



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Wednesday, 29 March 2006.

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## DÁIL ÉIREANN

—  
*Dé Céadaoin, 29 Márta 2006.*  
*Wednesday, 29 March 2006.*  
 —

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

—  
*Paidir.*  
*Prayer.*  
 —

### Leaders' Questions.

**Mr. Kenny:** We meet on a day of national emergency. The matter of accident and emergency units has been raised on at least two dozen occasions in the past two years by the leaders of the Opposition parties and by other Members on this side of the House. I wish to ask the Taoiseach and the Tánaiste the question that is on everybody's lips about this matter. When did the penny drop with the Government? Was it the doctors, nurses, patients, their relatives, the constant radio phone-ins or Brendan Gleeson? It was none of these people. The realisation of the accident and emergency problem has come about because for 17 opinion polls in a row, the Taoiseach's party has been languishing in the mid-30s. This national emergency is driven by a sense of political desperation. The Minister for the Environment, Heritage and Local Government, Deputy Roche, can smirk all he likes—

**Mr. Roche:** I was thinking of Deputy Kenny's 30 years in the Dáil.

**An Ceann Comhairle:** Deputy Kenny, without interruption, please.

**Mr. Kenny:** —with his unbridled arrogance, but it is no joke for the—

**Mr. Roche:** I am laughing at Deputy Kenny's smugness.

**Mr. Kenny:** —384 people lying on trolleys today.

**Mr. Roche:** Deputy Kenny is the only joke here. Thirty years with nothing to show for it.

**An Ceann Comhairle:** The Minister should allow Deputy Kenny to speak without interruption.

**Mr. Kenny:** The Minister for the Environment, Heritage and Local Government and his lot have sat around the Cabinet table for nine years and it

was only yesterday that this became a national emergency in the eyes of the Tánaiste. On 12 October 2004, I asked the Tánaiste, Deputy Harney, what would be her political priorities upon taking office as Minister for Health and Children and she said:

One of the priority areas is accident and emergency units. It is unacceptable that people have to spend upwards of 12 hours on a trolley.

In 2006 this becomes a national emergency, the penny has dropped. The realisation is clear around the Cabinet table—

**An Ceann Comhairle:** The Deputy's time has concluded.

**Mr. Kenny:** —that the people have had enough and do not want any more of this Government, which has proven itself to be completely incompetent in dealing with this matter. Is the Taoiseach prepared to apply to his Government, the targets that the Tánaiste—

**Mr. Roche:** A return to the days of Deputy Noonan.

**An Ceann Comhairle:** I ask the Minister to allow Deputy Kenny to conclude.

**Mr. Kenny:** The Minister for chewing gum is at it again. His conceit and arrogance are unbridled in the history of Fianna Fáil governments. Without interruption from the Wicklow hills, when can we expect to see real improvements in the accident and emergency units? Will it take one month or six months, or is this another false dawn like all the other false dawns we have had from the Government in the past three years? In the poorest countries in the world, for instance in Peru, people bring their own drugs to hospital. In a country that is knee-deep in financial wealth it appears that people here need to bring a bed or chair to a hospital. While the Minister for the Environment, Heritage and Local Government, Deputy Roche, might not like that, it is almost a fact of life.

**The Taoiseach:** Last Wednesday, Deputy Kenny asked if we could give a greater sense of urgency to the implementation of the ten-point plan and to dealing with the excessive number of people who, unfortunately, are wrongly waiting in some of our accident and emergency units. More than 1 million people a year use accident and emergency units, which is approximately 3,500 people a day. In spite of the enormous resources and huge improvements in many of the hospitals — the new accident and emergency units in St. Vincent's hospital, in Cork and Blanchardstown, and stand-down beds in many other locations — there are still problems in some areas.

Last week I told Deputy Kenny that the Tánaiste was about to set up a task force of some

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of the key specialists involved to try to complete the implementation of the ten-point plan in the areas that are not yet done and to try to get better co-ordination and co-operation across the medical and nursing sectors to resolve the difficulties. We have put in the resources, as I indicated last week. In the areas where there are still difficulties, the Government has made clear we are prepared to put in extra resources. I pointed out that many of the key hospitals have put forward short-term, medium-term and long-term plans. Many of the short-term plans are complete, like the one I mentioned last week in the Mater, and other units have opened up. Some medium-term plans have been implemented and others are being implemented — the issues are resolved in the areas where they have been implemented. There are some long-term ones that are still required. I pointed out that in many of the hospitals, this year will see additional beds.

I made the fair and valid point as to why we are still having difficulties despite having put in so many resources. As I said last week, the admissions in the early months of this year have been up by more than 20%. We have an older population, who, in the obvious sense, require better services. In the early weeks of this year, we also had the flu difficulties and the winter vomiting bug which affected and closed down units in some areas.

**Mr. English:** We have that every year.

**Ms Burton:** There is overcrowding in the hospitals.

**Mr. J. O’Keeffe:** We have had nine years of Fianna Fáil and Progressive Democrats Governments.

**The Taoiseach:** There are a number of old people in beds who need to be taken out of the hospitals. They are not able to go home.

**Ms Burton:** They are sick.

**The Taoiseach:** They are medically cleared to go home by their physicians, but they are not, for one reason or another, able to go back. We need to provide alternative accommodation for these.

**Ms Burton:** Why does the Government not provide that accommodation?

**An Ceann Comhairle:** Allow the Taoiseach to speak without interruption, please.

**The Taoiseach:** We provided 250 beds in the autumn and we provided another 250 beds.

**Mr. Stagg:** It is not enough.

**The Taoiseach:** As the Tánaiste made quite clear yesterday, in our various home care pack-

ages and health packages, we will continue to do that.

**Mr. Kenny:** We have heard most of this before. The Government has decided and agreed——

**Ms Burton:** Is the Taoiseach saying——

**An Ceann Comhairle:** Allow Deputy Kenny to speak without interruption, please.

**Mr. D. Ahern:** Deputy Burton should stop interrupting Deputy Kenny.

**Mr. Kenny:** The Government has decided and agreed, and accepted the repeated observations by parties on this side of the House, that there is a national emergency in so far as accident and emergency units are concerned. We have heard nothing from the Taoiseach on behalf of the Government as to the Government’s plan to deal with capacity. What is the target for capacity? There seems to be confusion about the number of beds which are required. Why has the Government not dealt with the acute medical units which were supposed to be put in place under the Tánaiste’s ten-point plan or the after-hours GP service, both of which would relieve stress on accident and emergency units? There is no reference to such matters in the plans to deal with this national emergency, which requires a national response.

It is interesting to note that the Tánaiste said in an interview yesterday that there were 500 people on trolleys in hospitals three weeks ago. She rightly said that it was completely unacceptable. Given that the figure she cited had been issued by the Irish Nurses Organisation, can we take it that yesterday’s figure of 384 is also correct? Is the phoney war between the HSE and the Department of Health and Children, on the one hand, and the INO, on the other hand, now at an end? Does the Tánaiste accept that the figures issued by the INO are correct?

The Tánaiste’s statement that the problems in accident and emergency units constitute a national emergency represent a complete reversal of the Taoiseach’s claim that there is no crisis in the health service. We found out yesterday that the HSE is happy to accept that there should be a waiting period of 24 hours, rather than 12 hours, in accident and emergency units. This is completely unacceptable. The Tánaiste, who has been Minister for Health and Children for 18 months, said when she took office that accident and emergency departments were her first priority. The ten-point plan she set out at that time has since been abandoned, clearly as a result of a difference of opinion about hospital capacity figures. Responsibility for matters of this nature is being deliberately hived off to the Health Service Executive.

**Deputies:** Hear, hear.

**Mr. Kenny:** No questions are being answered in this House and nobody is accepting political responsibility for the problems about which we are speaking. It has suddenly dawned on the Government after nine years that this is a national emergency. The Tánaiste's statement yesterday was not driven by political sympathy for patients who are lying on trolleys today and every day, but by political desperation. The Government knows that the people are waiting for the members of its parties when they next seek their support. It has failed to use this country's unprecedented wealth and resources to provide proper services for the people. As they say in the medical profession, the Government is "TATT" — tired all the time.

**The Taoiseach:** Deputy Kenny knows I will not rise to any of his political charges, but I will give some of the facts.

**Mr. Hayes:** The Minister, Deputy Roche, would rise to them.

**Mr. English:** The Taoiseach will rise to them when he meets the people on the streets.

**The Taoiseach:** We have moved health——

**Mr. English:** Backwards.

**The Taoiseach:** ——in recent years. We have increased the health service budget from €3 billion to €12 billion. The fact that we did not realise that it required——

**Ms O. Mitchell:** We never doubted the Government's ability to spend money.

**The Taoiseach:** If I am allowed to answer Deputy Kenny's questions, I will be happy to do so.

**Mr. English:** The Taoiseach should answer the real questions. We know the Government is able to spend.

**Mr. D. Ahern:** Deputy English is here today.

**Mr. Roche:** It is nice to see him earning the few shillings today.

**Mr. English:** I will still be here next year.

**An Ceann Comhairle:** I ask the Ministers to allow the Taoiseach to answer without interruption. Deputy English, please——

**Mr. English:** I have to answer the Ministers.

**An Ceann Comhairle:** You do not have to answer them. You have to keep quiet and allow the Taoiseach to answer. Your own leader went four minutes over his time.

**Mr. Durkan:** The Minister, Deputy Roche, went two minutes over time as well.

**An Ceann Comhairle:** The Taoiseach is entitled to be heard without interruption and the Chair will insist on it.

**Mr. J. O'Keeffe:** The Government can spend the taxpayers' money, but what else can it do?

**The Taoiseach:** I remind Deputy Kenny that the Government has recognised since it took office that additional resources are required. That is why the health service budget has been increased from €3 billion to €12 billion. This year's health service capital programme is worth €500 million, as it has been every year in recent years. We have finished many units. St. Vincent's hospital is almost a new hospital. Similar investment has been made in hospitals in Cork, Galway and other places throughout the country. An additional 35,000 staff have been employed in the health service. Some 3,000 people who would not have been helped previously will benefit from the home care packages this year.

**Mr. J. O'Keeffe:** What about home help hours?

**The Taoiseach:** Deputy Kenny has spoken about the number of people on trolleys, but I am sure he knows the reality is that 411 people have been medically discharged from the main hospitals in this city — they have finished their entire treatment in this city's acute medical hospitals — but they cannot go home for a variety of reasons.

**Mr. Stagg:** Why?

**Ms McManus:** That is the responsibility of the Government, which did nothing——

**An Ceann Comhairle:** The Taoiseach, without interruption, please. The Deputy will have an opportunity.

**Mr. J. O'Keeffe:** The Government cut home help hours.

**Mr. Stagg:** The problems are the direct result of the Government's actions.

**An Ceann Comhairle:** This is the Fine Gael question and the Deputy is not a member of that party.

**Mr. D. Ahern:** He might as well be.

**Mr. Durkan:** He is getting closer.

**Mr. M. Ahern:** Why do we not talk about Deputy Stagg's actions?

**The Taoiseach:** We have provided private beds for the patients in question. We provided 250

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beds before Christmas and we are providing a further 250 beds now. We have had to buy private accommodation in which these people can be located. That is the only way to free beds in accident and emergency departments so that people can move through the system. I will outline what the Tánaiste has been doing for the past 18 months—

**Mr. J. O’Keeffe:** She has been making up for the ineffectiveness of her predecessor, Deputy Martin.

**The Taoiseach:**—and what the Government has been doing in recent years. We have been trying to improve bed capacity, employ more consultants in accident and emergency units and increase the extent to which nursing and other services are provided in such units. As the Tánaiste said yesterday, we need the co-operation of the medical services in other areas, such as diagnostic services, so that people do not have to wait several hours for a fairly simple x-ray or other procedures. We should ensure that enough staff members are available at weekends to provide diagnostic services and improve patient flow.

**Mr. S. Ryan:** The Government should do something about it.

**The Taoiseach:** We cannot do such practical things without the co-operation of the paramedical, nursing and medical staff.

**Mr. J. O’Keeffe:** The Government has been in office for nine years.

**The Taoiseach:** There is no difficulty with paying such people, but it can be difficult to get their co-operation in helping us.

**Mr. Howlin:** It is everybody else’s fault.

**Mr. S. Ryan:** The Taoiseach is blaming the staff.

**The Taoiseach:** As I said last week—

**Ms O. Mitchell:** He is blaming the nurses.

**Mr. J. O’Keeffe:** Nine wasted years.

**An Ceann Comhairle:** Allow the Taoiseach to conclude, please.

**Mr. Stagg:** He is blaming the nurses.

**Mr. M. Ahern:** He could blame the Labour Members.

**The Taoiseach:** Nobody is blaming anybody. The Opposition Members want to make political points, but we are trying to solve problems.

**Mr. D. Ahern:** Hear, hear.

**Mr. S. Ryan:** Come on now.

**Mr. Durkan:** Why not blame the patients?

**The Taoiseach:** The only—

**Mr. J. O’Keeffe:** Who will the Government blame when it is facing the electorate?

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

**Mr. D. Ahern:** Ask Mr. Fitzpatrick.

**The Taoiseach:** The only fear the Opposition has is that we might resolve this issue. What we want to do is solve the issue and we will continue to do that.

**Mr. Durkan:** There is no fear of that. The Government will not solve it in this century.

**An Ceann Comhairle:** I call Deputy Rabbitte.

**Mr. D. Ahern:** Ask Mr. Fitzpatrick. He wants to close all the hospitals.

**Mr. S. Ryan:** The Government will not—

**An Ceann Comhairle:** Deputy Ryan should allow his leader to speak without interruption.

**Mr. Crawford:** Half of the beds in Monaghan General Hospital have been closed.

**Mr. D. Ahern:** Mr. Fitzpatrick wants to close them.

**Mr. Rabbitte:** Whatever the Taoiseach says—

**Mr. Durkan:** The Minister, Deputy Roche, should concentrate on polishing his rusting ballot boxes.

**Mr. Roche:** What about the Deputy’s valuable contribution on the health board?

**An Ceann Comhairle:** Deputy Rabbitte, without interruption.

**The Taoiseach:** The Deputy’s party will not allow anybody else to talk.

*(Interruptions).*

**The Taoiseach:** On a point of order, I ask my colleagues to allow Deputy Rabbitte to speak, but I ask Deputy Rabbitte to ask his colleagues to allow me to speak.

**Deputies:** Hear, hear.

**Mr. Rabbitte:** They find me less provocative.

**The Taoiseach:** Nobody is being provocative. You have campaigned that every time I speak, your colleagues——

**Mr. Howlin:** Rubbish.

**The Taoiseach:** I can do the same.

**Mr. O'Donoghue:** Deputy Rabbitte should not underestimate himself.

**The Taoiseach:** I will ask my colleagues to stay quiet for Deputy Rabbitte, as they should, but he should ask his colleagues to stay quiet for me.

**Ms McManus:** Why can the Minister not stay quiet?

**Mr. Howlin:** He is acting like a bullyboy.

**The Taoiseach:** It is a simple matter.

**Mr. O'Donoghue:** Deputy Rabbitte should not underestimate himself.

**The Taoiseach:** Let him speak.

**Mr. Rabbitte:** The Taoiseach has rhymed off a number of statistics and practical things which he claims the Government is doing. Is it not the bottom line that whatever the Taoiseach thinks the Government is doing is not working? Is that not why the Tánaiste and Minister for Health has declared a national emergency, nine years after the Government took responsibility for the health services? The last national emergency related to an outbreak of foot and mouth disease. It is not plain why the national emergency in the accident and emergency services has been declared at this time, after nine years in which there were two Ministers for Health and Children from Fianna Fáil and one from the Progressive Democrats Party.

Can it be the case that they have realised that the people are dissatisfied with the health services, just as Mr. Haughey discovered when he went on the election trail in 1989? We have been telling the Government for a number of years that the people are not happy with the health services. The ten-point plan that was announced by the Tánaiste in November 2004 has not worked — the situation has got worse. According to the Irish Nurses Organisation, there were 384 patients on trolleys yesterday. That is the position. Why has the Government now recognised that there is a national emergency in this area? Does it relate to the imminence of the next general election?

**Mr. Durkan:** Yes.

**Mr. Rabbitte:** The situation in accident and emergency departments is worse than it was when the Government took office. Will the Taoiseach tell the House whether there is agreement or con-

sensus among the stakeholders about the diagnosis of this problem? Specifically, has the Government, particularly the Minister for Health and Children, reached agreement with Professor Drumm about the solutions to the problem? The rest of us who are able to keep up with the debate hear conflicting analyses and recommendations.

