets and into the higher priced internal EU market place.

### **Live Exports.**

58. **Mr. Durkan** asked the Minister for Agriculture and Food if he has met farming organisations to discuss alternatives to live exports; and if he will make a statement on the matter. [9244/04]

**Minister for Agriculture and Food (Mr. Walsh):** I have stated on numerous occasions that I regard the live export trade as of vital strategic importance to the agriculture sector in Ireland. I and my Department are in frequent contact at national level with various stakeholders regarding many aspects of the trade and are well acquainted with their various perspectives.

In September 2003, for instance, my Department undertook a round of consultations with stakeholders regarding the proposal for a



Council regulation on the protection of animals during transport. While the Commission's original proposal contained a number of elements, which were of concern to Ireland and other member states, the Irish Presidency has worked assiduously towards reconciling the concerns of all member states around a compromise proposal. I believe considerable progress has been made in this regard and while more work remains to be done, I am reasonably optimistic of securing agreement on a compromise which will respect the vital interests of all member states and which can in due course command the support of the agriculture Council.

I can assure the Deputy that my determination to protect the live export trade while ensuring the welfare of the animals in transit has been conveyed to all concerned with that trade, at national and international levels.

#### EU Directives.

59. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which he expects the nitrates directive to affect output and employment here; if a similar impact is expected in competing economies; and if he will make a statement on the matter. [9245/04]

**Minister for Agriculture and Food (Mr. Walsh):** The implementation of the nitrates directive is in the first instance a matter for the Minister for the Environment, Heritage and Local Government. Compliance with the nitrates directive is a legal requirement on all member states of the EU. A draft action programme prepared by the Department of the Environment, Heritage and Local Government in conjunction with my Department and in consultation with Teagasc was presented in December last to representatives of the main farming organisations and other stakeholders. Written submissions on the draft action programme have been received from some 70 stakeholders. The issues raised in the submissions are being considered by officials from the Department of the Environment, Heritage and Local Government and my own Department with regard to the need to finalise the terms of the action programme at an early date and submit definitive proposals to the EU Commission.

It is not envisaged that the draft action programme under the nitrates directive would have any significant impact on national output and employment, given that the national stocking rate is significantly below two dairy cows per hectare, which is equivalent to 170 kg of organic nitrogen per hectare specified in the nitrates directive. The current national stocking rate suggests that adequate land is available to sustain current output levels. However, some farmers may be required to adjust stocking levels or obtain additional spread lands to comply with the nitrates action programme. That will not necessarily result in reduced national output or employment.

The impact of action programmes introduced by other member states is dependent on the level of pollution, which they are required to address, and the type of action programme which they will be required to implement. In that regard, it is anticipated that the further implementation of the nitrates directive in some of the other member states will have greater impact on output compared with Ireland.

*Question No. 60 answered with Question No. 57.*

#### Departmental Programmes.

61. **Mr. Durkan** asked the Minister for Agriculture and Food his plans to maintain viability in the farming sector with particular reference to small and medium-sized farms; and if he will make a statement on the matter. [9247/04]

**Minister for Agriculture and Food (Mr. Walsh):** As Minister for Agriculture and Food, it is one of my priorities to ensure that viability is maintained and improved for the farming sector, regardless of farm size. To meet that objective, my Department implements a range of measures, including market supports and direct payments aimed at supporting farm viability.

In addition, the general developments in the economy, with greater availability of employment and increased levels of participation in the labour force, have resulted in greater opportunities for those who wish to improve their incomes by combining an off-farm job with their farming activities.

To consider the medium to long-term perspective, I formed the agri-vision 2015 committee to examine the findings and recommendations of the previous agri-food 2010 committee. That is to reflect and act upon the changes that have occurred in the external environment in which Irish agriculture operates. That new committee is examining a range of options and likely scenarios for the agri-food sector, and I expect that the issue of viability, for farmers of all sizes, will be given appropriate attention in its report.

#### Farm Retirement Scheme.

62. **Mr. Ferris** asked the Minister for Agriculture and Food if he will make a statement on the way in which the Government proposes to address the problems facing farmers on the early retirement scheme under the decoupled single farm payment. [9248/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department is involved in working groups and in continuing discussions with the European Commission on the detailed rules for implementing the mid-term review agreement. I have already raised a number of issues relating to farmers who have retired under the early



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retirement schemes and the implications for them of decoupling and the single payment scheme.

Under the European Council regulation introducing the single payment scheme, a farmer may have access to the scheme if he or she was an active farmer during the reference years 2000, 2001 and 2002, and received payments under the livestock premia and/or arable aid schemes. In addition, farmers for whom entitlements will be established must activate those entitlements in 2005 by continuing to farm and submitting an area aid declaration in that year. In general, farmers must also have an eligible hectare of land for each payment entitlement.

Farmers participating in the early retirement scheme before the commencement of the reference period will not have any entitlements established for them under the single payment scheme. That is because they had already retired from farming and their obligations under the early retirement scheme preclude them from returning to farming in the future. The persons who were leasing those retired farmers' lands and were active farmers in the reference period will have entitlements established for them. It should be noted that entitlements are attached to the farmer who was actively farming during the reference period and not to the land. I should point out, however, that, during the Council negotiations last year, I secured agreement that farmers, including offspring of farmers who retired before the reference period, who take over the holding of the retired farmers at some date in the future will be able to apply to the national reserve for payment entitlements under the single payment scheme.

Farmers who entered the early retirement scheme during or after the reference period will have entitlements established for them, provided they were actively farming during the reference period and received payment under the relevant schemes. Since those farmers undertook to give up farming definitively when they joined the early retirement scheme, they will not be able to obtain payment under the single payment scheme in 2005 or thereafter. The European Council regulation provides for such entitlements to revert to the national reserve. However, the question of whether retired farmers in that category should be allowed to activate entitlements — not for their own use but with a view to leasing them out in 2005 and thereafter — is one of the items still under discussion in the context of the Commission detailed rules regulation. Agreement on the detailed rules is not expected until the end of this month or early in April, and it would not be helpful to speculate on the final outcome.

### Genetically Modified Organisms.

63. **Mr. Ferris** asked the Minister for Agriculture and Food if he will make a statement on the possible implications for agriculture of the

decision by the British Government to allow the commercial growing of a GM crop. [9249/04]

**Minister for Agriculture and Food (Mr. Walsh):** The recent announcement by the UK Government refers to the approval for the commercial cultivation of the GM herbicide-tolerant maize variety known as Chardon LL, subject to the variety being successful in the application for entry onto the UK national catalogue of approved varieties for marketing. This GM variety was first approved in 1998 for deliberate release within the EU under the then Directive 90/220. Spain was the only member state which registered that GM variety on its national catalogue.

If that crop is grown in Northern Ireland, the issue is one of co-existence to ensure that it does not contaminate conventional or organic crops grown in this country. To develop proposals for a national strategy and best practices to ensure the co-existence of GM crops with conventional and organic farming, I have established an interdepartmental-interagency working group to carry out that task. The working group, as part of its work programme, proposes to meet and discuss the issue with relevant stakeholders in the preparation of its recommendations, and those discussions will include the Northern Ireland authorities with particular reference to their coexistence strategies.

### Food Labelling.

64. **Mr. Timmins** asked the Minister for Agriculture and Food his views on the supermarket policy of the own-label system; and if he will make a statement on the matter. [9257/04]

**Minister for Agriculture and Food (Mr. Walsh):** The own-label system of retail is part of modern commercial practice and is not peculiar to the Irish retail sector. It currently accounts for over 15% of Irish market share and over 30% in the British market and is therefore an important route to market for Irish producers at home and on the main export market. Retailers are now major brands in their own right. They offer own-label products at the value end of the market and, increasingly, at the premium end. In addition, they offer branded products so that the consumer has a choice across the range. The decision for Irish suppliers is whether to provide branded or own-label products or, indeed, both.

Regardless of label, all food and drink products on the retail market must comply with the traceability and food labelling requirements. Other important routes to market in the retail sector are, of course, branded products, co-packing and the speciality and organic sectors. Irrespective of the route to market, the ability of Irish producers and the Irish food industry to maintain and expand that market position will be contingent on the ability to maintain a

competitive edge and be innovative and responsive to consumer demands and trends.

My Department, in co-operation with the relevant state agencies, will continue to assist the industry to establish new markets for Irish food produce and to consolidate our presence in existing markets. Significant funding is being provided to the food sector under the national development plan to improve competitiveness, market orientation and innovative capability. Those initiatives cover capital investment, marketing and promotion, research and training measures.

#### **Food Industry.**

65. **Mr. Timmins** asked the Minister for Agriculture and Food his views on whether farm gate prices are satisfactory relative to consumer cost; if not satisfactory, the plans he has to assist in rectifying the situation; and if he will make a statement on the matter. [9258/04]

**Minister for Agriculture and Food (Mr. Walsh):** The prices received by producers and obtained in retail establishments are determined by the process of free negotiation within the market place. The level of supply of a certain product, the degree of competitiveness within a sector at both producer and processing level, and the level of consumer demand will all influence the final price received by the producer.

Similarly, the price paid by the consumer is dependent on a range of influences. The location of retailers, transport costs, the degree of processing and refinement of the product and other similar factors all have an impact upon the final pricing of foodstuffs. It is also important to note that there is a range of market support regimes in place, as well as a system that provides substantial direct income supports to farmers.

The recent reform of the CAP will strengthen the hand of farmers and permit them to produce more freely for the market place. That should in turn help bolster their position *vis-à-vis* the processing and retail trade. That is the best way of ensuring that producers get a fair price for their product.

#### **Departmental Investigations.**

66. **Mr. Timmins** asked the Minister for Agriculture and Food when the recent review of the strategy for the development of the forestry industry will be completed; and if he will make a statement on the matter. [9259/04]

**Minister for Agriculture and Food (Mr. Walsh):** The forest development strategy will be reviewed by outside consultants, who are to report to me in September this year.

#### **Tuberculosis Incidence.**

67. **Mr. Timmins** asked the Minister for Agriculture and Food if he intends to develop a vaccine strategy to assist in the fight against

tuberculosis; and if he will make a statement on the matter. [9260/04]

**Minister for Agriculture and Food (Mr. Walsh):** I refer the Deputy to the booklet entitled, Current Research, Bovine Tuberculosis and Brucellosis, and in particular to pages 12 to 15, which have been forwarded to him and which outline my Department's research project on the development of a vaccine.

Work is progressing on the research, and my Department is pleased with the progress made to date. However, the development and licensing of a vaccine is a long process, and, even with good progress, it is unlikely that a vaccine will be available for general use for some time.

#### **Rural Environment Protection Scheme.**

68. **Mr. Timmins** asked the Minister for Agriculture and Food the situation with regard to REP scheme 3; and if he will make a statement on the matter. [9261/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department submitted proposals on REPS to the European Commission early in December 2003. Those proposals had emerged from a comprehensive consultative process involving the farming organisations and a wide range of other stakeholders, and they also reflected the significantly increased payment rates agreed in Sustaining Progress. My officials have since met the Commission services twice to progress the approval of the changes and remain in regular contact with them. I have both written and spoken to Commissioner Fischler to enlist his help in getting early approval for the new scheme, and I am confident of a favourable outcome.

#### **Animal Identification Scheme.**

69. **Mr. Timmins** asked the Minister for Agriculture and Food the proposals there are for the evolution of the sheep tagging system; and if he will make a statement on the matter. [9262/04]

**Minister for Agriculture and Food (Mr. Walsh):** In the wake of the FMD crisis of 2001, I introduced a comprehensive individual sheep identification system — the national sheep identification system, or NSIS — which provides full individual identification and traceability of sheep from farm of origin to carcass and is designed to be multifunctional, facilitating aspects such as flock management, consumer assurance and disease monitoring and control. In the latter regard, the FMD crisis underscored the potential damage to which our economy and the agriculture sector are exposed in the event of serious disease outbreaks if shortcomings in animal identification and traceability are not addressed. Based on monitoring of NSIS and feedback to my Department from various quarters since 2001, I am satisfied that all elements of NSIS are now firmly bedded in across

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the sheep sector and working well. I have, however, made it clear consistently that I am always willing to enhance NSIS and to address any operational difficulties which might arise while maintaining its key components.