**Mr. Quinn:** Hear, hear.

**Mr. Rabbitte:** Professor Drumm says one thing, Deputy Harney says another. The Tánaiste is beginning to take on the bewildered bystander persona, so effected by the Taoiseach. She was on television last night to say this was something which we cannot put up with, as if she had not responsibility for it or as if somebody on this side of the House was responsible. Who has been in Government all those years? We have now moved from a Minister for Health and Children who does not read his brief to one who cannot handle her brief. We have reached the stage where the Taoiseach's backbenchers are sniggering at the fact that the two PD Ministers are up to their arms in trouble everywhere they look. The backbenchers are beginning to enjoy it. Meanwhile, unfortunate patients, including the aged, are kept in the most inhumane undignified circumstances in hospital corridors, in accident and emergency units all around the country. There were 384 of them yesterday, and the Taoiseach rhymes off statistics about what it is he thinks he is doing. Whatever he is doing is not working. If this national emergency plan makes an assault on this serious problem, it has our full support. However, why should this plan be successful when all of the others failed? We had the ten-point plan in November 2004 and it did not work. Why should this one work?

**The Taoiseach:** I reiterate what I have said a number of times. We are talking about the problems in the accident and emergency service. It is internationally recognised that this country's health service is very good. Because of it people are living longer and getting hospital treatment faster.

**Mr. J. O'Keefe:** The Taoiseach is full of excuses.

*(Interruptions).*

**The Taoiseach:** They are getting to see far more specialists. They are working in much healthier workplaces and we are dealing with disabilities and a range of other services far more effectively. Across the cancer, cardiac and paediatric services there are enormous improvements of which the staff involved and the country should be hugely proud. There are well over 1 million inpatients, over 500,000 day patients with more than 1 million going through accident and emergency units. The point is that one important facet,

[The Taoiseach.]

namely accident and emergency, which has traditionally been a difficult area for the health service, is not up to standard we want in all the regions and hospitals. It has been Government policy to deal with that issue. Over a number of years, in different ways, we have dealt with a whole range of issues, for example increasing the number of consultants. This was not formerly the situation. There was only a handful of them in the country in 1997, while now there are dozens in our hospitals. We have not yet got them to work after 6.30 p.m., but these are issues we are trying to deal with. There are additional nurses and in all we have given 35,000 additional staff to the health service, a large proportion of whom have been allocated to accident and emergency departments. We have provided 1,500 beds for respite care to deal with these issues.

However, the population of the country is getting older. Many general practitioners do not want to work after 5.30 p.m. If no GP services are available after 5.30 p.m. and there are no consultants in accident and emergency departments after that time, one can see why there are problems. We are trying to deal with those problems. I have never said there is not a problem in accident and emergency. I have defended the health service and we are trying to put in the resources, staffing and free-flow arrangements in an attempt to improve those areas which still face difficulties. In St. Vincent's Hospital and in hospitals in Blanchardstown, and in Cork and Galway where the excellent facilities have been built, we might not have solved all the problems, but we have seen improvements.

Deputy Rabbitte knows as well as I do that life, time and circumstances are changing. There was a time when families and everyone concerned wanted to get people home from hospital. There are other pressures nowadays, and that is how it is. This means we now have to deal with matters differently. We are doing our utmost and asking people to co-operate with us. We did not realise this today or yesterday. I realised it when I worked in the Mater Hospital 30 years ago, and I am trying to do something about it now.

**Deputies:** Hear, hear.

**Mr. Rabbitte:** The difficulty is that the Taoiseach is out of touch. He probably genuinely believes what he is asserting. However, he is completely out of touch with what is happening on the ground and in the wards. He should know better than most that 3,000 beds were taken out of the system in 1987-89 by his predecessor, Charles Haughey. How can he make an argument to me about the population increasing since then, people living longer etc., while not acknowledging that the nub of the problem is that those 3,000 beds were taken out of the system in 1989? He seemed to acknowledge it in the Ballymascanlon strategy when the previous Minister

for Health and Children pledged the restoration of those beds and a €7.7 billion programme. That was scrapped as soon as the Taoiseach appointed his new Minister for Health and Children. I cannot figure out whether the view is that we do not need any beds. That is what I appear to be hearing from Professor Drumm, who seems to be making policy as well as being responsible operationally. The Tánaiste seems to concur with that except that she will provide tax incentives for investors to build beds on the campuses of public hospitals.

What is the net Government position on the critical question of bed capacity? How can one deal with a population that has increased by more than 500,000, where people are living longer, medicine has become more advanced, and where we have fewer beds? Is that not the net issue? What is the response to that? Will the Taoiseach say what exactly is in this national emergency plan that is different? When the Tánaiste says that she is going to target resources at the HSE for improvements to be made, does that mean there will be a Supplementary Estimate for health? How much money exactly will be targeted for the elimination of the accident and emergency crisis? What in particular is the Tánaiste offering that is different from what she offered in November 2004?

**An Ceann Comhairle:** The Deputy's time has concluded.

**Mr. Rabbitte:** After three Ministers and nine years, the best this Government can do to alleviate the accident and emergency crisis is to declare a national emergency. I am merely asking the Taoiseach the elements that are different in this plan as compared to its predecessors.

**The Taoiseach:** Deputy Rabbitte asked me a number of questions. There are 1,000 more beds in the public system in the last three years alone. I do not have the figures back to 1997. Some 500,000 patients are being dealt with effectively and efficiently by the medical services on a day-care basis. It was a fraction of that ten years ago. Thankfully, the same acute highly sophisticated hospital beds are no longer needed, as in the past, since the system has been modernised. That is the point Professor Drumm is making. We have the ability to take people in as day cases. Hernia operations are now performed on a one-night basis. They took ten days when I worked in the health service. Cardiac surgery could have taken six weeks and now people are being moved out after five or six days. These are major improvements in the service. The Deputy referred to the problems of 1989. There were problems with the entire health service because it was under-resourced. That is why we raised the health service budget from €3 billion to €12 billion. It was under-staffed and that is why we put over 35,000 more people into it.

On the beds issue, I again ask Members to please listen to the point I am making. The figures were higher when the winter vomiting bug was at its height and with the 'flu epidemic in January and February, because I watch the statistics every day. Today, 411 patients in this city are being medically discharged. Traditionally, such patients would have gone home, but they cannot do that. That is why we have been using——

(Interruptions).

**The Taoiseach:** ——for a range of issues——

**Ms O. Mitchell:** We know that.

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

**The Taoiseach:** A total of 3,000 home care packages will be provided this year alone. That is why we are using a good number of the 2,500 private beds that are available. In total there are 16,000 beds in the health service — 13,500 public beds and 2,500 private beds. I do not like using the medical term that is applied to people who are in beds in that situation.

**Mr. Stagg:** They have nowhere to go.

**The Taoiseach:** I am answering. The Deputy knows what is the difficulty.

**Mr. Quinn:** The Taoiseach is not answering.

**The Taoiseach:** Some 411 people have to be put in——

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

**The Taoiseach:** I announced last week that we have provided an additional 250 beds on top of the 250 provided at Christmas time for those particular patients.

**Mr. Howlin:** That is not enough.

**The Taoiseach:** Deputy Rabbitte asked me what is different about what we are doing now. We have put in place a range of activities and measures, including the provision of high-dependency beds — which the Tánaiste has announced — intermediate care beds in private nursing homes, additional beds in public nursing homes, 3,000 home care packages and enhanced subventions. This has already facilitated 1,500 patients to leave acute hospitals.

**Mr. S. Ryan:** How many public beds have been provided in the nine years?

**Mr. D. Ahern:** Does Deputy Ryan want to know?

**Mr. S. Ryan:** How many?

**The Taoiseach:** One thousand.

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

**Mr. J. O'Keeffe:** The only change is that people are now queuing for the trolleys.

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

**The Taoiseach:** I am trying to answer the questions Deputy Rabbitte put to me. The last question he asked was about what additional issues we are addressing. In response to what he said and just in case there is any confusion, we have not abandoned any of the remaining points of the ten-point plan. The purpose of the new task force which the Tánaiste has announced is to bring together those people who have expertise in co-operation and who have proved in their own hospitals how one can get a better flow of patients to wards, better discharging practices and better time in discharge which are all relevant to this problem and how we can deal with it.

I should not be answering for Professor Drumm and the HSE but the point he has made is that *pro rata*, the ratio of the number of acute beds in this country per thousand of population and the number of staff compared with the age profile of the population is far higher here than it is in the UK or in most other countries.

**Deputies:** Hear, hear.

**Mr. J. O'Keeffe:** It is a total failure. We will be sending them to Angola next.

**Mr. D. Ahern:** The Deputy is waffling again.

**Caoimhghín Ó Caoláin:** Yesterday, the Tánaiste and Minister for Health and Children announced she had made a discovery and the nation quite frankly is aghast, not at what she has discovered but that it has taken her so long to recognise the basis of this discovery, that we have a serious crisis in our accident and emergency units throughout the hospital network. It is absolutely incredible that despite the repeated pointing out of this fact in this Chamber by Opposition voice after Opposition voice, it has taken this time for this Minister to recognise the crisis and the emergency that exists. This is not something that has only happened in the past week. This has been building not only since 2002 but going back to when the Government first took office in 1997. The situation today is much worse.

Does the Taoiseach recall that in his health strategy in 2001 he stated that an additional 3,000 beds would be needed in the public health system, yet we see the continuation of public money being spent in the provision of private health care? We see the absolutely incredible



[Caoimhghín Ó Caoláin.]

situation where the Taoiseach's manifesto in the last general election in 2002 declared he would work towards the end of the two-tier system, yet he is reinforcing it. Does he not think it is obscene to see the numbers of consultant doctors competing for the €1 million suites in the new private hospital development that the Tánaiste heralded and introduced in Dublin? Those investments and that opportunity have been funded by this Government out of public moneys. The reality is that we want to see our public moneys invested in public health provision and not in tax breaks for private health care providers who are there to make profit. Instead of that money being wasted as it is, and the further waste in terms of the failed effort on the part of the HSE to bring in various computer systems, it could have provided 1,000 of those 3,000 acute hospital beds.

Last week I raised what I described as the farce of the recent reference by the Tánaiste and Minister for Health and Children that accident and emergency units were to be renamed and reconfigured to include admission lounges yet we heard on national radio this morning where an accident and emergency consultant in St. James's Hospital described the reality more as departure lounges because in that hospital alone they are losing at least one patient per month because of the inadequate provision for people presenting at that accident and emergency unit. Will the Taoiseach recognise that the only way to address this national emergency is for the Government to ensure all public moneys are invested in the public health system and that we move with alacrity to ensure the provision of the 3,000 additional acute hospital beds to which the Government committed in its health strategy in 2001?

**The Taoiseach:** There is no need for me to go back over all of the issues but I will just mention a few of them. The Deputy knows the Government's view on the common hospital contract. The Tánaiste has set out the position. He is also aware that the existing 2,000 consultants have contracts and they provide for a private and medical mix.

**Mr. Quinn:** That Mr. Haughey provided.

**Ms Burton:** Mr. Haughey's negotiations.

**Mr. Cowen:** Deputy Noonan negotiated them in the Opposition's time in power.

**The Taoiseach:** Historically, the argument has been that we have provided very good medical consultants. A number of negotiations have been held as far back as 1974 to try to change that. The late Brendan Corish tried that and totally failed. Charles Haughey made contracts in 1979 and Deputy Noonan gave further concessions. Consultants have extremely strongly based contracts. The Tánaiste set out her position in negotiations

to try to make changes and amendments to that. Without losing the professionalism we have we could make a number of changes for new posts. We would like to try to get on with those negotiations and we would like the consultants' associations to work with us to make these changes, as we would also like other sectors in the health service to work to make these changes.

In the past the argument was about resources but this is not about resources. Neither is it about staff numbers. It is about how we manage the health care system on the accident and emergency side. It is not a case of the Government issuing a diktat and then it all just happens. The Government is not saying it is the responsibility of the HSE and we have nothing to do with it. We spend an enormous amount of time, collectively, working on this issue which is important for the public. That is why we have spent a huge amount of resources improving the standards of hospitals in terms of facilities, beds and equipment.

Yesterday, the Tánaiste stated that resources will be targeted for improvements that will be made and she has outlined those. We have changed practices so that better patient care will be rewarded so we can try and deal with these matters. Diagnostic tests will be provided at weekends and evenings which will help the waiting time. New beds will be assigned immediately to accident and emergency units to ensure older people do not have the difficulties of being on trolleys. People will be discharged each day of the week to keep beds available, which does not happen at present in all hospitals. Discharges will be planned so that home care will be ready when patients are medically fit. We will put 3,000 new home care packages in place. People will be helped to move out of hospital beds by the provision of more home care packages and nursing home places. If patients go home they will get a home nursing home package to assist them which works very well in other countries.

The HSE will step up the pace of availability of home care places. It will fund as many places in the community and private sector as it takes. For the past umpteen budgets, the Government has put in additional resources to try to make this possible. We have bought and provided additional beds and built additional accident and emergency services. It is not a question of making excuses but we require the co-operation of those in the medical service. We are aware of the statistics; we do not need everyone telling us the figures every day because we are provided with them. We need people working collectively to try to resolve the problems.

In answer to Deputy Ó Caoláin, I wish the problems of dealing with industrial relations issues with the Irish medical service was as easy as he suggests because it is not and I have a feeling it never will be.

**Caoimhghín Ó Caoláin:** I appreciate it is not easy but neither was it easy for Aneurin Bevan

when he took on the whole consultant and GP situation in Britain. I remind the Taoiseach that the consultant contract was in his party's manifesto in 2002 when he indicated a commitment to end the two-tier system. Does he really believe this is the appropriate Minister to be in charge of working that out, of delivering on that commitment? Does he really believe her record measures up to the commitment that he and his party put before the people in 2002? If he believes this, it is time he took a wake-up call because the two do not replicate——

**Mr. S. Power:** The Deputy should look to his own record.

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

**Caoimhghín Ó Caoláin:** ——or even come close. In my opinion and in the opinion of many people, they are working to extreme opposites and this is clearly the case.

Has the Taoiseach seen the report by the Nenagh Hospital Action Group? Has he taken on board the clear information that it indicates the importance of smaller hospitals in the provision of accident and emergency care? Has he taken on board the findings of that report? Does he recognise that the smaller hospitals, including Nenagh and Monaghan General Hospital and others around the State, have a critical role to play in the delivery of safe accident and emergency services? The Nenagh hospital was targeted by the Hanly report and the Hanly implementation group but this failed because his colleagues exercised themselves and it did not happen. Were it to have happened and if they had exercised themselves as well in the case of Monaghan General Hospital, then I warrant it would not have a closed accident and emergency unit today. As well as the 3,000 acute hospital beds that need to be provided and in the situation of a national emergency having been declared, will the Taoiseach now look seriously at ensuring the future not only of all the existing accident and emergency units but also those that have been reduced or closed and put them back up and running on an active footing, giving the service they have given so well in the past and taking the pressure off other hospital sites within the overall configuration of the 37 hospitals across this jurisdiction? That is the commitment we in County Monaghan need to hear from him and it is the commitment people in other parts of the country need to hear from him because it is only by taking measures such as those, rather than tinkering at the edges, that he will ensure we will make a real difference and that people will not have to languish on trolleys for excessive periods of time, not only hours, but days, in many cases. This is the Taoiseach's responsibility and I encourage him to take responsibility and to be accountable for it. There should be no more passing of responsibility to

another political party or indeed to the HSE and Professor Brendan Drumm. Accountability ends with the Taoiseach as the overall steward of this Government.

*(Interruptions).*

**The Taoiseach:** If the Deputy is purporting that the hospital waiting lists have not changed I can state they have changed dramatically. The waiting time for 14 of the top 16 specialties is down to under four months whereas ten years ago it was several years. There have been significant improvements in waiting times. With the advent of the National Treatment Purchase Fund——

**Dr. Cowley:** The waiting time is still seven years and it is five years at least for urology.

**The Taoiseach:** ——we are giving top class quality services to people and as a result the waiting lists have decreased dramatically.

**Mr. D. Ahern:** Medical cards.

**The Taoiseach:** The Deputy knows what the issues in Monaghan are. He knows some of the issues have been mentioned in other parts of his region on several other occasions. Whether Deputy Ó Caoláin likes it or whether I do not like it, the reality is that expert medical advice has been that what is required is a critical mass of proper services both in paramedical——

**Caoimhghín Ó Caoláin:** It is time to listen to alternative experts.

**An Ceann Comhairle:** Allow the Taoiseach without interruption.

**The Taoiseach:** I have found to my expense that it is the case that when one pays for advice, there will always be another expert to give another view.