A new harmonised system of identification for the whole of the European Union was agreed at the December Council of Ministers. The system provides that there will be electronic individual identification of sheep from January 2008, together with a central movement database recording movements on a batch basis. The implementation date is subject to review following a Commission report in 2006. For the interim period, all sheep are to be double-tagged and identified individually, but all recording would be on a flock basis.

The regime agreed by the December Council affords member states which already have systems in place offering a higher level of traceability than would be the case under the interim period system the option of retaining their own systems until the advent of electronic identification a few years from now.

I support the broad principle which underlies the agreed system. I have always been in favour of making use of new and efficient technologies to achieve that end, subject of course to practicalities and cost-effectiveness, and I am very anxious that Ireland and other member states be able to move at the earliest possible date to an electronic system. In the interim, however, the system now in place and operating throughout the Irish sheep sector will continue to afford Ireland the level of protection and assurance regarding both identification and traceability which is strategically appropriate to this country.

The package agreed by the December Council envisages the retention of systems such as NSIS, albeit with some minor adjustments, over the period leading up to EU-wide introduction of individual electronic identification. I have no plans to dismantle NSIS and roll back the progress made in the area since 2001 only to see Irish sheep farmers, marts, meat processors, etc., being asked a few years from now once again to reinstate and accommodate individual identification and traceability. However, as I have stated, I am willing to examine and address aspects relating to the operation of NSIS in so far as those can be addressed within the EU system now agreed.

In conclusion, I might add that, in furtherance of an all-island animal health strategy within the context of the North-South Ministerial Council and arrangements established under the Good Friday Agreement, my Department has been working closely with its counterpart in Belfast to promote progress towards equivalence between sheep identification and tracing systems North and South. That would be an important development from many perspectives, not least

that of facilitating sheep movements throughout the island for breeding, fattening or slaughter. I am satisfied that progress is being made in working towards that objective, and in that regard I have noted with positive interest a consultation paper on an enhanced system of sheep identification and tracing in Northern Ireland which was recently circulated.

### **Pigmeat Sector.**

70. **Mr. Timmins** asked the Minister for Agriculture and Food the measures he has put in place to assist the pig industry since January 2003; and if he will make a statement on the matter. [9263/04]

**Minister for Agriculture and Food (Mr. Walsh):** The current market for pigmeat is positive, and prices paid to Irish producers are considerably up on prices available at the start of the year. Irish pigmeat prices are currently above the EU average. While at EU level Ireland, along with other EU member states, experienced poor market prices in 2003, the increase in EU market supports in the form of aids to private storage and an export refund scheme earlier this year contributed in a significant increase in prices. Those measures were temporary in nature and, following the increase in prices, have been terminated.

Along with my Northern Ireland counterpart, I commissioned a comprehensive study of the all-island pig industry. The study was conducted by Prospectus consultants in conjunction with Enterprise Ireland and Enterprise Northern Ireland, and the report was produced in 2001. The key recommendations of the report highlight the need for rationalisation of the pig processing sector, improved supply-chain management and the need to develop more consumer convenient pigmeat products. While those findings are largely matters for the industry itself, my Department has been moving forward those recommendations with the main players in the pig industry, and that process will continue.

The health status of the pig herd is also a matter of major importance. My Department is engaged with the pig industry in the ongoing monitoring and control of a wide range of diseases, such as Aujeszky's disease, salmonella and PRRS, which, as well as improving the health status of the national herd, is necessary to maximise the acceptability of Irish pigmeat in export destinations. Also, pig processing plants operate under the supervision of the Department's veterinary service.

With regard to market access, it is my policy and that of the Government to ensure that Irish producers have access to markets world-wide. Irish pigmeat processors are currently trading pigmeat in significant markets such as Japan and the United States. My Department will continue to work with Bord Bia, the Department of Foreign Affairs and the industry to identify and develop other potential markets.



The Teagasc programme of activities includes research in the area of pig nutrition, health and welfare. The main objectives of the advisory function regarding the pig sector are better profitability and competitiveness based on improved growth rates, and that is delivered to producers through farm visits, conferences, newsletters, etc.

#### **Grant Payments.**

71. **Mr. Timmins** asked the Minister for Agriculture and Food the way in which he proposes to allocate funding available under modulation; when that will commence; and if he will make a statement on the matter. [9264/04]

**Minister for Agriculture and Food (Mr. Walsh):** The EU Commission has indicated that modulated funds will be available for use from 2006. Discussions are continuing at EU level on the detailed rules for eligible measures. On their completion, I will consult interested parties on the use of modulated funds. While the various options demand due consideration, I am confident that a decision will be taken well in advance of the 2006 deadline.

#### **EU Directives.**

72. **Mr. Timmins** asked the Minister for Agriculture and Food the reason he is opposed to the concept of NVZs instead of a whole-country approach regarding the nitrates directive; and if he will make a statement on the matter. [9284/04]

**Minister for Agriculture and Food (Mr. Walsh):** The implementation of the nitrates directive is in the first instance a matter for the Minister for the Environment, Heritage and Local Government. There were extensive discussions and consultations with the main farming organisations and other interests during 2002 regarding the measures to be taken to improve environmental protection regarding agriculture and the approach to be taken for further implementation of the nitrates directive. That dialogue was continued in 2003, and in the context of the national partnership discussions with the farming pillar the Government indicated its preference for the application of an action programme under the nitrates directive regarding all areas.

On 29 May 2003, my colleague, the Minister for the Environment, Heritage and Local Government, made regulations which formally identified the whole national territory of Ireland as the area to which an action programme under the nitrates directive would be applied.

The whole-territory approach involves the development and implementation of an action programme applied to the whole territory and will provide statutory support for the application of established standards of good agricultural practice. That approach is considered the best

option in the interests of both environmental protection and relevant stakeholders.

The advantages to farmers of a whole-territory approach, as opposed to designation of nitrate-vulnerable zones, include the following. A whole-territory approach would help preserve a clean, environmentally friendly image for Irish agricultural produce and avoid real or perceived labelling of particular areas in an environmental context. A whole-territory approach provides a level playing field, with all farmers subject to the same maximum application rates for livestock manure. A whole-territory approach would simplify the regulatory burden on farmers, whereby it will enable several aspects of environmental protection to be addressed by one set of regulations. The designation of nitrate-vulnerable zones involves the continuing uncertainty for farmers that additional areas might be designated in future years. The designation of nitrate-vulnerable zones would discriminate between individual farmers who are carrying out the same activities in different areas. The designation of nitrate-vulnerable zones may lead to real or perceived competitive variations regarding areas such as farm production costs or agricultural land values.

The adoption of the whole-territory approach was also supported by the necessity to give further effect to several other EU environmental directives, that is, the water framework directive, the framework waste directive and the dangerous substances directive.

Ireland has joined Austria, Denmark, Finland, Germany, Luxembourg and the Netherlands in adopting the whole-territory approach for implementation of the nitrates directive. Furthermore, the whole-territory approach in Ireland was supported by a judgment of the European Court of Justice in June 2002 regarding a case involving the European Commission and France, which indicated a need to take action under the nitrates directive regarding eutrophic waters even where eutrophic conditions are due primarily to phosphorus, rather than nitrates, from agriculture.

#### **Live Exports.**

73. **Mr. Timmins** asked the Minister for Agriculture and Food the number of live cattle exported for the years 1995 to 2003, inclusive; and if he will make a statement on the matter. [9285/04]

74. **Mr. Timmins** asked the Minister for Agriculture and Food the estimated annual value of the live cattle export trade to the agricultural industry; and if he will make a statement on the matter. [9287/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 73 and 74 together.

Live exports provide a vital market outlet for Irish farmers and facilitate price competition in



[Mr. Walsh.] the livestock sector. The role of my Department in the promotion and preservation of that trade is to maintain an environment in which it can be carried on in an economic and sustainable manner with due regard for the welfare of the animals. In that respect, the preservation of the animal health status of the country, the international reputation of veterinary certification services and the existence and application of a regulatory framework which

ensures that good standards and welfare considerations are taken into account during transport are all essential to safeguarding the live export trade. I am acutely aware of the strategic importance to this country of the live trade, and that has informed my approach to various issues affecting live exports at both national and international levels. The table below sets out cattle exports in the years 1995 to 2003, inclusive, according to data collected by my Department.

Table 1: Numbers of Cattle Exported during the period 1995 to 2003

| Year | EU (including Northern Ireland) | Third Countries | Total   |
|------|---------------------------------|-----------------|---------|
| 1995 | 107,495                         | 253,712         | 361,207 |
| 1996 | 51,638                          | 137,304         | 188,942 |
| 1997 | 49,545                          | 6,614           | 56,159  |
| 1998 | 141,909                         | 26,199          | 168,108 |
| 1999 | 338,773                         | 73,828          | 412,601 |
| 2000 | 337,557                         | 62,163          | 399,720 |
| 2001 | 88,841                          | 10,361          | 99,202  |
| 2002 | 116,149                         | 31,670          | 147,819 |
| 2003 | 184,174                         | 36,919          | 221,093 |

The value of live exports from Ireland in 2003 exceeded €100 million.

Farm Retirement Scheme.

75. **Mr. Timmins** asked the Minister for Agriculture and Food the measures that he proposes to assist those who, owing to their participation in the farm retirement scheme, are set to lose heavily under the mid-term review proposals; and if he will make a statement on the matter. [9293/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department is involved in working groups and in continuing discussions with the European Commission on the detailed rules for implementing the mid-term review agreement. I have already raised several issues regarding farmers who have retired under the early retirement schemes, and the implications for them of decoupling and the single payment scheme.

Under the European Council regulation introducing the single payment scheme, a farmer may have access to the scheme if he or she was an active farmer during the reference years 2000, 2001 and 2002, and received payments under the livestock premia and/or arable aid schemes. In addition, farmers for whom entitlements will be established must activate those entitlements in 2005 by continuing to farm and submitting an area aid declaration in that year. In general, farmers must also have an eligible hectare of land for each payment entitlement.

Farmers participating in the early retirement scheme before the commencement of the reference period will not have any entitlements established for them under the single payment

scheme. That is because they had already retired from farming and their obligations under the early retirement scheme preclude them from returning to farming in the future. The persons who were leasing those retired farmers' lands and were active farmers in the reference period will have entitlements established for them. It should be noted that entitlements are attached to the farmer who was actively farming during the reference period, and not to the land. I should point out, however, that during the Council negotiations last year I secured agreement that farmers, including offspring of farmers who retired before the reference period, who take over the holding of the retired farmers at some date in the future will be able to apply to the national reserve for payment entitlements under the single payment scheme.

Farmers who entered the early retirement scheme during or after the reference period will have entitlements established for them, provided they were actively farming during the reference period and received payment under the relevant schemes. Since those farmers undertook to give up farming definitively when they joined the early retirement scheme, they will not be in a position to obtain payment under the single payment scheme in 2005 or thereafter. The European Council regulation provides for such entitlements to revert to the national reserve. However, the question of whether retired farmers in that category should be allowed to activate entitlements — not for their own use but with a view to leasing them out in 2005 and thereafter — is one of the items still under discussion in the context of the Commission detailed rules regulation. Agreement on the detailed rules is not expected until the end of this month or early in

April, and it would not be helpful to speculate on the final outcome.

#### **Tax Code.**

76. **Mr. Timmins** asked the Minister for Agriculture and Food the submissions he made to the Department of Finance regarding income tax relief for land leasing in the Finance Act 2004; and if he will make a statement on the matter. [9294/04]

**Minister for Agriculture and Food (Mr. Walsh):** On 5 November 2003 I made a submission to my colleague the Minister for Finance seeking that the rental income exemption for long-term leases, which was, at that time, available only to farmers over 55 years, be extended.

On budget day 2004, the Minister for Finance announced that the age limit for qualifying lessors was being reduced from 55 to 40 years and that the annual exemption thresholds were being increased from €5,079 to €7,500 for leases of five to seven years and from €7,618 to €10,000 for leases of seven years or more. Those changes were made effective from 1 January 2004.

The changes will encourage better utilisation of land and will facilitate better long-term planning by farmers who may wish to scale up production at a reasonable cost. The measure is estimated to be worth €13 million in a full year.

#### **Grant Payments.**

77. **Mr. Timmins** asked the Minister for Agriculture and Food the composition of the appeals board for those who have applied under the *force majeure* clause and other categories as advertised for special consideration for entitlement recognition under the mid-term review; and if he will make a statement on the matter. [9296/04]

**Minister for Agriculture and Food (Mr. Walsh):** The single payment appeals committee will comprise an independent chairman, Mr. John Duggan, and appeals officers from the agriculture appeals office.

#### **Departmental Strategy Statements.**

78. **Mr. Timmins** asked the Minister for Agriculture and Food if the Future of Agriculture document, 2000 to 2010, is now obsolete; and if he will make a statement on the matter. [9297/04]

**Minister for Agriculture and Food (Mr. Walsh):** There has been considerable progress since the publication of the 2010 report in March 2000. This was a vibrant operational plan for Irish agriculture. The report was followed, at my instigation, by the 2010 plan of action, which laid out a series of action points to be undertaken by my Department. It was subsequently found that 94% of those action points were substantially completed.

The agri-vision 2015 committee, which I recently set up, has been asked to update the work of the agri-food 2010 committee. Strategic planning requires some form of review on an ongoing basis. Although many aspects of the agri-food 2010 approach and findings are still relevant, as with any good plan, it has been necessary to update it owing to changing circumstances and to ensure that the long-term blueprint for Irish agriculture reflects those changes.

#### **Disadvantaged Areas Scheme.**

79. **Mr. Timmins** asked the Minister for Agriculture and Food if he can confirm that disadvantaged status will not be extended to all of the BMW region; and if he will make a statement on the matter. [9298/04]

**Minister for Agriculture and Food (Mr. Walsh):** Officials of my Department have raised the issue of extension of disadvantaged areas status to the entire BMW region at several meetings with the European Commission, most recently on 9 December last.

In those meetings Commission officials have warned strongly that any formal request for further classification of my area could lead to a demand for justification of Ireland's current designation and classification for all disadvantaged areas. The Commission's approach has its basis in negative comments by the Court of Auditors concerning the monitoring of disadvantaged areas classification and designation in the EU in general.

Given that background, it is important that the timing and nature of any submission requesting extension of the disadvantaged areas be given very careful consideration.

#### **Departmental Staff.**

80. **Mr. Timmins** asked the Minister for Agriculture and Food the situation regarding his departmental officials who will be replaced by the mechanical grading system; and if he will make a statement on the matter. [9299/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department is making arrangements to have the officers concerned deployed on alternative duties in the Department. The possibility of transferring some of those officers to the Department of the Environment, Heritage and Local Government to conservation ranger posts is also being explored.

#### **Live Exports.**

81. **Mr. Timmins** asked the Minister for Agriculture and Food the measures he has taken to open new, or re-open old, markets for the live cattle trade since January 2003; and if he will make a statement on the matter. [9300/04]

**Minister for Agriculture and Food (Mr. Walsh):** It is my policy and that of the Government to ensure that Irish livestock or beef

[Mr. Walsh.]

exporters have unrestricted access to EU and world markets. To achieve that goal, my Department ensures that the animal health, welfare and other conditions necessary to facilitate the live export trade are fully in place.

Ireland exported 220,000 animals in 2003, of which 143,000 were exported to the EU and 37,000 to Lebanon. Currently the main markets for live cattle are Spain, Italy, the Netherlands, Great Britain, France, Belgium, Portugal and Lebanon, and I believe the trade is operating satisfactorily.

With regard to live cattle exports to Egypt, the position is that a ban exists on all EU live cattle imports. Proposals for a trial shipment of live cattle from Ireland were submitted to the Egyptian authorities in 1997, but those proposals were not implemented. The lack of a market for live cattle exports to Egypt had been, however, more than offset by the volume of trade in beef exports to that country in the period up to 2001. The Egyptian market was re-opened to imports of Irish beef in late 2001 following an intensive political, technical and diplomatic campaign. Resumption of trade in commercial volumes had been hampered by conditions imposed by the Egyptian authorities on the type of cuts eligible for that market. Agreement was reached with the Egyptian authorities last September on the removal of those conditions and on new certification arrangements which now allow for a resumption in trade. An additional export refund of 30% over the normal rate was negotiated by Ireland regarding trade with Egypt. The extent to which the Egyptian market will take volumes of beef will depend on commercial decisions by exporters.

An agreement signed with Libya in June 2000 provided that Ireland would be officially listed as a source country for all Libyan tenders for the supply of live cattle. Since then, however, the Libyan Foreign Minister indicated that it had not been possible to import live cattle because of what he called logistical problems and that Libya would buy beef directly. Libya subsequently issued tenders for the supply of beef, and Ireland was included in the list of countries invited to tender. I understand that several Irish companies submitted bids at that time. Efforts at diplomatic and technical level are continuing to ensure that the agreement signed with Libya, in so far as it relates to cattle exports, is fully implemented.

82. **Mr. Timmins** asked the Minister for Agriculture and Food the discussions he has had with Commissioner David Byrne regarding the live cattle transport proposals; and if he will make a statement on the matter. [9301/04]

**Minister for Agriculture and Food (Mr. Walsh):** I have raised this matter with Commissioner Byrne on numerous occasions, the latest being on Monday in Brussels on the margins of the Council meeting.

While I welcome in principle any proposal which improves the welfare of animals being transported, I have made it clear from the outset that any such proposal must also have regard to the right of operators in the livestock sector to avail of the benefits of the single European market. From an Irish perspective, I have indicated on several occasions that I regard the live trade as an essential market outlet for producers. This trade will only be sustainable in the long-term on the basis of having the highest possible standards for the protection of animal welfare.

Several elements in the Commission's original proposal, notably those regarding stocking densities, rest periods and unloading of animals, have the potential to impact adversely on the economics of the live trade from Ireland, while doing little, in my view, to improve the welfare of animals being transported. Since the draft regulation was first published during the Italian Presidency, and with the benefit of having met all of the stakeholder groups at national level and discussed their concerns, my officials and I have clearly articulated Ireland's views on those elements at Council and at working party level. Under Ireland's Presidency, I am pleased to say that progress is being made on a compromise proposal.

Ultimately, it will be the Council of Ministers which will decide whether to accept or reject the Commission's proposed regulation. There are divergent views among member states on several aspects at present, and it is clear that, if agreement is to be reached before the end of Ireland's Presidency, compromise will be required on all sides.

As President of the Agriculture Council, I will be doing my utmost to ensure that agreement is reached on a compromise which will address the legitimate concerns of those who are primarily exercised by the improvement of conditions for animals being transported, while ensuring that those engaged in live exports can continue to carry on their business in a manner which is economically viable.

#### **Afforestation Programme.**

83. **Mr. Timmins** asked the Minister for Agriculture and Food if his Department made submissions to local authorities with respect to levies on agricultural developments or forestry; and if he will make a statement on the matter [9393/04]

**Minister for Agriculture and Food (Mr. Walsh):** Following clarification from the Department of the Environment, Heritage and Local Government, my Department wrote to the local authorities. It was pointed out that the afforestation of agricultural land is no longer covered by the local authorities planning regulations. It is now subject to the forest consent system introduced by the European Communities (Environmental Impact Assessment)

(Amendment) Regulations 2001 (S.I. No. 538 of 2001).

### **Poultry Diseases.**

84. **Mr. Timmins** asked the Minister for Agriculture and Food about the avian flu; the impact it had on production and sales of poultry here; and if he will make a statement on the matter. [9395/04]

**Minister for Agriculture and Food (Mr. Walsh):** Avian influenza is an infectious disease of birds. Migratory waterfowl, most notably wild duck, are the natural reservoir of avian influenza viruses. They are also the most resistant to infection. Domestic poultry, including chickens and turkeys, are particularly susceptible to epidemics of rapidly fatal influenza.

Avian influenza viruses rarely affect humans and do not normally infect species other than birds. The virus has on occasion been isolated in humans. In Vietnam the H5N1 virus was isolated from a number of patients who died. There is no evidence that it can be transmitted from poultry to humans, other than by direct contact with infected birds. The risk from poultry meat to humans is negligible as the virus is destroyed during meat maturation, cooking and by stomach acids.

With effect from 23 January the European Commission invoked safeguard decisions to control the importation from those south east Asian countries approved to trade with the EU. These safeguard decisions ban importation of: live poultry, ratites, farmed and wild game and hatching eggs of these species of birds, including pet birds; meat preparations, meat products consisting of or containing meat of these species as well as eggs for consumption; raw pet food and unprocessed feed material containing any part of those species; non-treated game trophies from any birds and unprocessed feathers.

Thailand is the only country in the region currently approved to trade in poultry meat with the EU. The importation of poultry meat slaughtered prior to 31 December 2003, as well as cooked poultry meat, is permitted. A condition of importation is that the date of slaughter of fresh poultry meat or, in the case of cooked poultry meat, the specific heat treatment it has undergone must be certified on the health certificate. Certification of processing undergone is also required in respect of feathers imported from the region.

Avian influenza outbreaks were subsequently reported in certain regions of Texas in the US and British Columbia in Canada. The detected strains are highly contagious in poultry and birds and are known as H5N2 and H7N3, respectively. Both are different from that causing the epidemic in Asia. Current knowledge suggests that the risk to public health posed by these strains is inferior to the strain in Asia. In view of the animal health risk the EU Commission also introduced bans on importation similar to those at present in

operation for Thailand. These took effect from 25 February 2004 in respect of the US and 11 March for Canada. This year there are derogations in respect of imports of poultry meat produced from birds slaughtered in the US before 27 January and before 17 February in respect of Canada and also in respect of cooked poultry meat. Conditions similar to those applying in respect of Thailand are required with regard to the health certification of consignments.

All consignments being imported into the EU must first be presented at an EU border inspection post. A documentary and identity check takes place and physical checks are carried out at frequencies laid down in EU law. Sampling for laboratory analysis for the purpose of safeguarding human and animal health is also carried out where required. Once imported meat has met all of the required conditions it is released for free circulation within the Community. Copies of the BIP clearance document and the health certificate must accompany the consignment to its destination.

No official statistics are available yet. There are some indications that demand was affected in late January and during February but it has now recovered. It may have been as a result of the avian flu scare in the Far East. I expect that there will not be a significant adverse effect on the consumption of poultry meat here.

I am keen to ensure that consumers of poultry meat have a right to the maximum amount of information about food offered for sale to allow them make an informed choice. Recently I introduced two statutory instruments concerning the labelling of poultry meat. I took account of the recommendations of the food labelling group and a recent consumer survey I commissioned to ascertain consumer labelling preferences. The first regulation requires poultry meat, loose and pre-packaged, originating in a country outside of the EU to bear an indication of its country of origin when offered for sale in a retail premises. The second regulation requires information on class, price per unit weight, condition and slaughterhouse details on loose poultry meat, or non pre-packaged meat, to be provided to the consumer. Labelling indications was compulsory for pre-packaged poultry meat but it had not been a requirement to provide the information for poultry meat sold loose.

### **Departmental Schemes.**

85. **Mr. Timmins** asked the Minister for Agriculture and Food the measures he has taken since January 2003 to assist the grain sector; and if he will make a statement on the matter. [9401/04]

**Minister for Agriculture and Food (Mr. Walsh):** The scheme of investment aid for the development of on-farm grain storage was funded under the National Development Plan 2000-06. The objective of this scheme was to improve the quality and safety of grain and to relieve pressure



[Mr. Walsh.]

on commercial intake points at harvest time, by developing on-farm storage facilities. Since the scheme commenced in 2001 a total of €2.422 million has been paid to 62 applicants. Since January 2003 a total of €570,000 was paid to 12 applicants by way of capital grants for the provision of on-farm grain storage. Due to budgetary constraints there is no funding provided for the scheme in 2004.

Under the Department's capital investment scheme for marketing and processing of agricultural products — on-farm not included — the possibility of inviting new applications across a number of sectors, including the grain sector, in 2004 is under consideration.

### **Higher Education.**

86. **Ms O'Sullivan** asked the Minister for Education and Science the number of first year full-time undergraduate non-EU students in each

university and institute of technology in the academic year 2002-03 and 2003-04. [9328/04]

87. **Ms O'Sullivan** asked the Minister for Education and Science the number of full-time undergraduate non-EU students in each university and institute of technology in the academic years 2002-03 and 2003-04. [9329/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 86 and 87 together.