**Caoimhghín Ó Caoláin:** The Taoiseach should consider where their advice led him.

**An Ceann Comhairle:** Please allow the Taoiseach without interruption. The Deputy went three minutes over his time.

**The Taoiseach:** I must listen to the physicians and to the Royal College of Surgeons in Ireland who make the statements on behalf of their practitioners in this country. In the interests of patient safety and health, we must listen to their views on Monaghan hospital and elsewhere. I remind the Deputy there has been significant political involvement in many of these decisions relating to his region. I also remind the Deputy that when his colleague, Bairbre de Brún, was Minister for Health for a short period in Northern Ireland, she ran into difficulties with what were historically the longest waiting lists ever experienced in

[The Taoiseach.]

Northern Ireland. If these issues could be easily resolved then we would all have easy solutions but that is not the case.

The Government is committed to deal with this remaining area of the health service in an up-front manner. With regard to the Deputy's remarks about the Tánaiste, she has been the first Minister for Health and Children since attempts at reform were made in the 1960s, to try to tackle this difficult issue.

**Mr. Quinn:** What about Micheál Martin?

*(Interruptions).*

**An Ceann Comhairle:** Allow the Taoiseach without interruption.

**The Taoiseach:** Deputies Cowen and Martin did not take on the review of the common contract because it was not there to be reviewed. The last one was given by Deputy Noonan when he was Minister and when he gave significant breaks in the common contract.

The Government is committed to tackling these issues. The Tánaiste has entered into negotiations on a fair basis with the consultants. We have put in hundreds of consultants. The Deputy referred to comments made today by an eminent consultant. I have no doubt he is a very eminent consultant. Most of these eminent consultants would not be employed back in this country only for this Government.

**Mr. Howlin:** That is rubbish.

**An Ceann Comhairle:** Allow the Taoiseach without interruption.

**The Taoiseach:** I have no difficulty with them giving interviews because this is a free society but I wish that as well as giving interviews they would help us to resolve the problem.

## Ceisteanna — Questions.

### European Council Meeting.

1. **Mr. Kenny** asked the Taoiseach if he will report on his attendance at the recent European Council meeting in Brussels; and if he will make a statement on the matter. [11566/06]

2. **Mr. Kenny** asked the Taoiseach if he will report on the bilateral meetings he held on the margins of the recent European Council meeting in Brussels; and if he will make a statement on the matter. [11567/06]

3. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his attendance at and the outcome of the EU spring summit. [12215/06]

4. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on the bilateral meetings he held on the fringes of the European Council meeting in Brussels; and if he will make a statement on the matter. [12217/06]

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

I attended the European Council in Brussels on 23 and 24 March. I was accompanied by the Minister for Foreign Affairs and the Minister for Finance. As I will make a statement on the Council later today, I will at this stage merely give a summary account of its proceedings.

The Council was addressed by the President of the European Central Bank and the presidents of the European employers and trades union confederations.

Perhaps the most important decision taken at the European Council was that an energy policy for Europe should be developed as a matter of urgency. This policy will be developed over the coming years on the basis of proposals from the European Commission.

In the run-up to the Council, the Commission published a Green Paper on energy and this Green Paper will provide a good starting point for work in this area. Ireland will of course participate fully in drawing up such an energy policy. The Council's conclusions fully recognise that decisions on energy mix remain firmly with the member states. Ireland will continue to rule out the use of nuclear power.

The conclusions also reflect our view that the European Union should pay particular attention to countries and regions largely isolated from the EU energy market. At the Council meeting I stressed the need to be flexible in the application of state aid rules when the market does not deliver important infrastructure investment, such as for interconnection and for the development of renewable energy resources.

A wide range of conclusions were adopted on the Lisbon Agenda. I suggested that the EU should look at the possibility of eliminating or reducing mobile phone roaming charges for travellers within the EU. This would help bring Europe closer to the people and would help our competitiveness. As a result of my intervention, the European Council agreed that the European Union should seek to reduce roaming charges. My personal aim would be, in due course, to see roaming charges eliminated entirely.

The conclusions of the European Council also reflect my long-standing view that any review of EU state aids policy should take into account the external aspect of competitiveness and encourage a high level of investment in Europe. At the European Council, I had a bilateral meeting with Prime Minister Blair, at which we discussed the Northern Ireland peace process and our plans for the future. I also met Prime Minister Zapatero of Spain and congratulated him on ETA's announcement of its ceasefire. In this context, I

invited Prime Minister Zapatero to Dublin for a discussion of issues of mutual concern.

**Mr. Kenny:** Does the Taoiseach have a view on the difficulties being experienced by the French in terms of protectionism? Is the Taoiseach happy with the situation that applies to mergers, in particular given the possibility of the take-over by Enel of the Suez energy company and the difficulties being experienced by France and Italy in this regard?

At the European People's Party, EPP, meeting prior to the Heads of Government meeting, there was discussion of the ceasefire statement issued by ETA. From Ireland's perspective, I was able to give the members of the EPP group an analysis of what the Government had been doing with regard to General de Chastelain, the international monitoring commission and the decommissioning process here. Was there a discussion at the Heads of Government meeting in this regard? In view of the comments made by the Spanish Government that such announcements had been made previously by ETA, was any conclusion reached?

A document circulated to the EPP group indicated that severe restrictions were placed on the human rights and freedom of the people of Belarus. A motion was passed by the EPP group that every effort should be made to deal with the outcome of what appears to be a fixed election. Was this discussed and was a conclusion reached at the Heads of Government meeting?

**The Taoiseach:** To deal with the second issue raised, I have had discussions over a number of years with Foreign Minister Maratinos of Spain as I know him from his past involvement as an envoy, and in the past two years I have had discussions with Prime Minister Zapatero. The idea is that they will discuss those issues with us, as well as issues of mutual interest. That meeting will take place shortly.

The question of economic nationalism in Europe was not discussed at the Council but there was strong media focus on the issue in advance of the meeting and there was obviously some discussion on the margins. Ireland is a strong and consistent supporter of the need for open markets because our economy is highly dependent on the free-flow of goods and capital. We strongly believe that in taking national economic measures member states must abide by the rules of the Internal Market. While the issue did not arise at this meeting, I have made that point previously and on the margins of this meeting told a number of colleagues that we should not try to invent new ways of frustrating cross-border economic activity in the EU when we face serious competitive challenges from countries outside the EU's borders, such as India and China.

As I told Deputy Kenny previously, many of our colleagues seem to miss the point. Even as countries in eastern Europe change, they take the

view that protectionism helps in some way and do not realise from where the competition is coming. Increasingly, even since last Christmas, the competition in any of the cases with which I have been involved with IDA Ireland — thankfully, the number of such cases is sizeable — is coming from outside the EU. I had experience of this when I visited Silicon Valley with some of our larger companies recently. For some aspects of industry the competition comes from Switzerland while for others it comes from Puerto Rico, Bangalore and its surrounding state of Karnataka or certain regions in south-west China. The competition is not within Europe.

I am a firm believer that economic and social policy cannot be implemented in a vacuum. We must respond to and respect the deep-rooted concerns about the pace of reform, liberalisation and social costs and the balance between economic efficiency and social equity, and we must do so by working closely together at European level. For countries to go their own way is not the way to achieve this.

The issue of Belarus was discussed, mainly by the Foreign Ministers, in terms of conclusions. The Council declaration on Belarus announced the decision to take restrictive measures against those responsible for the violations of international electoral standards, including President Lukashenko. At the same time, it reiterated a commitment of the European Union to engage with Belarussian society by strengthening support for civil society and democratisation, and by intensifying contacts and access to independent sources of information. Work is under way with a view to translating those elements into concrete decisions. This is to begin with a meeting of the General Affairs and External Relations Council on 10 April.

**Mr. Rabbitte:** The Taoiseach will appreciate that the services directive has been a major concern of my party and sister parties across the Union. A number of amendments were framed and agreed in the European Parliament. As I understand it, some countries have sought to resile from that position. Will the Taoiseach tell the House his assessment of the standing of the services directive? I am aware, for example, that the Netherlands sought to effectively reverse some of the changes made in the European Parliament. I am not sure what is meant by one version which stated that the debate at the end of the day managed to push through a late change to the written conclusions. Will the Taoiseach tell the House what was that late change and what difficulties now lie in the way of a redraft by the Commission? Does he believe it will be consistent with what was agreed in the European Parliament or will certain member states at the Council block the directive if it is not restored to something like its original form?

**The Taoiseach:** Deputy Rabbitte is correct. There was a long debate on the issue in which the Netherlands tried to move away substantially from the agreed text that had been prepared, and it was very persistent on this point. The good news is that it received little support. An amendment was made, with which the Commission was satisfied, that in the context of its overall position, the Commission wants to achieve a balanced directive and wants very much to work on the basis of the European Parliament compromise. It will take into account all the issues in this regard, particularly those that were also raised by the Competitiveness Council and which inform that balance. The efforts to try to row back as if we had not made the progress that was made in the European Parliament in January was resisted by a clear majority. It was a useful debate in terms of seeing where the clear majority lies. The President of the Commission took a strong position on this matter. If there had been a rowing back, he made it clear he would not be bringing forward anything. He said it would be impossible to do this. He was very strong and forthright on this. That persuaded others not to join in or try to seek further amendments. The President of the Commission was happy at the end of the day. He will be able to go forward and present what he considers to be a balanced position. I make the point to Deputy Rabbitte that I honestly do not believe this will be the end of the matter. There were those who did not show their hand. The Netherlands has a parliamentary position on this. As I understand it, it is not alone its government but its parliamentary position to try to go row back on this position. I am sure the Dutch Prime Minister, Jan Peter Balkenende, perhaps with some others, will return to this matter again. It was useful that the United Kingdom and a number of other countries which I though might have been trying to change the position were not trying to do so. They were very happy with the wording that was used. I believe that will allow the Commission go ahead with its work.

**Caoimhghín Ó Caoláin:** The Taoiseach will recall that in December the British Presidency of the EU proposed the allocation of some €200 million for the peace programme in the Six Counties and the Border counties for the period 2007-13. Sinn Féin very much welcomes this. We encouraged this at meetings with the Taoiseach and with Prime Minister Blair and with the EU Commission. What progress can the Taoiseach report on that proposal since December and was it a matter that he discussed with the British Prime Minister either at the Brussels Council meeting or at an opportunity presented on the fringes of it? Can the Taoiseach give a commitment to the House that he will ensure this further tranche of funding will be complementary and additional to existing supports from both Governments in this regard?

Will he outline the agreement he announced with Prime Minister Blair on mobile phone roaming charges in Ireland and Britain, something for which we have long campaigned? Can he share with us the detail of what agreement he has now reached with the British Prime Minister in this regard?

Did the Taoiseach, in the course of the opportunities afforded by the Brussels Summit, further address with Prime Minister Blair the issue of the reinstatement of the Assembly in the North and emphasise the importance of the Assembly not being returned in shadow form, that is, an Assembly whose life can be extended in the absence of an executive being in place? What we want, and I ask the Taoiseach to affirm, that the Assembly will be recalled and the executive established as soon thereafter as possible.

**The Taoiseach:** On the first issue, there has been no change on the progress and the agreements we got at Christmas. As the Deputy will recall we got those written into the conclusions. The resources we secured for the peace fund — the amount of which I cannot remember off the top of my head — were included in the conclusions and agreed. I do not believe there is any danger in that regard and I have had no further discussions on it. The only difficulty is that the European Parliament has not agreed the financial perspectives and discussions are currently taking place. The Council and Presidency are working with the European Parliament and the Commission on what is called the interinstitutional agreement to give legal effect to the future of the financial perspectives, and that has to be agreed. It is a co-decision between the Parliament and the Council. The European Parliament, as the Council's partner in deciding the EU budget, will be aware of the political reality surrounding agreement on the various balances. The Parliament is seeking additional money. That has to be worked around by the Presidency. As in all such cases, I hope they do not come back and start to try to take the additional money that Parliament is seeking out of some of the measures we negotiated. I have no reason to think that will affect the peace fund but I always worry about these issues because people will say they will not give any more money and will start to try to cut back on measures on which we agreed. As of now I do not see a need for concern or fear in regard to this issue.

On the issue of roaming charges, it is four years since I raised this issue at a Dublin Chamber of Commerce function. We have been engaged with the companies since then in trying to progress this matter. We had to get agreement in this regard from the British Government because we did not only want to remove roaming charges — as Deputy Ó Caoláin will be aware in his region he does not even have to cross the Border before being hit for roaming charges — for the island but also for the UK for which we needed the British

Government on side. It was an issue we pressed. Having outlined and given our case history on this issue last week, I am glad the Commission yesterday — it was not totally in support of my position last Friday but when we outlined and explained the issue, Vodafone and O<sub>2</sub> having thankfully explained to me how it operated — when it realised the point quickly supported our position and announced it as a Commission decision. I am very glad that an Irish issue which we took up and fought for was taken on by the Commission. I would have loved the Commission to mention that the issue was raised by Ireland but I suppose that would be too much. I was delighted to hear——

**Mr. Rabbitte:** I thought the Taoiseach did not do too badly out of it. I watched the proceedings on telly and thought he did okay in putting his stamp on it.

**The Taoiseach:** I was brushed aside by the international media yesterday. President Barroso had now thought of this great idea——

**Caoimhghín Ó Caoláin:** The Taoiseach should hope that that might be the only media that will concern him.

**Mr. Kenny:** He is nervous about the elections.

**The Taoiseach:** ——but since he is a good friend I am glad to see that. He is a good person. The reality of this issue which I pointed out at the meeting is that the network stipulates the costs for which we are all paying. Travelling around does not incur an additional cost for the network. The imposing of such charges represents additional profiteering by the companies. Therefore, there is no need for roaming charges. It is an excessive way of getting more profits. The companies do not have a leg to stand on. In fairness to Vodafone and O<sub>2</sub> they have moved on this issue here. I hope the other companies in this area will also move and a similar move will be made across Europe.

Regarding Deputy Ó Caoláin's last point, I discussed this issue at length with Prime Minister Blair. On this issue the Deputy and I agree that we are not in favour of an interim shadow Assembly or any kind of an Assembly that has a life of its own and can continue indefinitely. I hope the Deputy can agree with me that achieving this might take a little longer than it would have taken based on Good Friday Agreement originally, whereby it would be for only six weeks and then the d'Hondt mechanism would be triggered, but if we were to fail to get an executive the whole process would collapse again. It is our view, shared by the British Government and I hope by others, even if not totally enthusiastically which I fully understand, that it will take a little longer than that. The Deputy has my assurance that I will not get into an open-ended position

that it can be extended beyond the period that we fix. The British Prime Minister and I will fix a date, which will be longer than the six weeks provided, and that will require legislation in the British House of Parliament, but it will not be a device simply to keep this rolling on as neither Deputy Ó Caoláin, his party nor I want that. It will be longer than six weeks but I will not get into position that it would simply roll on indefinitely. I know others would like that, but I will not go down that road and I give the Deputy my assurance on that.

**Mr. Sargent:** I wish to ask the Taoiseach a question following his attendance at the summit. I can understand that sometimes when the Taoiseach, like one of the rest of us, makes a statement it does not get covered in the newspapers and the climate change question yesterday is such an example, apart from the sketch writer in *The Irish Times*.

Did the Taoiseach raise the issue of Guantanamo Bay? The report in the newspaper stated that the Austrian Presidency certainly backs closure of the camp but reports state that only the Netherlands and Belgium——

**An Ceann Comhairle:** Will the Deputy confine himself to questions?

**Mr. Sargent:** That is a question. While only the Netherlands and Belgium raised any concerns, I understood the Minister for Foreign Affairs, Deputy Dermot Ahern, was concerned and I thought the Taoiseach might be as well.

On the question of nuclear power, I was also surprised to read in the newspapers that following the majority of EU leaders backing nuclear power, only Germany and Austria explicitly rejected the nuclear option. Does the Taoiseach have anything to say on that, given his statements here in the House domestically, whatever about internationally?

Will the Taoiseach clarify the statement on energy consumption? It is not clear whether the statement refers to an average or to each member state, but it says that the summit endorsed the notion of an EU plan to reduce energy consumption by 20% by 2020 along with a target of raising the current 6% of primary energy use provided by renewables to 20% by the same date. Given that Denmark is aiming for 50% of energy from wind, for example, does the statement refer to an average for the EU or is each member state undertaking a separate commitment on that basis? If it is an average, it gets Ireland off the hook whereas there are significant opportunities in Ireland. Will the Taoiseach harness those opportunities or will Ireland, as in the case of Kyoto, be the bad boy in Europe and use the average to get over the finishing line?

**The Taoiseach:** On the last question, we should harness as much as we possibly can. Deputy

[The Taoiseach.]

Sargent and I have always agreed on that and we will continue to pursue that. As I stated in my reply, we also ruled out the use of nuclear power.

**Mr. Sargent:** The Taoiseach did not mention it there.

**The Taoiseach:** I did at the meeting.

**Mr. Sargent:** It was not reported.

**The Taoiseach:** It is almost impossible to get reported what one states inside the Council meetings because no journalists are present. One must run out and give the leak outside, which I tend not to do.

**Mr. Sargent:** The Taoiseach normally does.

**The Taoiseach:** I do not. If one wanted to do that, one could get killed in the rush getting out from the meetings.

Guantanamo Bay was not discussed at the meeting. I read the reports in the newspaper of the statements made by some countries at the meeting, but they did not make any of those statements. Although I read that they did, I assure Deputy Sargent that they did not because it was not discussed. I am sure if it had been discussed they would have made those statements.

We hold the view that those detained in Guantanamo Bay must be treated in accordance with the requirements of international human rights and humanitarian law and this position is shared by the European Union. Guantanamo Bay remains a source of serious concern because nobody should be in a legal vacuum and human rights and the humanitarian standards must be maintained while combating terrorism. I agree with the UN Secretary General's view that those in Guantanamo Bay should either be charged or released and that the US should ultimately close this facility. That is precisely what I said to the President as well. If it had been discussed, I would have looked forward to saying that. In any event, it was not.

On climate change, the report raises many issues for member states. The Minister for the Environment, Heritage and Local Government, Deputy Roche, will publish a review of the national climate change strategy which will take stock of the developments since its publication in 2000 and propose additional measures for Ireland to meet its target in a cost effective way. Existing new measures to reduce emissions will be addressed in the review process as well. As I stated yesterday, air quality in this country is excellent and the Environmental Protection Agency concluded that we complied with the standards enforced for all pollutants. The report will be published shortly.

A large part of the night discussion was on energy needs. There is now an attempt — we dis-

cussed it in the House previously — that there will be far greater coherence of energy requirements and sustainability within the European Union. From now on, it will become part of the annual spring council where they will report on the co-operation that has taken place in the year. The Chancellor of Germany feels strongly that this is what should happen and that there should be co-operation.

Obviously there is a significant difference in the mix. Everyone will make their own decisions on what is their mix but in terms of trying to bring it together, it certainly will be done at EU level. I can see this being a new departure which will clearly build over the next number of years. That is being driven because it is quite clear that Europe is short of energy. Even if they do all the items that are on the short-term agenda, Russia is now a powerful player and it will make more sense for the European Union to be able to negotiate coherently, try to make deals as a coherent unit and do business with Russia or some of the other countries in the region which have enormous resources. Otherwise, Russia will be in a position where it can pick people off and charge excessively, as it does. This will be an important part of the future. Energy policy will definitely become much more EU orientated in the years ahead, although it will not happen overnight.

**Mr. J. Higgins:** While it is all very well getting the rip-off by the mobile telephone companies onto the agenda of the European leaders and the Commission, would the Taoiseach agree that the key point is to get speedy action? The international mobile telephone companies mercilessly rip-off Irish people travelling in Europe with so-called roaming charges. Even the term roaming would suggest that one should feel guilty or feel one is somewhere one should not be.

**An Ceann Comhairle:** A question, please.

**Mr. J. Higgins:** They have been allowed free rein. In that regard, the fact that the word profiteering would pass the Taoiseach's lips suggests that it must be fairly severe because I have never succeeded in getting the same terminology out of him on those such as home-grown land speculators to whom he has given free rein as well.

What is the timescale in reining in the charges of these massive companies? Given that big business interests usually have the ready ear of the Commission and are now beginning to launch a considerable rearguard action against controlling their profiteering, what assurance can the Taoiseach give to the tens of thousands of ordinary working people who go to Europe for a short and well deserved holiday that they will not be ripped-off, for example, from this summer?

**The Taoiseach:** The point I made — at least sometimes Deputy Higgins and I agree — was that we have implementation in this country in

that we have succeeded in forcing the companies on this issue. Obviously we had to get their co-operation as well. We have done that with the two large companies, O<sub>2</sub> and Vodafone. We have already achieved that in this country.

I also made the point that it could happen right across Europe. Obviously the Commission must take that up. I hope that it can do it quickly. It requires the Commission to put pressure on the companies and it is in a strong position to do so. I outlined to the meeting what we had successfully done in this country, not by legislation, regulation or law, but by the powers of persuasion. I also outlined the Border region, where people must travel as part an all-island economy, as a good example of where people will be able to travel to do business without any roaming charges. I urged the Commission to follow our example.

Its announcement yesterday suggests that when it reflected on the Irish experience and the support I received at the Council, the Commission has now adopted that as policy and will try to implement it. I do not have control over what will happen in terms of the timescale but if they put their weight behind this, as I agree they should, then we will see improvements for the hard working Irish people who own properties all over Europe and who spend large parts of their summers abroad.

#### **Death of Former Member: Expressions of Sympathy.**

**The Taoiseach:** On behalf of the Fianna Fáil Party, I extend my deepest sympathies to the family and friends of Ruairí Brugha on the sad occasion of his death in January. His life, which extended almost 90 years from his birth in Dublin in October 1917, saw the unfolding of the history of the Republic. The only son of Cathal Brugha and the son-in-law of Terence MacSwiney, he was born amidst the turmoil of great events and lived his life with the hand of history on his shoulder. He was educated in Rockwell College in County Tipperary, Coláiste Mhuire in Dublin and University College Dublin. His father was Minister for Defence in the first Dáil and his father-in-law was the heroic Lord Mayor of Cork.

Ruairí's political career began when he stood unsuccessfully for Clann na Poblachta in 1948 in his parent's old constituency of Waterford. In the 1960's, he joined Fianna Fáil and stood for the party in the general election of 1969. He was unsuccessful but was elected to the Seanad in the same year. He was elected to the Dáil in 1973 for Dublin South County and was appointed Opposition Front Bench spokesman on posts and telegraphs until Jack Lynch appointed him as spokesman on Northern Ireland from 1975 to 1977. He lost his seat in the revised Dublin South constituency in the 1977 general election but was elected to the Seanad, where he served until 1981. He was appointed to the European Parliament in

1977 until the direct elections at the end of that decade.

Ruairí Brugha was dedicated to peace and reconciliation on this island. In 1966, the Irish community in London asked him and his wife, Máire MacSwiney Brugha, to attend a commemoration and to give an oration in Trafalgar Square. As Máire recalled in her memoir, Ruairí spoke of non-violent means as the way to solve the question of Irish unity. This policy of reconciliation was ahead of its time but it is an aim that he pursued throughout his life in and out of politics.

In a long life, Ruairí Brugha's career in Leinster House was a relatively short one. However, it would be a mistake to see him only in political terms because his range of interests was extraordinarily broad. His wife and family members would not like me to merely commemorate him in political terms. He was involved for many years with the Mater Hospital, in which I also had an interest after his time there and served on the RTE Authority. He was chairman for 13 years of Dublin Tourism and was before his time in seeing the potential for tourism here. He gave 50 years of service to Trees for Ireland, a forerunner of the Tree Council of Ireland. The Tóstal Festival, the Catholic Communications Institute of Ireland and the Economic and Social Research Institute all benefited from his committed involvement and interest.

Ruairí Brugha was especially fortunate in meeting and marrying Máire MacSwiney. Their shared sense of history was never backward looking. To the contrary, they have been patriotic and committed citizens who never failed to dedicate their talent to the service of their country and I am grateful to their efforts in that regard. It has been a great pleasure for me personally to have been able to enjoy the friendship and company of Ruairí and Máire in recent years. I met the Brughas on many occasions over the past quarter century in places Deputy Rabbitte and I know well, such as an Daingean, Ceann Sibéil and Trá an Fhíona and they were always kind to my daughters as they grew up. I enjoyed talking with Ruairí and Máire and receiving their advice on summer days.

I was delighted when Máire asked me to launch her excellent autobiography, *History's Daughter*, which is a vivid account of a shared life in which service to others always came first. That was the last occasion on which I met Ruairí and it was as good then as it always was to talk with him. Although this is a sad occasion, it can bring joy to remember his contributions to so many different interests, as well the political contributions for which he is remembered in this House. I extend my condolences to Máire, who is in the House today, his daughter Deirdre, his sons Cathal, Terry and Ruairí and his sister Neasa and thank them for their support to Ruairí throughout his long life. Ar dheis Dé go raibh a anam dílis.



**Mr. Kenny:** On behalf of the Fine Gael Party, I extend my sincere sympathy to the family of Ruairí Brugha and to the Taoiseach and his party and I pay warm tribute to the always passionate and patriotic Ruairí Brugha, who died on 30 January. When news of the death of Ruairí Brugha broke on RTE that day, it registered with people all over the country because the Brugha name has a special place in Irish politics and history. In Cork, his death was greeted with particular sadness because another living connection was lost with the great and much loved Lord Mayor and patriot, Terence MacSwiney.

Ruairí Brugha was a gentle man in the literal sense. With his wife Máire, he worked tirelessly to foster justice, understanding and reconciliation in both North and South. I am sure it was not lost on his family that he passed away on the 34th anniversary of Bloody Sunday and on the same day that another great believer in peace, justice and civil rights, Coretta Scott King, passed away in the United States. A true statesman and eminent politician in his own right, he was elected to this House in 1973 and to the European Parliament in 1977. He became honorary president of the European Movement and was elected to Seanad Éireann, where he served until the late 1980s.

I know I speak for everyone here or, at least, those who knew him when I talk about Ruairí's unflinching courtesy and politeness throughout his political career. He was ever the people's representative and his work on North-South reconciliation was diligent, important and fruitful. Sometimes, Members stand up to pay tribute to all who were here before them, even though speakers may not have personally known the subjects of their comments. My contacts with Ruairí Brugha occurred most often in the Dáil Library, to which he was a frequent visitor. In whispered tones, he would pass on his comments on various issues and personalities of the day or news of current affairs and politics.

His marriage to Terence MacSwiney's daughter, Máire, united two of Ireland's most famous and potent political names. This extraordinary couple has been our link to a painful, complex and even shattering period of Irish history. Michael Collins, Éamon de Valera and King George V appealed to the British Government for the Cork Lord Mayor's life. Families and communities were divided by the Civil War. Hundreds of thousands lined the routes of funerals of Irish leaders who died before their time. In 1929, the British Home Office told a doctor looking for Terence MacSwiney's medical records that "the time has not yet come when the case of MacSwiney, which aroused such intense feeling only eight years ago, can be regarded as a mere matter of history". For the Irish people, especially the Brughas and the MacSwineys, that era and those events will never just be a mere matter of history. They are part of our story and who we are.

To his wife Máire, a woman gentle and dignified, I offer my sincere sympathy and the sympathy of the Fine Gael Party. I suspect she knows better than most that the dead we love are not very far away, but are our nearest neighbours. I offer sympathy to the Taoiseach and his party on the loss and passing of Ruairí Brugha. Go ndéanfaidh Dia trócaire ar a anam dílis.

**Mr. Rabbitte:** On my behalf and that of the Labour Party, I wish to be associated with the remarks of the Taoiseach and Deputy Kenny regarding the late Ruairí Brugha. Like my colleagues in the House, I knew him well. He was a lovely man and, as Deputy Kenny has noted, a gentleman. He was the bearer of a famous name and born in the turmoil of great events, as the Taoiseach noted. He was a patriot and politician and a generous donor of his time to various civic organisations. As the Taoiseach remarked, I met him on the Chorca Dhuibhne peninsula on more than one occasion. As Deputy Kenny stated, it was his habit to ramble into the Oireachtas Library until very recently. I often had the opportunity to chat to him in that context.

His was the passing of a famous name, and he left his imprint on politics. As he stated himself, it was perhaps inevitable that he would be associated with militant republicanism in his early days given his own background and upbringing. He initially joined Clann na Poblachta and only subsequent to this Fianna Fáil. He exercised a moderating influence on Northern Ireland policy at a time when it was necessary. He was appointed to that brief by Jack Lynch in 1973.

On behalf of my colleagues in the Labour Party, I agree wholly with the Taoiseach's eloquent contribution about the late Ruairí Brugha. I offer my sincere sympathies to his wife Máire and family. May he rest in peace.

**Tánaiste and Minister for Health and Children (Ms Harney):** I join the Taoiseach, the leader of Fine Gael and the leader of the Labour Party in expressing my sympathy and that of the Progressive Democrats to the family of the late Ruairí Brugha. I had the pleasure of serving in the Seanad for four years, between 1977 and 1981, with Ruairí Brugha and that was when I got to know him.

As others have said, he was a real gentleman. He had an enormous intellect and was a gentle and modest person. Although he came from a famous family involved in the struggle for independence in this country, he devoted his entire life to peace and reconciliation. As Deputy Rabbitte noted, he had a moderate approach to Northern Ireland issues. He was very encouraging to young people then at a time when I was younger. It was good to see in recent years that he still maintained a significant interest in public affairs despite his age, spending a considerable amount of time both in the Oireachtas Library

and elsewhere. He remained extraordinarily active.

He was not just involved in politics but in general public affairs. He was married to Máire MacSwiney and they clearly had much in common. Her published autobiography discussed their shared life together, as was noted by the Taoiseach. He clearly felt proud of that. I regret that I was not able to attend his funeral mass, as he gave me huge encouragement.

I express my sympathy to his wife, Máire, his sons, Cathal, Terry and Ruairí, his sister, Neasa, and his daughter, Deirdre. Ar dheis Dé go raibh a anam.

**Mr. Sargent:** Thar mo cheann ba mhaith liom mo chomhbhrón a chur inniu do mhuintir Ruairí Brughá, dá bhean chéile, Máire, dá ceithre clainne, Deirdre, Cathal, Terry agus Ruairí, agus dá dheirfiúr, Neasa. I knew Ruairí Brughá, as Deputies have mentioned, as one who frequented the Oireachtas, but it was only in later years that I would have been in a position to say I knew him well enough to speak to. From his name and character one would have to have liked and respected him. The long and historic lineage of the family is just one of the indicators that reminds us of the sacrifice that was made for us to enjoy the freedoms we have in this country.

I remember Ruairí Brughá first and foremost as a real gentleman, but a modest man despite his father's portrait hanging in pride of place. One might expect other people to demand particular respect, but Ruairí Brughá was one of those people who was gentle, modest and, above all, friendly in spite of an entitlement to the type of respect which comes with the name Brughá. That is a measure of true greatness in somebody who may otherwise have allowed the historic lineage of his family to go to his head.

This never came across in my meetings with him and he was always happy to stop and chat with anybody. I will always remember him in that way. This reminds me of the measurement of a true republic, where nobody is above anybody else and everybody is entitled to the same courtesy and respect, despite the greatness of a name such as Brughá in this House. Ar dheis Dé go raibh a anam.

**Caoimhghín Ó Caoláin:** Thar cheann Teachtaí Sinn Féin, ba mhaith liom ár chomhbhrón a ghabháil do chlann Brughá ar bás Ruairí Brughá. Go ndéanfaidh Dia trócaire ar a anam dílis. On behalf of Sinn Féin Deputies, I join in the expressions of sympathy to the Brughá family. I convey our sympathy to all the bereaved on the death of Ruairí Brughá.

As many have already noted, Ruairí Brughá was the son of the deservedly honoured and highly respected Cathal Brughá. He knew the reality of the more difficult choices which the republican struggle has thrown up in the past. He spent the greater part of his life in the act of pol-

itical service to his nation, and he distinguished himself in the course of that service. I met him only in a casual way and cannot say that I knew him. I am very much aware that that was my loss. I extend our sincere sympathy on their great loss to his wife, Máire, to his sons and daughter, to his sister and all the bereaved. Ar dheis Dé go raibh a anam.