Data on the number of first year non-EU undergraduate students is not collected by my Department or the Higher Education Authority. Information is available on the domiciliary origin of the overall student enrolment stock, including postgraduate and undergraduate students in the universities and institutes of technology.

The following table outlines the domiciliary origin of students enrolled in full-time courses in third level institutions in 2002-03, the latest year for which information is available. The data is provisional pending final publication of my Department's statistical report to the period.

Table 7.2 — Domiciliary Origin of Students Enrolled in Full-Time Courses in Third Level Institutions in 2002-2003

| County           | Teacher Training |                | HEA    | Iot's & Other | Other Aided by Dept of Education | Aided by Other Departments | Non-Aided | Total  | Religious | Private | Non-Aided | RCSI | Total Non Aided |
|------------------|------------------|----------------|--------|---------------|----------------------------------|----------------------------|-----------|--------|-----------|---------|-----------|------|-----------------|
|                  | Primary          | Home Economics |        |               |                                  |                            |           |        |           |         |           |      |                 |
| <i>Connaught</i> |                  |                |        |               |                                  |                            |           |        |           |         |           |      |                 |
| Galway           | 36               | 35             | 5,578  | 3,131         | 44                               | 83                         | 139       | 9,046  | 14        | 102     | 116       | 23   | 139             |
| Leitrim          | 19               | 24             | 410    | 533           | 11                               | 13                         | 10        | 1,020  | 4         | 6       | 10        | 0    | 10              |
| Mayo             | 57               | 40             | 2,249  | 2,341         | 52                               | 47                         | 63        | 4,849  | 11        | 41      | 52        | 11   | 63              |
| Roscommon        | 13               | 26             | 1,053  | 1,097         | 19                               | 36                         | 24        | 2,268  | 4         | 14      | 18        | 6    | 24              |
| Sligo            | 9                | 89             | 968    | 1,212         | 9                                | 27                         | 32        | 2,346  | 8         | 17      | 25        | 7    | 32              |
| <i>Leinster</i>  |                  |                |        |               |                                  |                            |           |        |           |         |           |      |                 |
| Carlow           | 9                | 5              | 649    | 733           | 13                               | 16                         | 74        | 1,499  | 58        | 11      | 69        | 5    | 74              |
| Dublin           | 208              | 19             | 17,905 | 9,129         | 748                              | 196                        | 1,974     | 30,179 | 261       | 1,490   | 1,751     | 223  | 1,974           |
| Kildare          | 56               | 4              | 2,688  | 1,804         | 130                              | 60                         | 222       | 4,964  | 62        | 150     | 212       | 10   | 222             |
| Kilkenny         | 17               | 4              | 1,259  | 1,263         | 43                               | 32                         | 80        | 2,698  | 46        | 27      | 73        | 7    | 80              |
| Laois            | 17               | 8              | 828    | 761           | 29                               | 23                         | 49        | 1,715  | 27        | 18      | 45        | 4    | 49              |
| Longford         | 8                | 7              | 554    | 526           | 19                               | 11                         | 16        | 1,141  | 8         | 7       | 15        | 1    | 16              |
| Louth            | 10               | 3              | 1,127  | 1,681         | 46                               | 19                         | 96        | 2,982  | 31        | 59      | 90        | 6    | 96              |
| Meath            | 31               | 4              | 2,004  | 1,704         | 84                               | 31                         | 109       | 3,967  | 20        | 84      | 104       | 5    | 109             |
| Offaly           | 22               | 5              | 878    | 968           | 26                               | 26                         | 42        | 1,967  | 10        | 25      | 35        | 7    | 42              |
| Westmeath        | 13               | 4              | 1,141  | 1,208         | 40                               | 19                         | 47        | 2,472  | 8         | 32      | 40        | 7    | 47              |
| Wexford          | 32               | 6              | 1,423  | 1,781         | 43                               | 40                         | 88        | 3,413  | 34        | 45      | 79        | 9    | 88              |
| Wicklow          | 32               | 3              | 1,614  | 1,107         | 70                               | 20                         | 149       | 2,995  | 36        | 96      | 132       | 17   | 149             |

Table 7.2 — Domiciliary Origin of Students Enrolled in Full-Time Courses in Third Level Institutions in 2002-2003 —continued

| County                       | Teacher Training |                | HEA    | Iot's & Other | Other Aided by Dept of Education | Aided by Other Departments | Non-Aided | Total   | Religious | Private | Non-Aided | RCSI | Total Non Aided |
|------------------------------|------------------|----------------|--------|---------------|----------------------------------|----------------------------|-----------|---------|-----------|---------|-----------|------|-----------------|
|                              | Primary          | Home Economics |        |               |                                  |                            |           |         |           |         |           |      |                 |
| <i>Munster</i>               |                  |                |        |               |                                  |                            |           |         |           |         |           |      |                 |
| Clare                        | 11               | 4              | 2,372  | 1,325         | 6                                | 28                         | 63        | 3,809   | 10        | 51      | 61        | 2    | 63              |
| Cork                         | 35               | 23             | 9,954  | 5,546         | 30                               | 169                        | 343       | 16,100  | 22        | 293     | 315       | 28   | 343             |
| Kerry                        | 19               | 6              | 2,750  | 2,367         | 20                               | 45                         | 68        | 5,275   | 8         | 51      | 59        | 9    | 68              |
| Limerick                     | 9                | 13             | 3,975  | 2,114         | 10                               | 54                         | 180       | 6,355   | 15        | 152     | 167       | 13   | 180             |
| Tipperary                    | 17               | 12             | 2,599  | 2,055         | 23                               | 59                         | 108       | 4,873   | 40        | 60      | 100       | 8    | 108             |
| Waterford                    | 9                | 4              | 1,418  | 1,714         | 11                               | 25                         | 98        | 3,279   | 12        | 75      | 87        | 11   | 98              |
| <i>Ulster</i>                |                  |                |        |               |                                  |                            |           |         |           |         |           |      |                 |
| Antrim                       | 0                | 0              | 237    | 10            | 3                                | 0                          | 9         | 259     | 4         | 5       | 9         | 0    | 9               |
| Armagh                       | 0                | 0              | 86     | 8             | 2                                | 1                          | 1         | 98      | 0         | 1       | 1         | 0    | 1               |
| Cavan                        | 19               | 13             | 749    | 978           | 29                               | 16                         | 33        | 1,837   | 6         | 23      | 29        | 4    | 33              |
| Derry                        | 0                | 0              | 146    | 11            | 5                                | 1                          | 6         | 169     | 4         | 1       | 5         | 1    | 6               |
| Donegal                      | 42               | 32             | 1,375  | 2,174         | 31                               | 30                         | 45        | 3,729   | 19        | 21      | 40        | 5    | 45              |
| Down                         | 0                | 0              | 258    | 23            | 9                                | 0                          | 16        | 306     | 8         | 7       | 15        | 1    | 16              |
| Fermanagh                    | 0                | 1              | 82     | 9             | 0                                | 3                          | 6         | 101     | 0         | 6       | 6         | 0    | 6               |
| Monaghan                     | 10               | 3              | 569    | 835           | 36                               | 10                         | 26        | 1,489   | 9         | 14      | 23        | 3    | 26              |
| Tyrone                       | 0                | 1              | 120    | 24            | 6                                | 1                          | 8         | 160     | 3         | 5       | 8         | 0    | 8               |
| <i>Ireland (Unspecified)</i> | 0                | 0              | 321    | 0             | 0                                | 0                          | 0         | 321     | 0         | 0       | 0         | 0    | 0               |
| TOTALS of which N. Ireland   | 760              | 398            | 69,339 | 50,172        | 1,647                            | 1,141                      | 4,224     | 127,681 | 802       | 2,989   | 3,791     | 433  | 4,224           |
|                              | 0                | 2              | 929    | 85            | 25                               | 6                          | 46        | 1,093   | 19        | 25      | 44        | 2    | 46              |

Table 7.2 — Domiciliary Origin of Students Enrolled in Full-Time Courses in Third Level Institutions in 2002-2003 —continued

| Country               | Teacher Training |                | HEA    | Iot's & Other | Other Aided by Dept of Education | Aided by Other Departments | Non-Aided | Total   | Religious | Private | Non-Aided | RCSI  | Total Non Aided |
|-----------------------|------------------|----------------|--------|---------------|----------------------------------|----------------------------|-----------|---------|-----------|---------|-----------|-------|-----------------|
|                       | Primary          | Home Economics |        |               |                                  |                            |           |         |           |         |           |       |                 |
| <i>European Union</i> |                  |                |        |               |                                  |                            |           |         |           |         |           |       |                 |
| Austria               | 0                | 0              | 10     | 16            | 0                                | 0                          | 0         | 26      | 0         | 0       | 0         | 0     | 0               |
| Belgium               | 0                | 0              | 46     | 18            | 0                                | 0                          | 1         | 65      | 0         | 1       | 1         | 0     | 1               |
| Denmark               | 0                | 0              | 14     | 5             | 0                                | 0                          | 1         | 20      | 0         | 0       | 0         | 1     | 1               |
| Finland               | 0                | 0              | 45     | 50            | 1                                | 0                          | 1         | 97      | 0         | 1       | 1         | 0     | 1               |
| France                | 0                | 0              | 216    | 274           | 0                                | 0                          | 9         | 499     | 2         | 4       | 6         | 3     | 9               |
| Germany               | 0                | 0              | 282    | 182           | 1                                | 0                          | 9         | 474     | 4         | 2       | 6         | 3     | 9               |
| Great Britain         | 0                | 0              | 778    | 156           | 14                               | 0                          | 91        | 1,039   | 6         | 33      | 39        | 52    | 91              |
| Greece                | 0                | 0              | 45     | 3             | 0                                | 0                          | 1         | 49      | 0         | 0       | 0         | 1     | 1               |
| Italy                 | 0                | 0              | 104    | 42            | 0                                | 0                          | 8         | 154     | 0         | 7       | 7         | 1     | 8               |
| Luxembourg            | 0                | 0              | 8      | 0             | 0                                | 0                          | 0         | 8       | 0         | 0       | 0         | 0     | 0               |
| Netherlands           | 0                | 0              | 32     | 18            | 0                                | 0                          | 7         | 57      | 2         | 3       | 5         | 2     | 7               |
| Portugal              | 0                | 0              | 14     | 1             | 0                                | 0                          | 0         | 15      | 0         | 0       | 0         | 0     | 0               |
| Spain                 | 0                | 0              | 123    | 112           | 0                                | 0                          | 6         | 241     | 2         | 4       | 6         | 0     | 6               |
| Sweden                | 0                | 0              | 36     | 30            | 1                                | 0                          | 6         | 73      | 0         | 2       | 2         | 4     | 6               |
| TOTAL E.U.            | 0                | 0              | 1,753  | 907           | 17                               | 0                          | 140       | 2,817   | 16        | 57      | 73        | 67    | 140             |
| Rest of Europe        | 0                | 0              | 285    | 89            | 3                                | 0                          | 183       | 560     | 16        | 33      | 49        | 134   | 183             |
| <i>America</i>        |                  |                |        |               |                                  |                            |           |         |           |         |           |       |                 |
| U.S.A.                | 0                | 0              | 1,806  | 15            | 2                                | 0                          | 130       | 1,953   | 2         | 13      | 15        | 115   | 130             |
| Canada                | 0                | 0              | 186    | 3             | 2                                | 0                          | 79        | 270     | 0         | 5       | 5         | 74    | 79              |
| Other America         | 0                | 0              | 57     | 2             | 0                                | 0                          | 23        | 82      | 1         | 4       | 5         | 18    | 23              |
| Africa                | 0                | 0              | 343    | 60            | 13                               | 0                          | 180       | 596     | 69        | 58      | 127       | 53    | 180             |
| Asia                  | 0                | 0              | 1,074  | 241           | 12                               | 0                          | 1,436     | 2,763   | 21        | 803     | 824       | 612   | 1,436           |
| Australia             | 0                | 0              | 36     | 7             | 0                                | 0                          | 24        | 67      | 3         | 3       | 6         | 18    | 24              |
| TOTAL                 | 0                | 0              | 3,787  | 417           | 32                               | 0                          | 2,055     | 6,291   | 112       | 919     | 1,031     | 1,024 | 2,055           |
| Origin Unknown        | 0                | 0              | 43     | 11            | 0                                | 0                          | 480       | 534     | 0         | 480     | 480       | 0     | 480             |
| GRAND TOTAL           | 760              | 398            | 74,922 | 51,507        | 1,696                            | 1,141                      | 6,899     | 137,323 | 930       | 4,445   | 5,375     | 1,524 | 6,899           |



| HEA            | Institutes of technology | and other |
|----------------|--------------------------|-----------|
| Ireland        | 69,339                   | 50,172    |
| Other EU       | 1,753                    | 907       |
| Non-EU         | 285                      | 89        |
| USA            | 1,806                    | 15        |
| Canada         | 186                      | 3         |
| Other America  | 57                       | 2         |
| Africa         | 343                      | 60        |
| Asia           | 1,074                    | 241       |
| Australasia    | 36                       | 7         |
| Origin Unknown | 43                       | 11        |

### Third Level Fees.

88. **Ms O'Sullivan** asked the Minister for Education and Science the income received from tuition fees from full-time undergraduate non-EU students in each university and institute of technology in the academic years 2002-03 and 2003-04. [9330/04]

**Minister for Education and Science (Mr. N. Dempsey):** The information requested by the Deputy is not readily available. Institutions are being requested to provide same and it will be forwarded directly to her.