**Mr. Brennan:** I had the privilege of standing with Ruairí Brughá for Dáil Éireann in South Dublin, and I served with him in Seanad Éireann for many years. It was there I learned of his integrity, his love of Ireland and Fianna Fáil, and his embracing of republicanism as a peaceful and respectful doctrine. That shone through in everything he did. His commitment to Irish unity did not change in all his years, and his commitment to the Irish language was steadfast. He was ahead of his time in many ways in his commitment to reconciliation. In serving as Jack Lynch's spokesman on Northern Ireland in the 1973 to 1977 period, he was committed to the reconciliation.

Máire MacSwiney, later to become Máire Brughá, who is with us today, has made her own fine contribution as the daughter of Terence MacSwiney. The Taoiseach referred to her wonderful book, *History's Daughter*, which is a fantastic addition to Irish history.

I join with other speakers who expressed sympathy to Máire, his son Cathal, with whom I enjoyed many a political endeavour, to Deirdre, Terry, Ruairí, his sister Neasa and all the extended Brughá family.

Before he entered politics Ruairí was in business, where he seems to have learned about public relations as managing director of the Kingston Clothing Company. He also had a sense of humour and I remember, though I do not know if many others in the House are old enough to, a wonderful advertisement which went: "A Kingston shirt makes all the difference". Ruairí must have coined that line himself because it certainly made the point.

I recall canvassing with him in south Dublin. Ruairí loved a debate, as Máire will recall. We were knocking on doors but not making much progress, only getting through one every half hour. When we arrived at one door the person opened it to say they were voting for us and that we did not need to be detained. That was not satisfactory for Ruairí, who decided he wanted a debate so inquired as to why they were supporting us. The debate lasted for a half hour and I am not sure at the end of it whether they voted for us or not.

One of the things I loved about him was the fact that he cared about the issues, loved his country, loved south Dublin and, most of all, loved his family. Dáil Éireann is proud of him and salutes him today. Tá sé de phribhléid agam cúpla focal a rá in ómós do Ruairí Brughá. Is cailiúint mhór é go bhfuil sé imithe anois, agus ba

[Mr. Brennan.]

mhaith liom mo chomhbhrón a chur in iúl do Mháire agus dá chlann.

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** I pay tribute to Ruairí Brughá who represented my and Deputy Brennan's Dublin South constituency with great distinction. It has been said that his political pedigree was unique, coming as he did from a strong republican family and being married to Máire MacSwiney, the only child of Terence MacSwiney, who I am pleased is with us with her family today. He left Clann na Poblachta for Fianna Fáil and stood for election in 1969 in Dublin South County. It is said Kevin Boland took a considerable risk to his own position by inviting him onto the ticket. A lovely extract from Máire MacSwiney's book gives an insight into the gentleman Ruairí was as he ran that election campaign: "Ruairí was very conscious of Kevin Boland's unselfish gesture and when he was canvassing, and met Fianna Fáil voters, he always told them that, if they been voting for Kevin Boland, they must continue to do so as he did not want to endanger Kevin's seat in any way". Needless to say, elections in Dublin South were to become a little more competitive as the years passed. Ruairí was not elected on that occasion but went on to win the seat for Fianna Fáil in 1973, defeating his former running mate Kevin Boland, and later ran for Aontacht Éireann.

I was privileged to run alongside him as part of the Fianna Fáil team at the beginning of my political career in 1982 and, though both of us lost, I always found him to be a most honourable, courteous and distinguished figure. I remember him for his love and promotion of the Irish language. He was a true republican. As others have said, in his earlier life he spent several years on the run in Dublin and was interned in the Curragh but, as Fianna Fáil's Opposition spokesman on Northern Ireland from 1975-77, he went on to have a considerable influence and input into shaping a policy of conciliation with Unionists. He continued to work politically for Nationalist-Unionist reconciliation well after his period as a TD, MEP and Member of Seanad Éireann. It was always a pleasure to meet him in his later years, whether as a member of the local Terence MacSwiney cumann, which he attended regularly with his wife Máire, or as many others have mentioned, on his many visits to the Dáil, particularly the Library. He was always happy to advise and share some quiet words of wisdom and I always felt in the company of a very special person. I was delighted he was present for the launch of Máire's book *History's Daughter* in Dublin Castle toward the end of last year and I agree wholeheartedly with his son Cathal who said at his funeral in Mount Merrion that we were celebrating a long and wonderful life. That is what we as parliamentarians are doing today for one of our former colleagues.

To his wife Máire, to whom he was married for over 60 years, his daughter Deirdre, his sons Cathal, Terry and Ruairí and his sister Neasa I express deepest sympathy on my behalf and that of the Fianna Fáil organisation in Dublin South. Ar dheis Dé go raibh a anam uasal dílis.

**Mr. Eamon Ryan:** I was unfortunate not to know Ruairí Brughá but, as a current Deputy for Dublin South, I feel the best way to honour him is to demonstrate the qualities he obviously possessed in his time as a Deputy for that constituency. It is very easy for anger and bellows to take over from analysis during proceedings in the House. From what I hear about Ruairí Brughá he stood for gentleness and the force of ideas, rather than the force of the voice. It is useful for us to remember that as we reflect on his passing.

Reading about his life's work, his willingness to change and openness to new ideas are a legacy that will also stand to us as we pose questions and debate issues, as my colleagues across the floor have said. That is a proud tradition in Dublin South and one we should continue in honour of his good name. I welcome the opportunity, along with my party leader, to pass on our regards to his family and to the honourable tradition of republicanism that he represented.

*Members rose.*

#### **Requests to move Adjournment of Dáil under Standing Order 31.**

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

**Mr. Healy:** I request the adjournment of the Dáil under Standing Order 31 to raise a specific matter of local and national importance requiring urgent consideration, namely the need for the Minister for the Environment, Heritage and Local Government to abolish water charges on schools. In what can only be described as a ridiculous and outrageous situation schools are being charged for water on a commercial basis as if they were businesses and parents and boards of management are being forced to raise funds by way of quizzes and raffles to pay for them.

**Dr. Cowley:** I seek the adjournment of the Dáil under Standing Order 31 to debate a matter of national importance, namely that the Government save 200 women from dying of breast cancer by making the facilities of the Galway Clinic available, through the national treatment purchase fund, to provide a temporary breast check screening service to women living in the south and west pending the full rollout of BreastCheck to all women nationally, estimated to be 2009.

**Ms Lynch:** I request the adjournment of the Dáil under Standing Order 31 to discuss an urgent and specific matter of public interest,

namely the revelation that the company brought in to mediate in the dispute between the Cork and Dublin Airport Authorities over the debt liability that Cork Airport is expected to carry into the future has still not engaged with the Cork Airport Authority in any meaningful way to resolve this matter, to further ask the Minister for Transport if he is aware that this company is already in receipt of other lucrative contracts from the Dublin Airport Authority, thereby creating what many would see as a conflict of interest; and if he will now consider the appointment of a new mediator who will have the confidence of the Cork Airport Authority and who will ensure the interests of Cork Airport will not be ignored in the mediation process.

**Mr. Gogarty:** I seek the adjournment of the Dáil under Standing Order 31 to debate an issue of national importance, namely the need for the Government to immediately resource the National Education Welfare Board, which has been in the news this week. Some 500 classrooms-full of children miss more than 40 school days a year. If the National Education Welfare Board received the funding it has requested it could be dealt with.

**Mr. Naughten:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely the reason why the Health Service Executive and the Department of Health and Children have taken the decision to locate the planned new ambulance base for west Roscommon in Knock, County Mayo, rather than in the community which it is supposed to serve which currently has grossly inadequate ambulance cover. The Department of Health and Children should learn the geography of counties.

**Mr. Gormley:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the declaration of a national emergency regarding the accident and emergency crisis by the Tánaiste and Minister for Health and Children, Deputy Harney, which happened to follow a motion to the same effect at the Green Party conference last weekend, the need for the Tánaiste to explain exactly how she intends to implement the ten point plan, the progress made to date on primary care, if she recognises that the real problem relates to bed capacity and if she will make a statement on the matter.

**Mr. Sargent:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent national importance, namely, the need to hear the response of the Minister for the Environment, Heritage and Local Government to the views of the Minister for Justice, Equality and Law Reform that the climate change related emissions trading regimes should not put an

environmentally friendly cement producer at a competitive disadvantage and the need to ensure that the “polluter pays” principle applies when the bill of more than €1 billion is charged to the State.

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

### Order of Business.

**The Taoiseach:** It is proposed to take No. 14, statements on European Council, Brussels and No.10, Criminal Justice Bill 2004 — motion re instruction to committee, resumed, in accordance with the order of the Dáil of 28 March 2006. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. and business shall be interrupted not later than 10.30 p.m. The suspension of sitting under Standing Order 23(1) shall take place on the conclusion of No. 14 until 2.30 p.m.; the proceedings on No. 14 shall, if not previously concluded, be brought to a conclusion after 80 minutes and the following arrangements shall apply: (i) statements shall, if not previously concluded, be brought to a conclusion after 60 minutes, and shall be confined to the Taoiseach and to the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order, who may share their time, and which shall not exceed 15 minutes in each case and (ii) immediately following the statements, the Minister for Foreign Affairs shall take questions for a period not exceeding 20 minutes. Private Members’ business shall be No. 30, Road Traffic (Mobile Telephony) Bill 2006 — Second Stage, resumed, to conclude at 8.30 p.m.

**An Ceann Comhairle:** There are two proposals to be put to the House. Is the proposal for the late sitting agreed? Agreed. Is the proposal for dealing with No. 14, Statements on the European Council agreed? Agreed.

**Mr. Kenny:** I wish to raise two matters on the Order of Business. Yesterday evening the Government declared a national emergency in respect of accident and emergency units. While Leaders’ Questions provides an opportunity to pursue these matters I believe the declaration of a national emergency for accident and emergency units—

**An Ceann Comhairle:** We spent 48 minutes on Leaders’ Questions when, as the Deputy is aware, only 21 minutes is allotted for Leaders’ Questions. We are running behind time on other business and we cannot return to Leaders’ Questions now. If the Deputy has a question appropriate to the Order of Business I will allow it, otherwise we should move on to the next item.

**Mr. Kenny:** I did not intend to return to Leaders' Questions.

**An Ceann Comhairle:** That is what the Deputy started to do. Does Deputy Kenny have a question appropriate to the Order of Business?

**Mr. Kenny:** The Ceann Comhairle is the only one safe around here after his declaration last week.

**An Ceann Comhairle:** If the Deputy has fears about safety he will have to find another way of raising them.

**Mr. Kenny:** The Ceann Comhairle takes the attitude that he knows what everyone is going to say.

**An Ceann Comhairle:** No, but I do not wish to waste time.

**Mr. Kenny:** We should attempt to put in place a health service system that works.

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

**Mr. Kenny:** It does. In view of the importance of it I suggest a debate in the House, where everyone could give a view on the targets set by the Tánaiste and the Government to deal with this. The views of all Members should be taken into account and answers should be given in so far as is possible in an effort—

**Mr. Durkan:** Hear, hear.

**Mr. Kenny:** —to back up what the Government has belatedly realised is a national emergency. We offer support in that context. That question was in order on the Order of Business.

The Minister for Education and Science promised to introduce legislation to streamline the payments of third level grants through a single agency. This legislation is not on the list of priority legislation but the measure is set to take effect this year. When can we expect to see that legislation published?

**The Taoiseach:** The first matter will be discussed with the Whips. The third level support legislation is due this year.

**Mr. Rabbitte:** Is it the intention of the Government to bring in a Supplementary Estimate to support the national emergency declared in the health services?

**An Ceann Comhairle:** Is legislation promised?

**The Taoiseach:** No.

**Ms McManus:** Targeted resources with no money.

**Mr. Sargent:** Regarding the expected legal challenges to emissions trading and the failure to implement a "polluter pays" principle, will this alter the timeframe for the carbon fund Bill, which is on the Order Paper? Will any amendments be made before that Bill is published?

**The Taoiseach:** The legislation is being drafted and is listed for publication this year.

**Caoimhghín Ó Caoláin:** Regarding HIV, hepatitis C and the failure to pursue the pharmaceutical companies, can a proper debate be accommodated in this Chamber as the matter has caused tremendous concern throughout the State?

**The Taoiseach:** Legislation will be introduced during this session.

**An Ceann Comhairle:** We now move on to No. 14, statements on the European Council.

**Mr. Durkan:** What about my contribution?

**An Ceann Comhairle:** There will be an opportunity tomorrow. Some 80 minutes have been allotted to this debate so we will run beyond 1.30 p.m. as matters stand.

**Mr. Durkan:** I did not delay the business of the House.

**An Ceann Comhairle:** In fairness to staff, who will be here until 11.30 p.m., we should move on. It is the prerogative of the Chair to decide this.

**Mr. Durkan:** What about fairness for me?

#### **European Council: Statements.**

**The Taoiseach:** I attended the European Council in Brussels on 23 and 24 March 2006. The Ministers for Foreign Affairs and Finance, Deputies Dermot Ahern and Brian Cowen, accompanied me. The conclusions of the Council have been laid before the Houses of the Oireachtas.

This spring European Council was the first since the mid-term review of the Lisbon Agenda last March. It was a timely opportunity for European leaders to assess progress on the broad economic and social agenda facing the Union. The Council adopted comprehensive conclusions on a new energy policy for Europe. These conclusions will mark a watershed in the Union's treatment of energy issues and in time the Council will be seen as a very important one.

At the outset of its meeting, the European Council met the President of the European Central Bank, the presidents of the European employers and trade union confederations and the President of the European Parliament. The discussion focussed on the economic and social challenges facing Europe and the need for a strong growth and jobs partnership to deal with

these challenges. In his presentation, Mr. Jean-Claude Trichet, the President of the European Central Bank, singled out Ireland and Denmark as two countries delivering very similar and successful economic and social outcomes. Mr. Trichet made the point that there is no "one size fits all" solution to Europe's economic challenges, but that differing economic and social models are capable of achieving similar results.

A future energy policy for Europe was the central issue for this Council. This is another area where we are likely to achieve far more by working together than pursuing independent national strategies. The European Council conclusions set out the broad guiding principles and the key objectives of the energy policy for Europe. The three main objectives are based on security of supply, ensuring the continuing competitiveness of Europe's economies and promoting environmental sustainability. Our discussions on energy were a first step in what promises to be a long and complex process. It is an issue of central importance to Ireland and the future success of our economy. We will participate in the EU debate and table our own contribution on the way forward. The Government will publish a national Green Paper on energy in the coming months.

At the EU level, the future development of the energy policy for Europe will be taken forward through an annual strategic energy review which the Commission will present on an annual basis beginning next year. In addition, the spring European Council next year will aim to adopt a prioritised action plan that will support the achievement of the objectives of the energy policy. In the short term, the EU will pay particular attention to driving forward an action plan on energy efficiency, implementing the biomass action plan, developing an interconnection action plan and making the EU-Russia dialogue more effective.

The European Council's conclusions make clear that the EU's work on energy will not affect our national policy to reject nuclear power generation in Ireland. The new energy policy fully recognises that decisions on the primary sources of energy and energy mix remain firmly with the member states. In the discussions at EU level we will continue to push for the highest possible standards for the operation of nuclear plants and the disposal of nuclear waste material. The conclusions also reflect our view that the development of regional energy co-operation in the EU should pay particular attention to countries and regions largely isolated from the EU energy market. This reflects our national position. Ireland, along with the Baltic states, Cyprus and Malta, is on the periphery of the EU energy market. Our small markets are not necessarily attractive to major energy companies and we therefore have difficulties in mobilising private sector investment for energy.

At the Council I pointed out that there is a need to be flexible in the application of State aid rules when the market does not deliver important

infrastructural investment, such as for interconnection and for the development of renewable energy resources. The Commission has been asked to submit a priority interconnection plan by the end of 2006. Such a plan is in keeping with the importance of interconnection to our national energy supply.

Currently there is a North South electricity interconnector. There is agreement to the building of a second interconnector and the technical aspects of this are being progressed. This is an important component of the all-island energy framework to which both Governments have jointly committed. The Government has agreed in principle to build an electricity interconnector between Ireland and Britain. This would link us to the UK grid and ultimately to the European grid. The Commission on Energy Regulation has submitted its report to the Minister for Communications, Marine and Natural Resources. He will make a recommendation to Government shortly.

In the ongoing discussions on a future energy policy for Europe, Ireland has raised questions about how the Commission sees the major investment projects in networks and storage facilities being delivered and funded. These important questions must be addressed as we move forward. In addition, while we did not indicate opposition to the idea, Ireland, along with other member states, has sought more details about the rationale for, and timing of, the establishment of a European energy regulator. We have also offered strong support for proposals around renewable energy, energy efficiency and increased funding for research and development.

On renewable energies, the European Council agreed to consider in the future some new targets on the share of renewable energies of the overall energy mix and a target on biofuels. These would also contribute to the fight against climate change while reducing the EU's dependence on the energy imports. Overall, the EU's new ambitious work programme on energy is very much in line with the Government's approach. Issues such as energy diversification, interconnection, storage, security of supply and greater exploitation of indigenous resources are all of crucial importance to us. Energy policy cuts across environment, climate change, transport, regional, research and development and external relations policies. The future development of our national policy approach will, therefore, be based on strong coherence at the national and EU level between energy and other key policies.

Since the French and Dutch referendums on the European constitution, there has been a very strong focus in the EU on showing our people that Europe works on their behalf. This European Council was in keeping with this focus. At last year's spring Council we relaunched the Lisbon Agenda, with a renewed emphasis on jobs and growth. We also agreed that the agenda

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needed to be more strongly rooted in national civil and social partnership processes.

Before the European Council I gave details to the Austrian Presidency of three national programmes that are in keeping with the Lisbon Agenda. These were Science Foundation Ireland's centre for science, engineering and technology, the Skills Net and One Step Up programmes to equip our labour force to meet the challenges of the new economy, and our wage subsidy scheme for disabled workers. These three projects reflect our intent to build a cutting edge and inclusive knowledge economy with a highly skilled workforce as its greatest asset.

In addition to addressing progress on the broad range of Lisbon Agenda related policies, the European Council conclusions focus on three particularly important issues: investing in knowledge and innovation, unlocking the business potential of small and medium sized enterprises and increasing employment opportunities for priority groups such as young people, women, older workers, people with disabilities, legal migrants and minorities.

On youth unemployment, the European Council agreed to work to meet new targets on reducing early school leaving and on efforts to ensure that unemployed young people are brought back into the labour force as quickly as possible. In this context, the Council agreed that by 2010 every unemployed young person should be offered a job, apprenticeship, additional training or other measure within no more than four months. Currently, the national practice is to do so within six months. On the target of 85% for the completion of upper secondary education by 22 year olds, the latest data show that at 86.1% Ireland, already exceeds the target and we are well above the EU average of 77.3%. The European Council also adopted a target designed to reduce the time for setting up a business in the EU with the objective of being able to do this by one week anywhere in the EU by the end of 2007. The time is three days in Ireland.

To contribute to Europe's competitiveness and to bring Europe closer to the citizen, I suggested to my colleagues at the Council that the EU should look at the possibility of reducing or eliminating mobile phone roaming charges for travellers within the EU. The recent progress we have made on this issue for people travelling between Britain and Ireland is a good example of what can be done if the political will exists. The Presidency welcomed this suggestion and it is now referred to in the conclusions. As a first step the EU will seek to reduce roaming charges. We will continue to promote the complete elimination of these charges and will be pursuing the issue vigorously at European level.

The conclusions reflect my long-standing view that the EU's state aid rules should encourage and facilitate a high level of investment in Europe and make Europe attractive for future invest-

ment. When EU member states pursue mobile foreign direct investment, they are not generally competing against one another. We are competing against China, Singapore and many other rapidly developing emerging economies. The European Council's conclusions recognise this reality. The European Council has said the Internal Market for services must be made fully operational, while preserving Europe's social mode. We have invited the Commission to table an amended version of the services directive without delay. Ireland continues to support strongly the need for a balanced services directive.

The European Council adopted a pact for gender equality to encourage action on closing gender gaps in the labour market, promoting a better work-life balance and better monitoring of gender equality actions.

The Council deplored the recent presidential election in Belarus as fatally flawed. I welcome the fact that the EU has signalled its determination to take sanctions against those politically and administratively responsible for violations of international electoral standards. The Council has confirmed that the EU will increase its support for civil society in Belarus. This is a point we have been pressing for some time. The EU has called on the Belarus authorities to allow people to exercise their right to freedom of assembly and expression.

The spring European Council was a strong demonstration of how Europe is working for our people. I compliment the efforts of Chancellor Schüssel and his team to ensure that the Council proceeded in a co-operative spirit and focused on the issues that are of real concern to the people of the European Union.

**Mr. Kenny:** At last week's EU summit it was clear that, as a community, we have a long way to go to meet the ambitious objective set out in the Lisbon Agenda of making Europe the most comprehensive and dynamic knowledge-driven economy in the world by the year 2010. It is a daunting prospect given the difficulties and inhibitions in the various systems to achieving that. Although, as the Taoiseach has pointed out, there has been some progress, even with the re-launch of the agenda by the Commission last year, focusing on growth and jobs, the reform necessary to see the EU reach these targets is simply not fast or far-reaching enough. Consequently the innovation gap between the EU and China and the US is still growing. The fact that China continues to build more roads, airports and bridges in five years than the EU and America combined are building in 20 is something we can ill afford to lose sight of as we strive to reach the Lisbon objectives and secure our Union's future in the longer term.

President Chirac brought his customary colour to the summit, flouncing out with some *élan* when Mr. Ernest-Antoine Scilliere decided to treat the audience to an address in what he called the lang-

uage of business — English. Thankfully, the French head of the ECB, Mr. Jean-Claude Trichet, came to rescue, restoring Gallic pride, and the French contingent with it, by addressing the meeting in his mother tongue, a language which once dominated EU proceedings.

The summit took place under something of a cloud. There is the ongoing rise of India and China, excess deficits in various parts of the Union, high unemployment, low growth — which is improving — and a pensions bill and requirement that is on the way up. There is also what has been called economic nationalism overshadowing the Union's stated ambition to be more competitive in the globalised economy. President Barroso said that to be global we cannot have barriers internally. President Chirac and Chancellor Merkl disagreed publicly about our economic future, the latter criticising French attempts to limit foreign investment. President Chirac, for his part, faces ongoing trouble at home owing to mass protests over an unpopular employment law designed to tackle some of the rigidities in the French labour market. Prime Minister Berlusconi is facing a tough election and perhaps some frustration by the planned energy merger that could prevent Italy's Enel making a possible bid for the Franco-Belgian giant Suez or some of its assets. This difficulty may have implications for Ireland as time passes.

While I am confident about closer co-ordination of energy policy, some questions must be asked about what will happen overall if this economic introspection continues. President Barroso summed it up when he said we cannot be open for business with the rest of the world and closed to each other. Commissioner McCreevy also took the right tone when he warned about the futility of building political "Maginot lines" around a member country's economy.

Energy was, and should be, central to the proceedings. The development of a common EU external energy policy, the holding of a strategic review of energy use in the Union, a review of policy on oil and gas stocks and the development of the internal gas and electricity markets were among the key ideas. It is not before time that these are being raised. I am a great believer in a single European energy market. Had the recent spat between Russia and the Ukraine continued, it would undoubtedly have affected Ireland in terms of rising costs and, consequently, competitiveness, which is being affected in any event.

I agree in principle with the Government's decision to build an interconnector between Ireland and Britain. The relevant report should be made available to the Minister as a matter of urgency and followed through. Ireland is now 91% dependent on imported energy, thereby making it one of the most vulnerable countries in the world.

In the wider context, a common approach to energy is both desirable and necessary. Europe's energy import is 50% and rising and energy is

becoming more expensive. Despite moves towards efficiency, the cost is increasing by 1% to 2% in the Union per year. At a time when 80% of our energy use is based on oil, coal or gas, hydrocarbon reserves are depleting. At the current rate of growth, greenhouse gas emissions could be 5% higher in 2012 than they are today. This is quite alarming when one considers that our Kyoto target requires an 8% reduction.

Our energy infrastructure requires serious improvement. Some €1,000 billion will be needed over the next 20 years to meet expected energy demand. Global warming is reaching a level such that serious questions are being asked about how life will be sustained in many areas around the world. Ironically, the changes are greatest in countries that have contributed least to the problem of climate change.

While I welcome the common approach to energy, we must be clear that different countries will have different needs. Our island status means we have vastly different energy needs and demands to other member states. Our individual requirements in terms of access and so forth must be taken into account. There is an economic and moral imperative for Ireland to develop a serious workable policy, not just a token one, regarding renewable energy. Green energy has become mainstream and I am convinced of the national need and duty to develop modern, exciting alternative renewable energy sources. It is absolutely appalling that, while Ireland is the second richest country in the world by some standards, it has been belching out greenhouse gases that had risen by 130% by 2002. The Irish level is six times the EU average. This phenomenal increase could have been minimised over recent years if the Government had pursued specific policies to promote the use of biofuels. With the collapse of the Irish sugar market, due in large part to incompetence, it is politically unacceptable that the Government will not pursue an energy agenda based on biofuel use.

Before the summit, a meeting was held involving the leaders of all those parties within the EPP, among them Prime Ministers and Heads of Government. They included Prime Minister Berlusconi, Jan Peter Balkenende, Jean-Claude Juncker, Angela Merkel and Wolfgang Schüssel. There was general support at that meeting and at the summit for condemnation of the Belarus authority for arresting peaceful demonstrators exercising their legitimate right to free assembly to protest at the conduct of the presidential election.

Further resolutions on terrorism within our borders were also made. On the welcome ceasefire announced by ETA, the EPP recalled that paying any political price for the terrorists to abandon their violent actions is not acceptable. The EPP affirmed its confidence that the source of terrorism would be defeated, pointing to its support for the fight against terrorism in the past



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and its clear intention to continue that fight in the future.

One view that was not discussed at the meeting of the Heads of Government, but in respect of which this country could perhaps take a lead, is that the EU should have a defined policy or proposals to attempt to deal with the transnational scourge of child pornography on the Internet. This is a threat to all children and is clearly an affront to morality and the dignity of the person. It is not easy to tackle and possibly does not rate on the radar screen portraying the major political issues that need to be decided. However, given the nature of our country and that the problem impacts absolutely seriously on so many families, particularly children, it should not be beyond the scope or imagination of European leaders to have competence in this area of technology and examine the reasons persons involved in child pornography develop their undignified and morally outrageous pursuits. I believe strongly that EU analysis of the reasons for the problem and proposals to deal with it would be very beneficial. Perhaps the Taoiseach will take the opportunity to float this idea at some stage.

**Mr. Quinn:** I apologise to the Taoiseach for not being present when he spoke but I heard his comments in reply to the questions on the monitor. I was at a meeting of the Joint Committee on European Affairs, at which we will be discussing, among other matters, a proposal for a Europe day in this Chamber on 10 May.

I want to address three points, some of which were touched upon. I support the Taoiseach's comments, which were made more forcefully in the Chamber, regarding reports in the news media on statements made by different national delegations. He indicated one could get knocked down in the rush of people running out to misinform journalists as to what they had said or not said at the Council meeting. It does not help the entire process or attempts to have transparency in the system if people, from whatever country and for whatever reason, make one point in the Chamber and make another while outside or, not having opened their mouths inside the Chamber, attempt to suggest outside that they fought the good fight and had been crucified on behalf of the nation.

This is part of an historic debate on democracy. There was a time when journalists were not allowed into democratic Assemblies and it was forecast that civilisation, as it was then known, would be ultimately destroyed if they were allowed listen to our proceedings. We have some crazy relics of that past. A member of the public in the Visitors Gallery is not allowed to take notes. Anyone doing so will be told by one of the ushers not to do so. It is nonsense. The Department of the Taoiseach had an initiative to look at defunct legislation. Perhaps, the acting Chairman might bring this matter to the attention of the

Ceann Comhairle as the Committee on Procedure and Privileges would ultimately have the responsibility to remove that anomaly.

While I do not know how realistic this suggestion might be and I realise the constraints upon the Taoiseach, the draft constitutional treaty made proposals for the proceedings of the Council, when it meets as a legislature, to meet in public and be subject to the same media scrutiny as a national parliament. I suspect this might not be practicable for a meeting of Heads of Government, as those discussions are more like Cabinet discussions than legislative discussions. We should do anything that enhances the transparency of the process. Monday's edition of *The Guardian* refers to statements attributed to Germany and Austria from a session held in secret, which based on what the Taoiseach has said — he is a pretty good attentive hearer of such matters — was not what he heard. I put this down as a marker and pledge our support in whatever way we can give it. This sort of thing does not do the process any good and makes people more cynical than they already are on the matter.

I refer to the way the Lisbon Agenda and the Presidency conclusions have been reported. It would be preferable for all concerned if those conclusions could be more succinct. They contain much repetition and reference to the conclusions of the previous meeting. While I do not say that anybody in this room was responsible, as a document it is not the model of communication clarity that all of us would like. In so far as it addresses the Lisbon Agenda and the change since last year, five years after the original commencement at which point a national programme was thrust back on each country — we had a debate in this House last autumn on the national reform programmes — I am not sure we have got there yet. Perhaps the Minister for Foreign Affairs will respond when he gets the opportunity.

As I have said before in the Chamber, we need someone at European level in charge of the implementation of the Lisbon Agenda or co-ordinating national efforts even though the competences to achieve the Lisbon Agenda are largely vested in member states. In the Delors Commission, the British Commissioner, Lord Cockfield had specific responsibility to implement some 315 directives designed to remove the barriers towards the completion of the Internal Market. He drove that agenda at the time when the institutional nature of the Commission and Community was far less complex and smaller than it is now. While we need something equivalent, I do not believe a dedicated Commissioner would be a reality. On his election the President of the Commission, Mr. Barroso, said that he would make the matter a priority. However, it does not yet exist in a form that ordinary people can understand.

I am sure the Taoiseach and his colleagues are familiar with the Centre for European Reform in London. In one of its publications, it produces a

Lisbon Agenda scorecard. It rates progress to date for the European Union as a whole as getting a "C". The hero or best performing country in the league is Denmark and the villain or bottom of the class is Poland. It covers the various sections of the Lisbon Agenda. In the area of innovation, under the two categories of information society, it rates the community and states that the heroes are Denmark, Estonia and Sweden, and the villains are the Czech Republic and Greece. On research and development, Finland, Slovenia and Sweden are top with Greece and Poland at the bottom of the league.

Ireland has nothing to fear from such a league table as in many cases we will do fairly well. Making such a league table available to a wider public would enable the normal political process to kick in in Greece or Ireland so that political pressure from citizens could be brought to bear on governments, departments or sectors of society that were not performing. It is not all down to Ministers. Certain whole sections of society need to pull up their bootstraps and get their act together in a way they are not doing. Given Ireland's relative success and its significant success, as Jean-Claude Trichet has said, in economic performance, and the particular diverse nature of different successful economic models, be they in Denmark or Ireland, we could embrace this and promote it.

Between now and next year, if the spring Council is to maintain its focus on the Lisbon Agenda, a better form of communicating progress in achieving its objectives must be found. I invite the Taoiseach and his colleagues to see if this can be done. I understand that some countries that are not performing so well would not want their behaviour or non-achievement to be published. It may be that, for example, the new Government in Germany might welcome external pressure. It might help the internal debate to focus on the need for change and reform. When this country, confronted with difficulties from the early 1980s, needed to make hard decisions, the external factors that brought us to make those decisions helped us to convince many reluctant component parts of our domestic constituency. I invite the Taoiseach to consider it as a possibility, otherwise I believe that the Lisbon Agenda and the spring Council as a formula will become very tired and will lose its way.

I very much welcome the focus on a common energy policy. As the conclusions state, in many areas we already have European-wide instruments that can enforce existing requirements. Deputy Kenny already made a passing reference to a failure to apply the rules of competition, which are already a fact of law, to the European energy market. The political resistance we have seen in some countries — the so-called economic nationalism — must be confronted. It can be confronted within the existing agreed regulatory framework. We are not talking about new pro-

visions, departures or initiatives. We are talking about enforcing provisions that already exist.

The strategic outline of the European energy policy is first to secure supply. As the Taoiseach said in reply to questions earlier, the Russian bear could begin to selectively pick off individual countries. The only security we have would be to unite together as a purchaser. It is rather like small grocers coming together under the Super-Valu name and buying goods together to survive in an increasingly difficult marketplace. I commend the Council for having embarked on this area and wish it every success. I hope member states will show a degree of solidarity that will result in securing external supply.

Competition within the existing market needs to be reinforced and reinvigorated. In this regard, we need look no further than our regulator, which has in effect connived with the biggest electricity supplier to drive the one sustainable energy company out of the commercial market. I know the personalities involved as, no doubt, do the Taoiseach and others in the House. The Minister for Foreign Affairs has experience in this area from one of his previous departmental responsibilities. These are not simple issues and there are no simple responses. We have the ability to locate an airfield north of Arklow without causing any of the environmental problems or planning difficulties which have been encountered in the west of Ireland. That proposal has been brought to a standstill, however, as a result of difficulties concerning the ability of the supplier of sustainable energy to get into the grid.