### Schools Building Projects.

89. **Mr. Kenny** asked the Minister for Education and Science about an allocation of funding for a sports centre at Davitt College, Castlebar; the date approval, in principle, was given for it; the progress made; and if moneys will be made available in 2004 for it. [9331/04]

**Minister for Education and Science (Mr. N. Dempsey):** The proposed sports hall is listed in section 8 of the 2004 schools building programme that is published on my Department's website at [www.education.ie](http://www.education.ie). The project is at stages 4 and 5, detail design and bill of quantities, of architectural planning.

Indicative timescales have been included for large scale projects proceeding to tender in 2004. The budget announcement on multi-annual capital envelopes will enable me to adopt a framework for the building programme. It will give great clarity about projects that are not progressing in this year's programme, including Davitt College. I will make another announcement during the year.

90. **Mr. Neville** asked the Minister for Education and Science about the development of a school (details supplied) in County Limerick. [9332/04]

**Minister for Education and Science (Mr. N. Dempsey):** The proposed large scale building project for the school is listed in section 8 of the 2004 schools building programme that is published on my Department's website at [www.education.ie](http://www.education.ie). It is at stage 2, outline sketch

scheme, of architectural planning. My Department assigned it a band 1 rating in accordance with the published criteria for prioritising projects. During 2004 it will be authorised to progress to advanced architectural planning.

Indicative timescales have been included for large scale projects proceeding to tender in 2004. The budget announcement on multi-annual capital envelopes will enable me to adopt a framework for the building programme. It will give greater clarity about projects that are not progressing in this year's programme. I will make a further announcement during the year.

### Departmental Expenditure.

91. **Ms O'Sullivan** asked the Minister for Education and Science his Department's expenditure for each of the past three years on the second level and special education support services based at the Laois education centre, and on leadership development in schools based at the Ennis education centre; and if he will make a statement on the matter. [9333/04]

**Minister for Education and Science (Mr. N. Dempsey):** Last September my Department's in-service development unit established the special education support service. It operates in conjunction with other initiatives to provide professional development for personnel working in the special needs area in schools. County Laois education support centre is one of a national network of centres and is the designated base for the service. My Department gave €380,000 for the service in 2003. A further €1,692,000 was spent by my Department on professional development for personnel in the special education needs area in 2003. A budget of €2.5 million has been allocated to the development of special education professionals for 2004.

The leadership development for schools initiative was established to develop a programme of training and development for principals, deputy principals and others involved in school management and educational leadership in first and second level schools. The initiative is based at the Clare education centre, Ennis. My Department provided it with €456,000 in 2002 and €280,245 in 2003. A budget of €400,000 has

been allocated to the leadership development for schools for 2004.

92. **Ms O'Sullivan** asked the Minister for Education and Science the breakdown of his Department's expenditure for each of the past three years for each subject association under the teacher professional development funding; and if he will make a statement on the matter. [9334/04]

**Minister for Education and Science (Mr. N. Dempsey):** The information sought by the

|                  |         |        | %    |
|------------------|---------|--------|------|
| 2000             | 4,233.2 | 25.792 | 0.61 |
| 2001             | 4,791.4 | 26.992 | 0.56 |
| 2002             | 5,390.5 | 28.928 | 0.54 |
| 2003             | 5,862.7 | 28.676 | 0.49 |
| 2004 provisional | 6,590.3 | 28.761 | 0.44 |

### Youth Services.

94. **Dr. Upton** asked the Minister for Education and Science if an organisation (details supplied) in Dublin 12 will obtain sufficient funding for the 2004 financial year; and if he will make a statement on the matter. [9336/04]

97. **Mr. G. Mitchell** asked the Minister for Education and Science if he will consider the funding needs of a group (details supplied) in Dublin 12 under the young people's facilities and services fund, that has been asked to continue on 50% of the 2003 baseline allocation; if he will make additional funds available, as a matter of urgency; and if he will make a statement on the matter. [9341/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 94 and 97 together.

A sum of €6.594 million was transferred to my Department at the end of February in respect of mainstreamed YPFSF projects. The organisation referred to is included and it was allocated €115,480 for 2004. At present my Department is contacting the relevant vocational educational committees about details. They channel the funding.

### School Staffing.

95. **Mr. Cregan** asked the Minister for Education and Science if, in view of the submission made by the parents' association of a national school (details supplied) in County Kilkenny, he will give immediate sanction to its proposal to retain the extra teacher; and if he will make a statement on the matter. [9337/04]

100. **Mr. Hogan** asked the Minister for Education and Science if the three teachers will be maintained at Johnswell national school, County Kildare, in the interests of a good

Deputy is being compiled and will be forwarded her as soon as possible.

93. **Ms O'Sullivan** asked the Minister for Education and Science the percentage of his Department's budget that has been allocated to teacher professional development for each of the past five years; and if he will make a statement on the matter. [9335/04]

**Minister for Education and Science (Mr. N. Dempsey):** The details requested by the Deputy are as follows:

standard of education for the pupils attending; and if he will make a statement on the matter. [9362/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 95 and 100 together.

The staffing of a primary school for a school year is determined by reference to its enrolment on 30 September of the previous school year. The staffing schedule governing the appointment and retention of mainstream class teachers is finalised for a particular year following discussions between officials from my Department and the education partners. In February 2003 the staffing schedule for the current school year was issued to the boards of management of all primary schools and is also available on my Department's website.

The mainstream staffing of Johnswell national school for the current school year is a principal and two class teachers. This is based on an enrolment of 54 pupils on 30 September 2002.

The staffing schedule for the 2004-05 school year will be issued to the relevant school authorities shortly. The staffing allocation for the school for the 2004-05 school year will be determined in accordance with that schedule. It will be open to the school authorities to submit an appeal on the allocation. Appeals are forwarded to the independent staffing appeals board for adjudication.

96. **Mr. Durkan** asked the Minister for Education and Science if funding from his Department's in-service development unit can be offered to school chaplains to enable them to continue their work; if their job can be put on a permanent professional footing; and if he will make a statement on the matter. [9340/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department reviewed its supports for a range of in-service activities for personnel working in schools at primary and post-primary

[Mr. N. Dempsey.] levels. Support was reoriented from a centralised system to local delivery based on local requirements and needs through the established national network of education centres.

My Department no longer provides direct support to schools and other bodies and groups, including the School Chaplains' Association. They are advised to contact their local education centre. They provide local in-service and support, advice and assistance to schools and their personnel in these matters. This approach will help avoid duplication and make the best use of available resources.

My Department is examining the possibility of appointing school chaplains on a permanent basis. The outcome will be notified to the relevant parties in due course.

*Question No. 97 answered with Question No. 94.*

### **Schools Building Projects.**

98. **Cecilia Keaveney** asked the Minister for Education and Science about a school building (details supplied) in County Donegal; and if he will make a statement on the matter. [9349/04]

**Minister for Education and Science (Mr. N. Dempsey):** Before committing major capital funding to a project my Department must be satisfied that the school has a viable future. Relevant factors, including enrolment and demographic trends, are taken into account thereby ensuring value for money. When a number of issues are investigated a decision will be made on how best to provide for its long-term accommodation needs. My Department's officials are in contact with the school's authorities.

99. **Mr. Hogan** asked the Minister for Education and Science when stage five of the extension to the Presentation Convent, Carlow, will be completed; and if he will make a statement on the matter. [9350/04]

**Minister for Education and Science (Mr. N. Dempsey):** The proposed large scale building project for the school is listed in section 8 of the 2004 schools building programme. It is published on my Department's website at [www.education.ie](http://www.education.ie). The project is at stage 5, bill of quantities, of architectural planning and it was given a band 3 rating in accordance with the published criteria for prioritising large scale projects. My Department's technical staff awaits a stage 5 submission from the school's design team.

*Question No. 100 answered with Question No. 95.*

### **Teachers' Development Organisations.**

101. **Ms Enright** asked the Minister for Education and Science the number of teachers' professional development organisations that

exist; the name and role of each organisation; the funding that each teaching professional development organisation received for 2004 and for each of the past five years; and the amount expended on funding the organisations as a percentage of total education expenditure for 2004 and in each of the past five years. [9364/04]

**Minister for Education and Science (Mr. N. Dempsey):** The information sought by the Deputy is being compiled to the extent that records permit and will be forwarded to her as soon as possible.

### **Special Educational Needs.**

102. **Mr. S. Ryan** asked the Minister for Education and Science if he will report on the unacceptable delay in providing resource tuition for a person at a school (details supplied); when he proposes to implement the recommended assessment of this person on 7 July 2003; and if he will make a statement on the matter. [9365/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department received an application for special educational resources for the pupil. SER applications received between 15 February and 31 August 2003 are being considered. More than 5,000 applications were received. Priority was given to children that started school last September. All of these cases were responded to before or soon after the commencement of the current school year.

The remaining 4,000 applications were reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service. Surveys of SER provision were conducted over the past year and consequently the applications are being further considered. Account is also being taken of the data submitted by schools as part of the recent nationwide census of SER provision.

The processing of applications is a complex and time consuming operation. My Department will endeavour to finish the process as quickly as possible and then my officials will respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03 that issued last September. It contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within a school.

### **School Curriculum.**

103. **Ms Enright** asked the Minister for Education and Science the number of curriculum support units that exist in his Department; the name and role of each unit; the level of funding they received for 2004 and each of the past five years; and the number of in-service training initiatives being organised by the units for 2004. [9366/04]

**Minister for Education and Science (Mr. N. Dempsey):** The information sought by the Deputy is being compiled to the extent that records permit and will be forwarded to her as soon as possible.

### **Schools Building Projects.**

104. **Ms Enright** asked the Minister for Education and Science the reason his Department changed plans at a school (details supplied) in County Laois; if they require planning permission; and if they will delay progression to the building stage. [9378/04]

**Minister for Education and Science (Mr. N. Dempsey):** A large scale building project for Camross national school is listed in section 9 of the 2004 schools building programme that is published on my Department's website at [www.education.ie](http://www.education.ie). It is at an early stage of architectural planning. My Department assigned it a band 3 rating in accordance with the published criteria for prioritising large scale projects.

The Department updated the plan for the school to ensure that it is sympathetic to the architectural area and to meet all statutory requirements. Discussions are ongoing with the local authority on planning permission. None of the changes will delay the project.

The budget announcement on multi-annual capital envelopes will enable me to adopt a multi-annual framework for the schools building programme. This will lead to greater clarity about projects that are not progressing in this year's programme. I will make a further announcement during the year.

105. **Ms Enright** asked the Minister for Education and Science if his attention has been drawn to the fact that a school (details supplied) in County Laois is classified as disadvantaged; the reason it still has a band 3 rating; and when he expects progress will be made. [9379/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has not classified Camross national school as disadvantaged and accordingly it does not have such a status.

The proposed refurbishment and extension project at the school is included in section 9 of the 2004 schools building programme. The budget announcement on multi-annual capital envelopes will enable me to adopt a framework for the programme. This will lead to a greater clarity about projects that are not progressing in this year's programme. I will make a further announcement in that regard during the year.