When people contact 6,000 or 7,000 commercial customers to say "I am sorry, but we have to leave the market and we are getting out of it", they do not take such decisions lightly. There has to be some merit in the case that has been made by Airtricity. If it does not have merit, we should expose the accusations which have been made and the consequences of that. While we may be partly disconnected from the mainline electricity supply grid, we have a capacity for sustainable energy generation around the coast of Ireland. That capacity is denied to Belgium, for example, or even Luxembourg, to take a more extreme example.

While I welcome the EU's energy policy, we have to examine competition in this country in its current configuration under the legal framework that has passed into law. I invite the Minister to examine a proposal made by the Labour Party in respect of regulation in competition. We have suggested the establishment of a competition regulation commission, to replace the individual regulators in various sectors. There have been too many personality clashes between regulators and suppliers. Too many personal views have been expressed in such a small marketplace. We need to put in place a three-person commission that will benefit from shared research and a common analysis of economic statistics and components of

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the marketplace. That might be seen, generally speaking, as a more efficient way of making progress.

I will conclude by talking about sustainability in our energy supply. It might come as a surprise to the Taoiseach to learn that 50% of the energy that is consumed in this country is consumed by the construction industry and the housing and building stock it leaves behind. An elderly person living in Ireland, which has a temperate climate and benefits from the Gulf Stream, is statistically more likely to die from hypothermia resulting from poor insulation than his or her elderly cousin or sister-in-law living in Norway. We have an enormous need in terms of energy consumption. We will face problems caused by greenhouse gases and carbon dioxide emissions.

A report in one of today's newspapers states that Ireland will be charged €1 billion in fines as a consequence of its failure to meet the commitments to which it has signed up. We need to examine ways of reducing demand for energy as part of our overall examination of sustainability. The obvious areas in which demand can be reduced tend to be in the transport sector, in which the perceived high-profile consumers of energy are found. In reality, the construction sector, in its broadest sense, uses enormous amounts of energy. I invite the Minister to examine ways in which that can be addressed at national level.

**Aengus Ó Snodaigh:** Ba mhaith liom mo chuid ama a roinnt leis na Teachtaí Harkin agus Gormley.

**Acting Chairman (Dr. Cowley):** Is that agreed? Agreed.

**Aengus Ó Snodaigh:** Like many recent gatherings of senior Ministers from EU member states, last weekend's meeting of the EU Council was marked by the distance between its rhetoric and its impact, as well as by an increasingly apparent disregard for the well-being of the citizens of Europe. My party believes that the endorsement by the European Council of the controversial EU services directive, subject to a revised proposal from the European Commission, is a bad deal for Irish workers. That point was made by Sinn Féin last February, when the European Parliament discussed the directive and gave its verdict on it. I am saying it again today. Despite the decision taken by the European Council last weekend, I believe we need a greater mobilisation against the directive. We need to intensify that mobilisation in advance of the final vote on the directive in the European Parliament.

Sinn Féin repeats its opposition to the EU services directive. It has argued vociferously that the directive will, in effect, commercialise almost all the services in the EU and deny millions of people the quality public services they deserve. It represents a blow against workers' rights and

social protections. It gives me no pleasure to state that Sinn Féin's analysis of this matter has been proven right so far. In recent years, there has been a steady drive to promote a right wing agenda in Europe. The effect of that has been to prioritise profit at the expense of workers' rights and public services. The services directive is another consequence of the thirst for private monopolies.

I note the Taoiseach's comment:

At last year's spring Council we relaunched the Lisbon Agenda, with a renewed emphasis on jobs and growth. We also agreed that the agenda needed to be more strongly rooted in national civil and social partnership processes.

When the Taoiseach spoke about the conclusions which were reached by the European Council, however, he did not mention that aspect of the Lisbon Agenda. It usually becomes an after-thought when the Lisbon Agenda is raised, even though that should not be the case. If the Lisbon Agenda is to have the impact it is supposed to have, this aspect of the matter should be to the fore during our discussions on the agenda. I urge the Government to ensure that this element is prioritised when future discussions on the Lisbon Agenda take place.

I ask the Minister for Foreign Affairs to explain to the House why Ireland is not an active persuader against nuclear power. Why did Ireland not join Germany and Austria in rejecting the nuclear option at the Council meeting? How can the Government justify the EU's ongoing pursuit of a flawed and economically inefficient option that will cause substantial problems for future generations over many centuries? No society in the world has found a successful means of addressing the issue of nuclear waste. We are leaving a legacy for future generations. I remind the Minister that the Commissioner for Energy, Mr. Andris Piebalgs, said:

Countries with expertise are well placed to replace existing plants or build new stations but we should not say that nuclear energy will meet all three objectives cheaply and efficiently. It has huge costs and lots of complications, including the issue of waste and final storage.

The three objectives to which Mr. Piebalgs referred were security of supply, sustainable development and competitiveness. I urge the Minister to join those who are making the case for sustainable and renewable energies, rather than supporting the European Council's call for new generation of nuclear power. Ireland should act as a persuader against nuclear power.

**Ms Harkin:** I am pleased to have an opportunity to make a few observations on the European Council meeting. I am conscious that there are time constraints so I will deal with just one issue, the achievement of the Lisbon goals through investment in research, development and

innovation. When the Taoiseach spoke about the Lisbon Agenda, he said that the European Council's conclusions focus on three particularly important issues, the first of which is investment in knowledge and innovation. All EU member states agreed to a target of investing 3% of GDP in this area by 2010. Ireland's rate of investment in research and development is a cause for grave concern, particularly when one compares Ireland's attempts to meet the targets with those of many of its European neighbours. Annexe 1 to the document on the Presidency conclusions lists the level of investment in research and development of each EU member state. Our target is just 2.5% of gross national product, not gross domestic product, and that is by 2013, not even 2010. Looking at the tables for investment in research and development for many of European neighbours, it is very apparent that we are in trouble. Of the EU 25, Ireland is exactly half way, with 12 countries above us and 12 below. Of the EU 15, we are in 11th place when it comes to investment in research and development. The comparisons are stark. At the top end of the scale are Finland and Sweden, investing over 3.5% of GDP. Then there is Germany, Austria and France with over 2%, the UK at 1.8% and the Czech Republic at 1.3% — all ahead of Ireland with 1.2%.

This is the second richest economy in Europe. We are constantly aiming to move up the value chain to higher value jobs, and yet we are not underpinning that strategy by adequate investment in research and development. This is one of the most crucial economic issues we are facing as a country and this Government is failing to invest prudently in our future. We are under constant threat of jobs moving to cheaper locations. The locating of jobs offshore and the outsourcing of production are real threats to our economic success. Counties such as Donegal felt the chill wind of this phenomenon several years ago. Now, unfortunately, the rest of the country is only too well aware of the threat. If we are to deal effectively with it, we must promote innovation and invest in research and development. We must keep ahead of the posse, but instead we trail miserably behind. It shocks me to see that even if we reach our target of 2.5% of GDP investment by 2013, in seven years' time we will still be well behind where Finland and Sweden are now.

There is plenty of money to be spent in Ireland, yet we do not invest it in research and development. As a result of this we are in danger of building on quicksand and the continued economic growth that is being predicted by so many will prove to be a mirage. This Government has played its part in creating the current positive economic situation, but unless it plans, provides for and invests in the future, the country is headed for trouble. That investment is not being made. This Government is selling off the assets of the State. The family silver is being disposed of, so that the cupboard is bare. If that money

were being invested in the future, in economic growth and research and development, which would be our best guarantee of future success, then we could look forward to the future with some expectation, but that is not happening.

The Government has a responsibility to plan for our future economic prosperity and it is failing on one of the most important parts of that task. The real scandal is that even with our low levels of investment in research and development, some parts of the country fare worse than others. According to Forfás figures, the percentage spend on research and development in the Border, midland and west region was 14% of the total for 2003-04, roughly half of what the rest of the country is getting. We are being doubly discriminated against in terms of the low national level and, within that framework, the fact we are getting exactly half our fair share. In European terms that means that counties such as Sligo, Leitrim, Donegal, Mayo and Roscommon have levels of investment in research and development well below average for Slovenia and the Czech Republic and lower than Estonia or Hungary. I do not know the Minister's view on this, but I believe we are entitled to more than that.

**Mr. Gormley:** The European Council meeting of 23 and 24 March this year was very important, discussing as it did the defining issue of our age, namely, energy consumption and the effect that can have on the way we live. I refer to the concept of global warming. We need to reduce our carbon dioxide emissions by about 60% to 80%. We are 25% above 1990 levels, much higher than our Kyoto commitments. That will result in fines which industry probably will not pay but which the taxpayer will have to foot. That is what we face. There is no free lunch when it comes to global warming. It is something we must face up to.

The Minister believes that we can put our heads in the sand. He is backing people and has a sweetheart deal with CRH, as Deputy Quinn has said. These people are building inferior housing throughout this country. We consume vast amounts of fuel in transport, build more motorways and there are a million and a half more cars. That is unsustainable.

About 12 years ago, when I was Lord Mayor of Dublin, I ran my car on biodiesel. This was a source of great fun for many people in the media. Certainly I was the butt of many jokes, but times have changed and I hope people have come to realise that this is an important and sustainable source of fuel. The Government has now at least introduced some grants for solar panels, wood-chip burners etc., but the Minister is way to late. He needs to cop on and get moving on this.

Only Germany and Austria explicitly rejected nuclear power. This is very important. I noticed at the Convention on the Future of Europe, when we signed motions opposing nuclear power, the Irish Government would not sign for whatever reason. I am beginning to realise why this is. We

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have had declarations of intent from the Taoiseach, who was at pains to point out that this Government is opposed to nuclear power. He has said the EU's work on energy will not in any way affect our national policy to reject nuclear power stations. What is the national policy and where is it defined?

The Minister professes to be opposed to nuclear power. He should read the amendment of the Seventh Schedule of the Planning and Development Act 2000 by the Planning and Development (Strategic Infrastructure) Bill 2006 which refers to a "thermal power station or other combustion installation with a total energy output of 300 megawatts or more". That is a nuclear power station and it is to be included in the Seventh Schedule. What the Minister and the Government is doing is leaving the door open for nuclear power. I am quite sure my constituents would like to know that. Certainly, my colleague, Councillor Mark Deary, will be telling a great many people that this is a Government, to use the Taoiseach's words, backing two horses in a one horse race.

The Minister is saying on the one hand that the Government is opposed to nuclear power——

**Mr. Quinn:** It is west Sellafield.

**Mr. Gormley:** This is it. It is opposed to Sellafield, but leaving the door open to fast-track nuclear power stations in this country. I should like answers on this because if the Government does not introduce an amendment to exclude nuclear power stations from the Seventh Schedule, clearly it is being hypocritical in the extreme. The Green Party will mount a campaign against this. We will use postcards and do everything we can. Will the Minister for Foreign Affairs, Deputy Dermot Ahern, who claims to be opposed to nuclear power, introduce such an amendment to this legislation? He owes it to the people to do that at the very least. He should tell the House that he will introduce such an amendment.

I also want to refer to the results of the declaration at the very end, where there was supposed to be some reference to Guantanamo. Despite demands by the Netherlands and Belgium, the conclusions of the EU summit in Brussels did not contain any reference to the US prison camp at Guantanamo Bay. However, the press statement explicitly backs closure of the camp. What was the Minister's position on this? Did he back the call for reference to be made to Guantanamo Bay. This installation is in breach of international law. Ireland has said, as a country, that it expects the highest regard for international law and respect for human rights to be upheld, yet I do not know what the Minister's position was in this matter.

Will the Minister respond to those two aspects, his position on the proposed amendment of the Seventh Schedule of the Planning and Develop-

ment Act 2000 by the Planning and Development (Strategic Infrastructure) Bill 2006 which allows the option of nuclear power stations to be pursued, and our position on Guantanamo Bay.

**Mr. Durkan:** I want to refer to some items that were raised at the meeting and a few that did not arise. I congratulate the Commission and the Ministers and Heads of Government for their discussions there and the emphasis placed on the whole energy area. Will the Minister clarify further whether he is satisfied that the extent of intent in regard to research and development in the energy area, as proposed in the Green Paper and as emphasised in the course of the discussions, is being equalled here? Will he clarify whether it will be possible to do this given the remarks of previous speakers and the fact that one of the first things I felt was absent in energy policy here and in Europe generally when I was given this portfolio a year ago was properly co-ordinated, joined-up thinking on future energy needs and supply?

Will the Minister confirm the means by which it is proposed to guarantee security of supply for Ireland, having regard to the fact that we are relatively late in developing our infrastructure, with particular reference to the interconnectors and whether it is intended to proceed with the development of one or more interconnectors on an east-west basis? Will the Minister also clarify, in view of the recent remarks in the UK by Tony Blair and several commentators there in regard to compliance with the Kyoto protocol, whether it is intended to comply with the protocol in Ireland and throughout the European Union or if there is now a proposal to change from Kyoto to some other criteria?

The Taoiseach already referred to the important issue of roaming charges. To what extent did discussion take place on roaming charges with a view to their abolition and with a view to establishing a proper mobile telephone service throughout the European Union of equal quality and cost?

My party leader, Deputy Kenny, referred to the growing extent of Internet pornography. This is an area which needs to have a great deal more focus within the European Union and worldwide. Whatever can be achieved by the EU may spread.

Overseas aid and development do not pertain to my area of responsibility but I wish to refer to something that could be done in this regard. This issue does not appear to have received any attention at this meeting. On an ongoing basis throughout 2005, especially towards the end of the year, there was a great emphasis on the alleviation of starvation and combating war, strife and ill health in the African countries. It now appears that a number of countries are particularly vulnerable. There appears to be a degree to which the European Union, including the Office of the Minister for Foreign Affairs and the UN, are lacking, in terms of introducing a co-ordination

of effort that would set a priority for action in this area. Everybody is doing his or her own thing and while good things are being done a lack of co-ordination is evident.

**Minister for Foreign Affairs (Mr. D. Ahern):** I thank the speakers although I do not agree with all that they said. Both the Taoiseach and I made clear our concerns in regard to the security of energy supply at the dinner and also at the formal Council meeting. During my time as Minister with responsibility for energy I said that one size does not fit all in regard to competition and the deregulation of the energy market within Europe. Inevitably, an island on the west side of Europe will struggle to have competition because of the size of the market. This point was echoed by Cyprus, Malta and a number of other small island states. This is one of the reasons there was a reference to that in the conclusions. I totally reject what Deputy Gormley said about the Government's view on nuclear energy. We are absolutely against nuclear energy.

**Mr. Gormley:** Prove me wrong.

**Mr. D. Ahern:** We have made this point clear—

**Mr. Gormley:** Bring in the amendment.

**Mr. D. Ahern:** —despite what Deputy Gormley and his cohorts might try to say. I say it as it is in terms of the energy mix we have which will exclude the nuclear option as long as this Government is in office.

**Mr. Gormley:** Bring in the amendment then.

**Mr. D. Ahern:** It does mean then—

**Mr. Gormley:** Will the Minister bring in the amendment?

**Mr. D. Ahern:** —that we have a much more difficult issue in terms of the continuity of the security of supply—

**Mr. Gormley:** I think we have the Minister's measure now. We know where he is coming from.

**Mr. D. Ahern:** —in regard to the type of fuel and energy mix we require. As Minister, I started the ball rolling in regard to the east-west interconnector. It was our view that this should be rapidly brought forward, and my successor in that office has done this.

**Mr. Durkan:** We are encouraging him.

**Mr. D. Ahern:** As Minister, I decided, in conjunction with our Northern colleagues, that we should have a second interconnector, as the first interconnector has not been blown up every second weekend.

**Mr. Gormley:** The Minister should exclude nuclear power from the infrastructure Bill. It is a simple as that.

**Mr. D. Ahern:** From the point of view of security of supply, I stand on my record as Minister with responsibility for energy.

**Mr. Gormley:** We have the Minister on this one.

**Mr. D. Ahern:** I do not know what the Deputy is prattling about. He is always prattling. Will he please excuse himself and have manners.

**Mr. Gormley:** It is called the truth.

**Mr. D. Ahern:** Have some manners.

**Mr. Gormley:** It is called the truth.

**Mr. D. Ahern:** I thought the Deputy was well brought up. He should have some manners.

Deputy Durkan raised the issue of Kyoto. As far as I am aware the Government's attitude is that we should comply with the Kyoto criteria. I have moved on from that Department but my information is that we are more or less there in regard to them. We will reach our Kyoto targets.