### **Teaching Qualifications.**

106. **Ms Enright** asked the Minister for Education and Science his intentions for the scrúdú cáilíochta exam; and his views on a review committee's report that was submitted to his Department. [9380/04]

107. **Ms Enright** asked the Minister for Education and Science if an extension of five years will be provided for those who reach the end of their fifth year of teaching but have not learned Irish before and have yet to pass scrúdú cáilíochta; and if he will make a statement on the matter. [9381/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 106 and 107 together.

In 2001 I established a working group to review all aspects of the syllabus and examination for the Scrúdú le hAghaidh Cáilíochta sa Ghaeilge. The group submitted a report and a copy was published on my Department's website.

Issues dealt with in the report include the content and format of the examination modules, the standard of the examination, courses of study for applicants and the period of provisional recognition granted to applicants within which they are expected to pass. The report is under consideration and a decision will be taken shortly.

### **Special Education Needs.**

108. **Mr. Stanton** asked the Minister for Education and Science if he will make resource hours available to a person (details supplied) in County Cork on whose behalf an application has been made; and if he will make a statement on the matter. [9391/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has received, applications for special educational resources, SER, from the school referred to by the Deputy, including an application for the pupil in question. SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all of these cases were responded to before or soon after the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service. These applications are being further considered in the context of the outcome of surveys of SER provision conducted over the past year or so. Account is also being taken of the data submitted by schools as part of the recent nationwide census of SER provision.

The processing of the applications is a complex and time-consuming operation. However, my Department is endeavouring to have this completed as quickly as possible and my officials will then respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03, which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of



[Mr. N. Dempsey.]  
resources already allocated for special educational needs within the school.

The arrangements for processing applications received after the 31 August 2003, including the application for the pupil in question, will be considered in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. A further communication will be sent to schools in this regard.

#### Site Acquisitions.

109. **Mr. Costello** asked the Minister for Education and Science when he expects to have a permanent site for a school (details supplied) in Dublin; and if he will make a statement on the matter. [9392/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department is considering options for the long-term accommodation needs of Gaelscoil Cholmcille, including the possible purchase of a site. However, due to the commercial sensitivities surrounding site acquisitions the Deputy will appreciate that I am unable to comment on specific site purchase issues.

#### Port Development.

110. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources his proposals in relation to Clogherhead Port in County Louth; and if he will make a statement on the matter. [9372/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** Clogherhead Port is owned by Louth County Council, and responsibility for its maintenance and development rests with the county council in the first instance. In 2003, my Department provided funding of €191,642.25 to Louth County Council to engage engineering consultants to scope the development and carry out the required site investigation and other necessary studies at Port Oriell, Clogherhead. This work was brought to a conclusion recently when the council submitted development proposals to my Department. The county council's development proposals were reviewed by my Department and I am pleased to inform the Deputy that my Department will provide 75% funding towards the total €6.5 million project. The public consultation process will be undertaken shortly by Louth County Council and they will also manage the project.

#### Anti-Terrorism Law.

111. **Mr. R. Bruton** asked the Minister for Communications, Marine and Natural Resources the implications of the introduction of the maritime anti-terror law under the UN, which is due to come into force on 1 July 2004; the number of Irish ports and ships and the proportion of the

international fleet carrying Irish trade which has as yet not been deemed compliant under the new code; if he has put in place a critical path of time dated measures which must be implemented to ensure none of Ireland's trade is vulnerable to being deemed non-compliant under the law at the date of implementation; and if he will make a statement on the matter. [9375/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** In December 2002, the diplomatic conference of the International Maritime Organisation, IMO, adopted a series of measures to strengthen maritime security and prevent and suppress acts of terrorism against shipping which included a new international ship and port facility security code, ISPS code. These security measures, which are intended to enhance maritime security on board ships and at ship-port interface areas, are due to enter into force from 1 July 2004 and there is no provision for an extension of this date.

In addition, in order to standardise arrangements across the EU, these new security measures have now been codified in a EU regulation on enhancing ship and port facility security, which has widened the scope of the IMO requirements to include class A domestic passenger ships by 1 July 2005 and all other domestic traffic by 1 July 2007.

The new security measures apply to passenger ships, cargo ships of 500 gross tonnes and upwards and mobile offshore units engaged on international voyages and the port facilities which serve these ships. These requirements outlined in the ISPS code provide a standard, consistent framework for implementing the new requirements. The code takes the approach that the practice of ensuring the security of ships and port facilities is a risk management activity and that to determine what security measures are appropriate, an assessment of the risks must be taken in each case.

The maritime safety directorate in my Department is currently involved in the process of co-ordinating the implementation of these new security requirements. The directorate is constantly in touch with the relevant ship owners, ports and port facilities affected by the EU regulation and ISPS code to ensure that they will all be compliant by the 1 July deadline and will therefore be in a position to continue to trade normally.

It is not yet known if any port facility or ship will be deemed to be non-compliant. All ports have now submitted port facility security assessments which are in the process of being verified and approved. The deadline for receipt of port facility security plans is 30 April 2004.

Most vessels affected by the new requirements have already submitted ship security assessments and ship security plan verifications will commence in mid April. As port facilities and ships will be required to have processes and procedures in place under their security plans for

differing security levels and threats, it is expected that the introduction of the new maritime security measures will have the effect of increasing the awareness and the application of maritime security in ports, port facilities and on ships.

#### **Sports Capital Programme.**

112. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism when he will be in a position to announce the 2004 sports capital programme; and if he will make a statement on the matter. [9254/04]

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

The programme is advertised on an annual basis. The 2004 sports capital programme was advertised in the national newspapers on 30 November and 1 December 2003. The closing date for receipt of applications was 5 p.m. on Friday, 16 January 2004. A total of 1,304 applications were received before the closing date. All applications are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

#### **Swimming Pool Projects.**

113. **Mr. O'Dowd** asked the Minister for Arts, Sport and Tourism the situation in regard to Drogheda swimming pool and the timetable for the construction of the pool. [9373/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I approved the contract documents for the Drogheda swimming pool project on 5 March 2004 and gave permission for Drogheda Borough Council to invite tenders for the work proposed. It is now a matter for the borough council to invite tenders for the provision of the swimming pool and then to submit to my Department a report on the tender process. On receipt of the report, my Department, in consultation with the Office of Public Works, which act as technical advisers to my Department, will consider the question of moving the project to the construction stage.

#### **Hospital Services.**

114. **Mr. Ring** asked the Minister for Health and Children the reason test results of a person (details supplied) in County Mayo have not been issued to the person's general practitioner. [9250/04]

**Minister for Health and Children (Mr. Martin):** The provision of hospital services for people living in County Mayo is a matter for the Western

Health Board. My Department has asked the chief executive officer of the board to investigate the position in relation to this case and to reply directly to the Deputy.

#### **Hospital Births.**

115. **Mr. Rabbitte** asked the Minister for Health and Children the total number of births in each of the Dublin maternity hospitals for each of the past five years broken down by the nationality of the mother and the normal country of residence of the mother; and if he will make a statement on the matter. [9251/04]

**Minister for Health and Children (Mr. Martin):** Services at the Dublin maternity hospitals are provided under an arrangement with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matters raised by the Deputy and to reply to him directly.

#### **Hospital Waiting Lists.**

116. **Mr. P. Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will be called for surgery for varicose veins in view of the circumstances of the case; and if he will make a statement on the matter. [9317/04]

**Minister for Health and Children (Mr. Martin):** I understand that the patient referred to has opted for treatment as a private patient. In these circumstances, it is not open to me to intervene in the matter.

#### **Home Help Services.**

117. **Mr. O'Dowd** asked the Minister for Health and Children if the North Eastern Health Board has asked some home helps in the Drogheda area to seek payment from the service users' family members for additional hours to make up for the hours reduced by management; and if he will make a statement on the matter. [9318/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, responsibility for the provision of health services in the Drogheda area rests with the North Eastern Health Board in the first instance. The board has advised my Department that clients for home support services are assessed and hours allotted according to need. The assessment takes the family input into account. Situations have been discovered, as part of the regular review process, where relatives, who wanted a more extensive service, that is, more household duties, etc., done, have supplemented the hours over and above what the board has allocated to meet the needs of the client. The board, or the client's public health nurse, may never know or be told of this private arrangement between the client, the client's family and the home help.

[Mr. Callely.]

The board, further advise that it is not the policy of the board or it's staff to advise clients to seek additional hours from home helps in any private capacity. The board also stated it would take a serious view of any home help who, on their own initiative, suggested or sought additional hours from a client in a private capacity. I would suggest to the Deputy that if he is aware of circumstances in which this has happened, he should provide details to the North Eastern Health Board.

118. **Mr. O'Dowd** asked the Minister for Health and Children the reason there has been a drastic cutback in the number of recipients of home help in Counties Louth and Meath from 1678 recipients in 2002 to 1455 recipients in 2003, while in Cavan and Monaghan the reduction for the same period has been 16; the reason Counties Louth and Meath have been targeted; and if he will make a statement on the matter. [9319/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, responsibility for the provision of health services in the counties of Louth and Meath rests with the North Eastern Health Board in the first instance. The board has advised my Department that over the previous few years, the budget in Meath and Louth had become significantly overspent as moneys were used on a once off basis for the provision of home help hours and hours allocated increased substantially. As a result of the board's need to remain within service plan targets set in January 2002, the NEHB found it necessary in 2003 to reduce hours allocated. I am pleased to advise that the board's overall expenditure on home help services has been increased. An additional €0.313 million has been allocated for this service during 2004.

Since my appointment as Minister of State, I have been encouraging the Eastern Regional Health Authority and the health boards to introduce personal care packages for older people as an alternative to long stay residential care. Personal care packages are specifically designed for the individual concerned and could possibly include the provision of a home help service, home subvention payments, arrangements for attendance at a day centre or day hospital and other services such as twilight nursing. Personal care packages allow older persons the option of remaining living in their own home rather than going into long stay residential care.

#### **Hospital Developments.**

119. **Mr. B. Smith** asked the Minister for Health and Children the progress in the preparation of a design brief for the proposed outline development control plan for Cavan General Hospital; and if he will make a statement on the matter. [9320/04]

#### **Minister for Health and Children (Mr. Martin):**

The outline development control plan for Cavan General Hospital has been drafted. This draft has been endorsed by the North Eastern Health Board and an application has recently been submitted to my Department to appoint the selected design team to commence planning of design work in accordance with the briefing document. My Department is at present in discussions with the NEHB in regard to the service context of this capital proposal. When this has been clarified with the board, my Department will then be in a position to fully assess this proposal in the context of overall capital priorities to be progressed under the national development plan.

#### **Hospital Services.**

120. **Mr. O'Dowd** asked the Minister for Health and Children if he will make a statement on the future of Louth County Hospital, in particular, on the issue of 24 hour medical cover. [9321/04]

#### **Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of services at Louth County Hospital rests with the North Eastern Health Board. My Department has, therefore, asked the chief executive officer of the board to examine the matter raised by the Deputy and to reply to him directly.

#### **Driving Licences.**

121. **Mr. McHugh** asked the Minister for Transport if it is his intention to introduce a new plastic card formatted driving licence; if, in view of the fact that existing licences contain a provision to become an organ donor, it is his intention to introduce an opt-out organ donation scheme on such licences as is in operation in the majority of EU countries; and if he will make a statement on the matter. [9315/04]

**Minister for Transport (Mr. Brennan):** I refer the Deputy to my reply to Parliamentary Question No. 438 of 23 March 2004, which was as follows: The paper format driving licence currently in use contains an optional section where the licence holder may, if they so wish, indicate consent to be an organ donor.

I propose to introduce a plastic card licence, tenders for which are currently being considered by my Department. Consideration will be given as part of development of the card licence system as to whether optional information regarding organ donation might be recorded on the card licence. In the context of organ donation, I consider that it would be more appropriate for a prospective organ donor to positively consent to donation as is currently provided for.

#### **Anti-Terrorism Proposals.**

122. **Mr. Connolly** asked the Minister for Justice, Equality and Law Reform his proposals



in light of the recent terrorist attacks in Madrid, to prevent similar attacks being carried out here; and if he will make a statement on the matter. [9348/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** On 19 March, I chaired an extraordinary meeting of the Justice and Home Affairs Council of the European Union at which a draft declaration on combating terrorism was agreed and forwarded for consideration at the meeting of the European Council scheduled for 25 March. The draft declaration contains a range of measures aimed at enhancing member states' responses at Union level to the terrorist threat arising from the Madrid bombings.

Within a domestic context, I am informed by the Garda authorities that the Garda organisation maintains an up to date assessment of the threat of attacks against this State from international terrorist groupings through analysis of intelligence gathered from domestic and international sources.

In the latter regard, I am further informed that the Garda Síochána has developed excellent lines of communication and co-operation with police forces and security services in the European Union and further afield. I understand that this ongoing sharing of intelligence enables a rapid operational response to be put in place where circumstances so warrant.

#### **Prison Proposals.**

123. **Mr. Connolly** asked the Minister for Justice, Equality and Law Reform the penal and rehabilitative structures he proposes to put in place in the short, medium and longer terms to replace the prisons he proposes to close down; and if he will make a statement on the matter. [9220/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The question of closure of prisons and places of detention arises mainly in the context of measures currently being implemented on a rolling basis to control costs in the absence of agreement with the Prison Officers' Association on a change agenda in the Irish Prisons Service.

In all, four institutions were scheduled for closure in this regard. The Curragh and Fort Mitchel places of detention closed with effect from 20 January 2004 and 10 February 2004, respectively. Prisoners from these places of detention have been transferred elsewhere — mainly the Midlands Prison in the case of prisoners from the Curragh place of detention and Cork and Limerick Prisons in the case of prisoners held at Fort Mitchel. I have made clear that I envisage the re-opening of these institutions in the event that agreement is reached with the Prison Officers' Association on a sustainable cost structure for the operation of prisons.

The two further scheduled closures in respect of the open centres at Loughan House and Shelton Abbey are being kept under continuing review in the light of progress in the talks with the Prison Officers' Association under the auspices of the Labour Relations Commission. I have already indicated that in the event of these closures going ahead, the intention is to transform these two open centres into post release centres for the reintegration into society of prisoners on conditional temporary release. Neither of the two centres would be under the control of the Irish Prisons Service.

I have already signalled the Government's intention to close Mountjoy Prison and replace it with a modern prison on a new site. The development of this new complex presents the Irish Prisons Service with an excellent opportunity to create a facility which, in terms of custody, care and rehabilitation, would be a considerable advance on the penal and rehabilitation structures in the mainly Victorian facilities currently at Mountjoy Prison.

#### **Visa Applications.**

124. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if, further to Parliamentary Question No. 885 of 27 January 2004, a response will be expedited for the new application which has been submitted; the time frame involved; and when a decision is likely. [9221/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The immigration division of my Department has not received any new visa application from the person concerned further to Parliamentary Question No. 885 of 27 January 2004. On receipt of a new application, it will be processed as promptly as possible.

#### **Garda Deployment.**

125. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of gardaí on duty in Dublin for the Dublin Skyfest event in 2004; and if he will make a statement on the matter. [9222/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities which are responsible for the detailed allocation of resources, including personnel, that 516 personnel were on duty at the Skyfest event in 2004 in Dublin city centre.

126. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of gardaí on duty in Dublin for the duration of the St. Patrick's Day Dublin parade in 2004; and if he will make a statement on the matter. [9223/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities which are responsible for the detailed allocation of resources, including



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personnel, that a total of 539 personnel were on duty at the St Patrick's Day parade in Dublin city centre.

127. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of gardaí on duty in Dublin after 6 p.m. on 17 March 2004; and if he will make a statement on the matter. [9224/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities which are responsible for the detailed allocation of resources, including personnel, that the total number of gardaí on duty in the Dublin metropolitan region after 6 p.m. on 17 March 2004 was 694.

#### **Garda Arrests.**

128. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of arrests made by gardaí in the Dublin metropolitan area on 17 March 2004; and if he will make a statement on the matter. [9225/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have made inquiries with the Garda authorities and I am informed that in the Dublin metropolitan region there were 231 people arrested on 17 March 2004. The corresponding figure for 2003 is 193.

129. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of arrests made by gardaí in the Dublin metropolitan area on 17 March 2003; and if he will make a statement on the matter. [9226/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have made inquiries with the Garda authorities and I am informed that in the Dublin metropolitan region there were 231 people arrested on 17 March 2004. The corresponding figure for 2003 is 193.

#### **Citizenship Applications.**

130. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform when the application of a person (details supplied) for citizenship based on marriage will be determined; and if he will make a statement on the matter. [9227/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** A declaration of acceptance of post nuptial citizenship from the person referred to by the Deputy was received in my Department in November 2003. The current processing time for such declarations is approximately eight months from the date of lodgement and it is likely, therefore, that the processing of the declaration of the person referred to will be finalised some time in July. I will advise the deputy when the matter has been concluded.

#### **Remission Rates.**

131. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the rates of remission applicable in each place of detention in the State; and if he will make a statement on the matter. [9228/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** In general, prisoners are entitled to remission totalling one quarter of the sentence imposed by the courts. There are exceptions to this rule, for example, life sentenced prisoners and persons serving sentences of less than one month, which do not attract any remission. The courts are aware of the statutory entitlement to remission when passing sentence and take due account of such remission.

Prisoners who are selected for either of the open centres — Loughan House or Shelton Abbey — or the work parties in Cloverhill and Portlaoise Prisons may be granted the additional concession of half remission on the remainder of their sentence.

#### **Electronic Tagging.**

132. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform if he has given recent or any consideration to the introduction of electronic tagging; and if he will make a statement on the matter. [9229/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my reply to Parliamentary Question No. 505 of 11 March 2003. The use of electronic tagging systems to monitor offenders in other jurisdictions is an issue which my Department has been examining for some time. As I explained in my previous reply, difficulties have been encountered in these jurisdictions in developing fully effective electronic tagging systems, but developments in technology may provide solutions to these. These developments are now being examined by the prisons service in the light of advice from other jurisdictions, and I intend to keep the matter under close review.

#### **Prison Education Service.**

133. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself with the level of education being provided in places of detention in the State; and if he will make a statement on the matter. [9230/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am satisfied that the education provided for prisoners by a cohort of teachers comprising 214 full-time equivalents, mainly employed by vocational education committees, is both substantial and varied. The education curriculum ranges from basic literacy to Open University courses, and includes structured physical education, health education, social education, the arts in various forms, as well as

more conventional school subjects leading to junior and leaving certificate and FETAC certification. The participation rate in education by Irish prisoners — approximately 50 % — compares very favourably with international standards.

A particular feature of the prisoner population, as identified by the prison adult literacy survey published in June 2003, is the low level of literacy among just over half of all prisoners, that is, level one or below. I have asked the director general of the Irish Prisons Service to give priority to literacy programmes in all prisons in line with the recommendations of the survey report and the commitment to prisoner literacy in the Agreed Programme for Government.

#### **Prisoner Rehabilitation.**

134. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself that there is a sufficient rehabilitative dimension to an offender's stay in a place of detention in the State; and if he will make a statement on the matter. [9231/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Prisoner rehabilitation involves significant multidimensional input by a diverse range of general and specialist services provided both by the Irish Prisons Service and visiting statutory and non-statutory services. Among these services are health care, psychiatric, psychological, educational, vocational, counselling, welfare and spiritual services. These services are important in addressing offending behaviour, drug and alcohol addiction, missed educational and vocational opportunities, anger management and self management in the interest of encouraging positive personal development in prisoners and preparing them for re-integration and resettlement on release from custody.

I am satisfied that more can be done in the area of prisoner rehabilitation and my particular concerns in this regard are to remove two major constraining factors. First, I am determined to restructure prison costs and prison officer working arrangements, not only in the interest of greater efficiency, but also to ensure that more resources — staff and finance — are available to support prisoner rehabilitation programmes. This is currently the focus of ongoing negotiations with the Prison Officers' Association under the auspices of the Labour Relations Commission. Second, I am pursuing the replacement of outdated and inadequate accommodation at several of our older prisons such as Mountjoy, Cork, Limerick and Portlaoise so as to provide decent living conditions for prisoners and modern, well equipped facilities for both staff and prisoners engaged in prisoner care and rehabilitation programmes. The focus here is more long-term but I expect to be in a position to announce significant progress in the near future.

#### **Probation and Welfare Service.**

135. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself with the operation of, and services provided by the Probation and Welfare Service; and if he will make a statement on the matter. [9232/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** My predecessor, the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, following a Government decision, set up an expert group to examine the Probation and Welfare Service under the chairmanship of Mr. Brian McCarthy. This group produced its first report in November 1998. The final report of the group was published in May 1999 and made several recommendations. Many of the recommendations of the expert group report have been implemented by my Department. Staffing levels have been raised. There has been substantial investment in a customised IT system and an IT unit has been established. The new technology, when fully operational, will have the capacity to produce information about the utilisation and effectiveness of community sanctions, giving us information about crime in Ireland not previously available. A common State funded public liability insurance scheme has been put in place to enable a greater number of community groups to have community service projects operated on their premises without the need to incur substantial insurance costs. These are some of the measures which have been implemented.

The service has the responsibility to implement those orders of the court which require the supervision of offenders by the probation and welfare staff, that is, probation and other supervision orders and orders which require work to be performed by way of retribution to society, that is, community service orders. The service also provides to courts pre-sanction assessment reports which enable judges, in determining sentence, to take into account the personal and social circumstances of the offender, the level of risk that further crime will be committed if she or he remains in the community, the attitude of the offender to the victim of the crime and the work programme available to the offender to prevent involvement in further crime.

The service supervises both serious and less serious offenders who are placed under supervision orders by the courts. It also supervises persons released by order of the Minister of Justice, Equality and Law Reform from prisons and places of detention, including life sentence prisoners who have served substantial periods in custody. It has a youth justice section which is being resourced to implement the provisions of the Children Act 2001 throughout the jurisdiction. It also provides a limited service to the Irish Prisons Service in working with the other prison based disciplines towards the rehabilitation of those in prison. In

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 addition, it also prepares detailed assessment reports for the interim parole board.

It is the case, however, that increasingly in recent years the service has been under pressure to meet the growing demands of both the courts and the prison service. This has led to delays in the provision of reports to courts and in the implementation of probation and community service orders. These are some of the issues which are currently being examined by my Department. A value for money examination of the service has also recently been conducted by the Office of the Comptroller and Auditor General. The report of the evaluation is expected to be published in the latter half of April and the Deputy can be assured that its implications will be taken fully into account.

### **Citizenship Applications.**

136. **Mr. Rabbitte** asked the Minister for Justice, Equality and Law Reform the information available to him in regard to the nationality and the normal country of residence of mothers, in respect of the briefing document (details supplied) issued by him on 10 March 2004 in connection with the proposed amendment to the Constitution regarding citizenship; the number of mothers who are believed to have arrived in the country within a month prior to giving birth; and if he will make a statement on the matter. [9252/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** While information on nationality for one of the Dublin maternity hospitals in 2003 was available to me, I have not been supplied with the country by country data for all three Dublin maternity hospitals sought by the Deputy. The figure for the number of births to non-nationals at the three Dublin maternity hospitals during 2003 was included in my document for the sole purpose of showing overall trends in this area. It is illustrative of one factor informing the Government proposal, that is, the strain on maternity hospitals. There are also wider considerations such as health and social policy and service delivery across the State sector into the future. My colleague, the Minister for Health and Children, Deputy Martin, may be able to provide the breakdown of figures sought.

### **Decentralisation Programme.**

137. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the sections of the Irish Prisons Service which are being decentralised to Longford town, in view of the fact that 175 jobs are promised to the town but there are only 130 staff currently working within the Irish Prisons Service headquarters; the planned reduction in the headquarters staff under the budget 2003 announcement of a reduction in public service numbers; the areas in which the differential will be made up to meet the

committed 175 jobs for Longford; and if he will make a statement on the matter. [9253/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** In the context of the Government's decentralisation programme, it is proposed to decentralise up to 178 jobs currently assigned to various Dublin locations of the prison service. These include 130 staff of the prison service employed at its Clondalkin headquarters, together with other elements of prison management, including the buildings services and purchasing services, and a number of contract IT support staff. The prison service is currently considering the staffing reductions to be made to comply with the Government decision on reductions of staffing numbers of December 2002 to ensure that front-line services are not affected.

### **Garda Investigations.**

138. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the number of tyre slashings investigated by the gardaí in the Bridewell district, Dublin 7, in the past two months and the locations concerned; and the number of tyre slashings reported to the gardaí in the same area during that time. [9353/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that gardaí at the Bridewell Garda station are currently investigating a total of 17 cases of tyre slashings in the last two months. The locations concerned are as set out in the table below.

| Location       | Number of cases being currently investigated |
|----------------|--|
| Ostman Place   | 6  |
| Halliday Road  | 4  |
| Manor Street   | 4  |
| Manor Place    | 1  |
| Aughrim Street | 1  |
| Ivar Street    | 1  |
| Total          | 17   |

I understand that as a result of these incidents, local Garda management set up a special operation specifically tasked with addressing the problem of tyre slashing in the area concerned. I am informed that one person has been arrested and questioned in connection with these incidents. Further investigations are ongoing. The area continues to receive regular attention from both uniform and plain clothes beats and mobile patrols.

### **Garda Deployment.**

139. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if he will detail any new measures or additional resources the gardaí are implementing to counter the increase in street prostitution, including reports of child



prostitution, in the Bridewell district of Dublin 7. [9354/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that two gardaí have recently been deployed to the area in question specifically tasked with addressing the problem of street prostitution. This is in addition to the normal foot and mobile patrols that operate in the area. I understand that there have been no reports of child prostitution made to the Garda authorities in the Bridewell district to date.

#### **Asylum Support Services.**

140. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform if he will provide a breakdown of the cost to his Department for the past three years of the hire, rent and so on of a premises (details supplied) in County Kildare to house asylum seekers and refugees; and if he will make a statement on the matter. [9355/04]

141. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that at a premises (details supplied) in County Kildare where there are asylum seekers and refugees being housed, has major problems with the availability of food to certain persons who, due to religious beliefs, are unable to accept the food that is being provided for them and that no alternative food is being supplied; and if he will make a statement on the matter. [9356/04]

142. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that a premises (details supplied) in County Kildare, where asylum seekers and refugees are staying have no adequate place to meet with public representatives, solicitors and so on; the plans his Department has to ensure that adequate facilities are provided for the persons concerned; and if he will make a statement on the matter. [9357/04]

143. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that at a premises (details supplied) in County Kildare can have as many as two adults and four children confined to one room; the plans his Department has to address this matter; and if he will make a statement on the matter. [9358/04]

144. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position in relation to a social worker and social services-medical services for refugees-asylum seekers at a premises (details supplied) in County Kildare; and if he will make a statement on the matter. [9359/04]

145. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the lack of adequate facilities available at a premises (details supplied) in County Kildare for asylum seekers-refugees *vis-*

*à-vis* a playroom for children; if his Department has plans or proposals to rectify the matter; and if he will make a statement on the matter. [9360/04]

146. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the number of refugees and asylum seekers facilitated at a premises (details supplied) in County Kildare; and if he will make a statement on the matter. [9361/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 140 to 146, inclusive, together.

A contract for the provision of emergency accommodation and ancillary services for 100 asylum seekers under the system of direct provision was entered into by the Reception and Integration Agency, RIA, which operates under the aegis of my Department, with the contractor at the Eyre Powell Hotel, Main Street, Newbridge, County Kildare, for the period 30 April 2003 to 27 April 2004. An offer of a further contract beyond the expiry date of 27 April 2004 has been issued to the contractor and is currently under consideration.

I am informed that prior to this period the premises was engaged by the Northern Area Health Board as a facility for accommodating asylum seekers on a self-catering basis. The number of persons who may be accommodated at the premises is determined in accordance with the environmental health standards and the occupancy level of all the bedrooms is in compliance with these standards. In the case of the six person family mentioned by the Deputy I am informed that two adjoining rooms with an interconnecting door were allocated to this family and that this is in compliance with the environmental health standards. In addition to the requirement to comply with these standards, the contractor is also required to ensure that the premises complies and operates in accordance with all relevant statutory requirements of local authorities and other agencies in regard to planning, building, by-laws, food, food hygiene, water supply, sewage disposal, fire precautions and general safety.

In regard to food, the contractor is obliged to ensure that the food offered reflects the reasonable needs of the different ethnic groups accommodated at the premises. This includes food provided in accordance with religious beliefs. Persons from approximately 120 different nationalities are resident in centres operated by RIA and particular emphasis is placed on meeting their dietary needs to the greatest extent possible. In this connection, contractors are required to arrange for their chefs to meet residents to ascertain their ethnic food requirements and I am informed that such meetings have taken place in the Eyre Powell Hotel.

In regard to the statement that the premises has no adequate place to meet with public



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representatives, solicitors and so on, I am informed that rooms are available for this purpose. In accordance with normal practice and on the grounds of commercial sensitivity, I do not propose to comment on the detailed commercial arrangements made by the RIA in this or in any other similar case. I can confirm, however, that in this case, as in the case of similar type properties, the payment for the contracted services is currently in the range of €189 to €222.60 per person per week.

The provision of health and social services is a matter, in the first instance, for the health board. I am informed, however, that the position in regard to a social worker and social services-medical services for residents is that there is a room dedicated for use by the community welfare officer to facilitate applications for supplementary welfare allowance. A room is also made available to other visiting health professionals as required. As the premises is centrally located in Newbridge, easy access to health board services is facilitated.

In the context of the negotiations on a possible new contract for the premises, the RIA are advancing proposals to further develop facilities for resident children. It is intended to enhance the playroom facility and to provide an area for students to study. Other facilities provided at the centre consist of a mothers and toddlers group organised by the local parish and English classes for adults and children. In addition, residents can also participate in local community activities including sewing classes and computer classes, the local community sports hall, the library and free Internet access.

#### **Property Transfer.**

147. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government the reason for the delay in having a property (details supplied) in County Donegal transferred into the State's ownership; and if he will make a statement on the matter. [9314/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The deed of guardianship, which will see this property transfer into the care of the State, is still being negotiated on behalf of my Department. While the process has taken longer than anticipated, I understand that it is hoped to complete it in the near future.

#### **Urban Renewal Scheme.**

148. **Ms Enright** asked the Minister for the Environment, Heritage and Local Government the urban renewal status of a property (details supplied) in County Offaly; and if he will make a statement on the matter. [9382/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Banagher was designated for tax incentives under the town renewal scheme 2000.

The Town Renewal Act 2000 places responsibility on local authorities to monitor progress on the implementation of the scheme. Under guidelines issued by my Department, each county council has put in place appropriate institutional arrangements at county level to ensure that the scheme is monitored effectively. The monitoring committee in each county reports to the local authority on progress in the various towns designated under the scheme.

While monitoring data on the scheme is submitted to my Department periodically, data on specific projects in the individual towns designated may more appropriately be sought from the local authority concerned.

#### **Departmental Funding.**

149. **Ms Enright** asked the Minister for the Environment, Heritage and Local Government the amount of road in kilometres in County Laois that are eligible to receive funding from his Department; if he will provide a breakdown, in this respect, on the status of these roads; and if he will make a statement on the matter. [9383/04]

150. **Ms Enright** asked the Minister for the Environment, Heritage and Local Government the amount of road, in kilometres, in County Offaly that are eligible to receive funding from his Department; if he will provide a breakdown, in this respect, on the status of these roads; and if he will make a statement on the matter. [9384/04]

151. **Ms Enright** asked the Minister for the Environment, Heritage and Local Government the amount of road, in kilometres, in County Roscommon that are eligible to receive funding from his Department; if he will provide a breakdown, in this respect, on the status of these roads; and if he will make a statement on the matter. [9385/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I propose to take Questions Nos. 149 to 151, inclusive, together.

For the purposes of the non-national roads programme, my Department allocates discretionary maintenance, discretionary improvement and restoration maintenance grant allocations to county councils on the basis of length of road in their area. The restoration improvement grant is allocated in line with a multi-annual programme submitted by each county council for the 2002-05 period, taking account particularly of length of road and also the results of the pavement condition study of 1996. A further pavement condition survey is currently under way and the results will be taken into account in the allocations for 2005 and subsequent years.

The total length of non-national roads in the Laois, Offaly and Roscommon County Council areas, based on revised road schedules submitted by the county councils in 2003, are set out in the table below. My Department also provides grants

to local authorities, under the local improvement scheme, in respect of non-public roads.

Information on the length of these roads is not available in my Department.

Total length — kilometres — of non-national roads

| Local Authority          | Regional roads | Local primary roads | Local secondary roads | Local tertiary roads | Total    |
|--------------------------|----------------|---------------------|-----------------------|----------------------|----------|
| Laois County Council     | 288.54         | 607.78              | 596.6                 | 479.62               | 1,972.54 |
| Offaly County Council    | 343.11         | 521.53              | 586.07                | 492.25               | 1,942.96 |
| Roscommon County Council | 343.71         | 1,131.31            | 1,395.18              | 850.14               | 3,720.34 |

### Departmental Programmes.

152. **Mr. Connolly** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals for the future of the RAPID programme; the level of progress; his assessment of the programmes relative success; and if he will make a statement on the matter. [9346/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I refer the Deputy to my response to Questions 107 and 110 on 9 March 2004.

153. **Mr. Connolly** asked the Minister for Community, Rural and Gaeltacht Affairs the reasons for the contraction of community and rural development initiatives; his plans for financing such structures into the future; and if he will make a statement on the matter. [9347/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I do not accept that there has been a contraction of community and rural development initiatives. Indeed, a considerable expansion of such initiatives has taken place or is in hands, including the extension of the CLÁR areas; the expansion of the community development programme; and the proposed introduction of the new rural social scheme. In this regard, I draw the attention of the Deputy to my replies to a range of recent questions on these issues, including Question No. 169 of 9 March 2004; Question No. 117 of 9 March 2004; Questions Nos. 122, 133, 171 and 196 of 9 March 2004; and Questions Nos. 151, 153, 156, 163, 172, 173 and 185 of 4 February 2004.

154. **Mr. O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs the assistance his Department can offer to an organisation (details supplied) in the provision of premises for its valuable community work in Drogheda. [9367/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** My Department provides once off grants by way of a scheme of grants to voluntary and community groups that focus on tackling poverty and disadvantage and enhancing community development. The scheme includes provision for refurbishment of premises or the purchase of equipment but does not provide for the purchase-building of premises. Arrangements for the 2004 scheme are currently

being finalised and I expect to be in a position to announce details in the coming weeks.

### Holiday Homes Sale.

155. **Mr. O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs if Údarás na Gaeltachta took into account the procedures (details supplied) for the evaluating of tenders as outlined in the green book in the sale of holiday homes at Eanach Mheáin; and if he will make a statement on the matter. [9368/04]

156. **Mr. O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs if tax clearance procedures (details supplied) were outlined by Údarás na Gaeltachta in its public advertisement for the sale of holiday homes at Eanach Mheáin as outlined in the green book; and if he will make a statement on the matter. [9369/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Question Nos. 155 and 156 together.

I refer the Deputy to my previous responses to Parliamentary Questions Nos. 146 and 592 of 9 March and 23 March 2004, respectively, in regard to the sale of holiday homes at Eanach Mheáin. The responsibility for complying with proper procedures is one in the first place for Údarás na Gaeltachta, which is an independent statutory agency.

As previously stated, I understand from Údarás na Gaeltachta that no contract has been made regarding the sale of the holiday homes and that the matter will be discussed further at its board meeting on 26 March 2004. As I have also informed the Deputy, I understand that additional information will be forwarded to me by Údarás after that meeting at which time I will consider what, if any, action I should take in relation to the matter. In those circumstances, I believe that it would not be appropriate for me to comment further at this time.

### Departmental Schemes.

157. **Mr. O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs the proposals his Department has for the RAPID areas in Drogheda and Dundalk; and if he will extend the RAPID area to Ardee. [9370/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Two proposals from the Drogheda RAPID plan fall within the remit of my Department. These proposals are in respect of a community development project to provide information for older people in a number of locations in RAPID areas in Drogheda and a youth facility in Yellowbatter. None of the

proposals included in the Dundalk RAPID plan come within the remit of my Department. I intend making an announcement regarding the disbursement of the RAPID funds in my Department's Estimates in the near future. There are no plans at present to amend the boundaries or to increase the number of areas under the RAPID programme.