Roaming charges are also something for which I can claim credit during my time as Minister with responsibility for communications. I was the first Minister to raise the issue of roaming charges. We raise it at every meeting with our Northern and British counterparts and, thankfully, the two major telecommunications companies on this island have responded brilliantly. The Taoiseach raised it and the Minister, Deputy Noel Dempsey, previously raised it with the Commissioner and the Commission came forward yesterday with a proposal in this regard. The Commission is currently talking about reducing high international roaming charges. We will continue to push this matter with our colleagues and with the Commission. As far as the Government is concerned the aim is the elimination of roaming charges altogether because they are a restraint on trade, particularly in those communities who live on either side of borders, as is the case on this island.

**Mr. Durkan:** There is no need for them.

**Mr. D. Ahern:** I entirely agree with what Deputy Kenny said on Internet pornography. This matter was raised at the respective Ministerial Council but it is something to which heads of state need to pay more attention. ODA was not on the agenda. This matter will be taken care of at a ministerial meeting.

**Mr. Gormley:** I confirm to the Minister and to you that I am well brought up. The prattle to which you referred is called the truth.

**Acting Chairman:** I ask Deputies, including the Minister to address their remarks through the Chair.

**Mr. Gormley:** I will address the Minister through the Chair.

**Mr. D. Ahern:** I will, provided I am not interrupted when I speak.

**Mr. Gormley:** The Minister has not answered the question I put to him. I refer to the infrastructure Bill which is about the fast-tracking of major infrastructural projects.

**Mr. D. Ahern:** With due respect, that issue is not pertinent to the debate we are having.

**Mr. Gormley:** That is incorrect.

**Mr. D. Ahern:** I ask the Chair to ask the Deputy to keep to the topic to which we are referring.

**Mr. Gormley:** That is incorrect.

**Mr. D. Ahern:** There is no mention at all of nuclear energy.

**Mr. Gormley:** Hold on. With respect — you should sit down. I am in possession. The Minister is completely out of order. This was not a point of order. He did not even ask to make a point of order. It is pertinent and refers to the energy debate in this country. The Minister has left the option open to build a nuclear power station here. Will he table an amendment that will exclude nuclear power? If he is opposed to nuclear power and stands on his record, as he says he does, will he table this amendment? If he will not, my party and I will do everything we can to ensure that this is exposed. It is an important issue and ties significantly into the energy debate.

**Mr. D. Ahern:** I say categorically the Government is against nuclear power. Twisting it in any way would be incorrect. We will not allow nuclear power to be used in this country.

**Mr. Gormley:** Will the Minister table the amendment?

**Mr. D. Ahern:** I assure the Deputy that is the case. The Deputy referred to Guantanamo Bay. We raised the matter and were one of a number of countries that exhorted the Presidency to issue a statement on the continuation and hopeful closure of Guantanamo Bay.

**Mr. Gormley:** The document only names the Netherlands and Belgium. We did not get a mention.

**Acting Chairman:** Other Deputies are waiting to ask questions.

**Mr. D. Ahern:** The fact that we did not get a mention does not mean we did not say anything. It goes back to what Deputy Quinn, with whom I agree, said on the transparency of these meetings.

**Mr. Quinn:** On page four, in the two parts on the conclusions in paragraph 15, reference is made to calling on member states under the national reform programmes. Which Department is responsible for co-ordinating Ireland's compliance with the national reform programmes and what is the status of the individual within that Department? Does the Secretary General, a principal officer or a higher executive officer have that responsibility?

In full support of the excellent contribution made by Deputy Harkin, when was the decision made to push out the completion date to 2013 and when was the sleight of hand decided upon to call it 2.5% of gross national product as distinct from 2.5% of gross domestic product, which will result in a lower capital sum?

**Mr. D. Ahern:** On the Lisbon Agenda, oversight lies with the Department of the Taoiseach at assistant secretary level. It is obviously continually examined by the Cabinet sub-committee on European affairs. The Deputy referred to research and development. In the examination of that issue in terms of whether it is GNP or GDP, GNP is a more realistic target from our point of view because of the transfers. As the Deputy knows, it relates to counting.

Regarding pushing out the agenda, our average growth in gross expenditure on research and development is 4.5% between 2001 and 2003 and 4.8% between 2003 and 2005. If one examines the matter from the GNP perspective, expenditure rose from 1.3% in 2001 to 1.45% in 2005. GNP is a more appropriate measure for us given the type of economy we have.

**Aengus Ó Snodaigh:** I welcome the Minister's categoric position on nuclear power but what position did he take on the European Council's energy policy and its support for the revival of nuclear power? Did he oppose it, contrary to media reports which said that only Germany and Austria opposed it?

When does the Minister believe the services directive, revised as suggested in the conclusions, will be presented? Was any mention made at the Council meeting of the changes in the Basque country and consideration given to removing Batasuna from the list of banned organisations to encourage the country's political peace process, which is in its infancy?

**Mr. D. Ahern:** Reference was made to the ETA ceasefire. I specifically raised the matter and complimented the Spanish Government on the way in which it facilitated the ceasefire. I suggested that if the Spanish Government wants any assistance from us through the Irish example, we

would be more than willing. Subsequently, Prime Minister Zapatero indicated to the Taoiseach that he would be interested in coming to Ireland, which will be arranged. Batasuna was not on the agenda and was not mentioned.

There is no reference in the Council conclusions on nuclear energy. As the Austrians are like ourselves — anti-nuclear — we were reasonably happy with the way in which Austria handled this issue. There was no call for us to object to the nuclear energy issue in the conclusions, as it was not included and there was no discussion on nuclear energy while I was there. The conclusions refer to the need for the retention of national authority over policy choices regarding fuel mixes for power generation purposes. In other words, it is left to individual member states to decide on their own energy mix policies. I would hazard a guess that Deputy Ó Snodaigh and others would be hopping up and down if Ireland were to be lectured in some way by other member states on the type of energy mix that we would require. I will not have it both ways. We do not dictate to other countries nor would we expect other countries to dictate to us.

As the House is aware, there was a substantial discussion at the European Council on the draft services directive. The European Parliament completed its first reading of the draft directive on 16 February. It is up to the Commission to bring forward a revised text, which I understand it will do shortly, probably in the first week of April. As was suggested in the conclusions, it is expected that the revised draft will draw on the Council and Parliament texts. As the Deputy knows, this is an issue for co-decision between the Council and the Parliament.

**Ms Harkin:** I will comment on the Minister's reply to Deputy Ó Snodaigh in which he talked about not dictating to other member states. I agree with the principle of subsidiarity in the broad sense but when we speak about nuclear power, we are all aware that it is not constrained by borders. If a country decides it will use nuclear power, it impacts on others. As such, it is not good enough to use just the subsidiarity argument.

I have outlined the background of our investment in research and development and will not get into it again. While I knew that our levels of investment were not as high as our European partners, I was shocked when I read annexe 1 of the Presidency's conclusions and saw how far behind we are. As a country that hopes to move up the value chain, what will the Government do to secure our future in the knowledge economy?

A European pact on gender equality was also agreed. One of the issues raised was to close the gender gap in employment and social protection and to consider how to make welfare systems more friendly towards the employment of women. Were there any specific proposals on this matter? For example, some women in this coun-

try are still seen as dependent adults. Carers and women who work in the home are non-persons in terms of the social welfare system.

**Mr. D. Ahern:** On research policy, the aim is to reach 3.3% of GDP by 2010. This is basically in line with our national——

**Ms Harkin:** Is that Ireland?

**Mr. D. Ahern:** For the Union in general.

**Ms Harkin:** For Ireland, the figure is 2.5% of GNP by 2013.

**Mr. D. Ahern:** Yes. That is to fit in with our general plans on research. We have allocated €2.6 billion to research and development in the period 2000-06.

**Mr. Quinn:** When and where was the decision to deviate from the European norm made?

**Mr. D. Ahern:** I will provide for the Deputy the information, which I do not have at present.

On gender equality, Ireland increased significantly its female participation rate to more than 58% by the end of 2005. We exceeded the Lisbon Agenda target of 57% by 2005 and we are on course to reach the 60% target for female participation in the labour market by 2010. The EU average is 55.7% as at 2004.

These issues must be dealt with at national level. Given what Deputy Quinn said on the examination of league tables, as there are good and bad aspects in this regard, there would be opposition to league tables. In regard to current EU league tables, Ireland is not the villain. While we are not the best in some areas, we are the best in other circumstances. We are doing quite well in the area of female participation.

*Sitting suspended at 1.40 p.m. and resumed at 2.30 p.m.*

## Ceisteanna — Questions (Resumed).

### Priority Questions.

#### Grant Payments.

28. **Mr. Naughten** asked the Minister for Agriculture and Food the reason for the delay in issuing the single farm payment under the national reserve; and if she will make a statement on the matter. [12550/06]

**Minister for Agriculture and Food (Mary Coughlan):** Some 17,500 farmers submitted applications to the national reserve but when account is taken of the number of farmers who applied under two or more categories over 23,000 files have to be processed.



[Mary Coughlan.]

While much work has been done in processing the vast majority of the applications, none of the applications has yet been processed to finality with national reserve allocations attributed. Some 11% of the applications received are still under query with the farmers concerned as my Department has sought additional information in support of their applications. Processing of all applications is continuing and the intention is to make allocations to successful applicants within the next two weeks. I will be making a formal announcement in due course setting out the various criteria for allocating entitlements.

**Mr. Naughten:** I thank the Minister for her reply. The only difficulty I have with the reply is that it is very similar to the replies we have been receiving for the past 12 months and all stating the allocation is imminent. When will the allocation be made? Is it not the case that as far back as 15 November 2005, 18,400 applications had been resolved and yet the Minister had given a commitment that the allocation of the national reserve would be made in January 2006? The single farm payment application forms for 2006 are currently being circulated and the entitlements for 2005 are still not available.

Will the Minister clarify for the House whether she has decided the amount of the regional average calculation and how it will be formulated?

**Mary Coughlan:** I wish to again advise the House that in November or December of last year I indicated my priority was the single farm payment and this was the basis for delaying work on the national reserve. My view at that time, which was correct, was that the single farm payment should be dealt with as quickly as possible. With regard to the national reserve, the decision will be available within the next two weeks. If we find ourselves in the situation whereby people are under pressure with the application for the 2007 single farm payment and the timeframe is too short, I will certainly consider extending the timeframe by allowing another week or two. At that stage I will outline the criteria by which I will make my decision.

**Mr. Naughten:** The Minister has still not made her decision regarding the definition of regions, nearly 12 months after the applications have been submitted. Will the Minister at least ensure that a helpline is made available so that applicants can resolve any outstanding queries, considering that 11% of applications are under query? No one can get through to Port Laoise. The situation is in a mess because of the mid-term transfer of the single farm payment and the impact of staff and payment facilities being transferred from Davitt House to Port Laoise. Even at this late stage I ask the Minister to provide information and the means of access to that information.

**Mary Coughlan:** I am preparing for a possible onslaught following the letters being posted out. Unsuccessful applicants will naturally feel aggrieved but an appeals process will be available to them. I will ensure the resources will be in place so people can have a discussion about their application. I assume the successful applicants will be happy enough and will be able to proceed.

**Mr. Crawford:** They will be phoning to thank the Minister.

**Mary Coughlan:** I know the Deputy will also be doing that.

I appreciate that disappointed applicants will have concerns. Much work has been done on the basis of the mandatory criteria set down and in particular with regard to the special criteria set down by the Department. I do not agree the transfer from Davitt House to Port Laoise has undermined the work.

The Department has been meticulous in its interaction so people are assured that the relevant information is made available when an application is made. This is being done in the evenings and by letter and telephone call. I hope this matter will be finalised prior to Easter.

**Mr. Naughten:** What is the definition of a region?

**Mary Coughlan:** I will make that announcement within the fortnight.

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

29. **Dr. Upton** asked the Minister for Agriculture and Food the areas in which there is not real equivalence between Irish standards of traceability, animal health and welfare and consumer protection and those which obtain in other EU and non-EU WTO member countries; and the form which her previously stated intention (details supplied) shall take. [12228/06]

**Minister of State at the Department of Agriculture and Food (Mr. B. Smith):** Common standards in relation to traceability, animal health and welfare and consumer protection apply throughout the EU. These are set out in a range of food safety, consumer protection and veterinary legislation and are subject to inspection by member states own authorities as well as by the Food and Veterinary Office of the EU Commission.

My concern is that producers in some WTO member countries are not required to observe exactly the same requirements and as a result do not incur comparable costs as EU producers. I have notified the Commission of my concerns in this area, in particular in respect of imports of beef from third countries.

The Commission has indicated that the purpose of the legislation is not to impose on exporting third countries a system of guarantees

that is equal to the EU system but to ensure the exporting third countries provide guarantees that are equivalent to the standards applied in the EU.

The Doha Declaration which provides the political framework for the current WTO round of negotiations states that non-trade concerns, such as these, should be taken into account in the final agreement. As part of the ongoing WTO negotiations I am seeking practical recognition for the additional costs associated with these non-trade concerns.

**Dr. Upton:** I thank the Minister of State for his reply but it the same as the reply I received before. I wish to make two important points. I refer to the significance of equivalence. Ireland imported 6,500 tonnes of Brazilian beef directly and almost 170,000 tonnes of Brazilian beef was imported into the European Union.

I refer to an FVO report on Brazil for the period August to September 2005. I ask the Minister of State whether he considers this to be equivalent in any way to the standards prevailing in Ireland. The report referred to the control of exports to the EU at establishment level. With regard to traceability, the report stated:

In the establishments visited, no particular training on traceability had been provided . . . From holding to slaughterhouse . . . a high number of discrepancies have been found between information in the [animal movement permit and the document of animal identification].

With regard to the process from live animals to carcasses, it stated:

In two slaughterhouses visited the official veterinarian did not receive records of the results of checks by the slaughterhouse staff . . . In two slaughterhouses visited there was no link between the individual live animals and carcass numbers.

With regard to the period from slaughter to cutting, it stated:

In all establishments visited, the optional code 0000 was not used and the use of the batch number as instructed does not refer to maximum one day's cutting . . . In two establishments visited, instead of the cutting/packing date, the production date was put on the label . . . In another slaughterhouse visited the FVO team checked the traceability for one specific product . . . and found that the internal certificates for the one day checked covered more EU status product than produced on that day according to production records. The management admitted to having made a mistake by including non-EU status products.

With regard to controls at slaughter, it stated: "For some of the establishments visited no formal documentation could be demonstrated in respect

of approval for the different activities." With regard to supervision, it stated:

One cutting plant visited had been suspended for export since June 2002. Since then no official supervision . . . at State level had been carried out and the establishment had changed ownership three times, but it remained on the approved list for export of fresh meat to the EU.

With regard to official establishment control, it stated: "A number of deficiencies were identified in record keeping, which could not be explained, although all records were signed by the official services."

In addition, there were problems with ante mortem inspection, post mortem inspection and foot and mouth disease control in the two states visited. In one cold store visited, there was no clear separation of EU-eligible and non-EU eligible product. Maintenance problems were identified at establishments and deficiencies were identified regarding operational hygiene and flow of products. With regard to certification, a shortcoming noted was the lack of national certificates certifying fresh meat or meat products from non-EU approved establishments as complying with EU requirements. If this is meant to be equivalence in terms of EU requirements, it is a joke.

**Mr. B. Smith:** The European Union has developed its own systems of traceability and animal welfare. Different systems operate in jurisdictions outside the control of the EU. We demand guarantees that the food products imported into the EU meet the relevant health and safety requirements.

The Minister, Deputy Coughlan, is the only Minister at the Council of Ministers to have raised the issue of the extra requirements for EU producers, to which we fully and wholeheartedly subscribe. In recent weeks, the Minister and I met Commissioner Mandelson on the World Trade Organisation negotiations and raised, in particular, the subject matter of Deputy Upton's question. The Minister, the Minister of State, Deputy Wallace, and I met the French Agriculture Minister in Ireland some weeks ago. I met the Hungarian Secretary of State for Agriculture and the Minister, Deputy Coughlan, also met the Czech Minister for Agriculture in recent weeks.

Among the concerns we highlighted were the WTO negotiations, the issue of standards and the need for continued assessment, diligence and attention to the quality of product entering the European Union. We raised in particular the extra requirements and costs borne by producers due to the systems in place in the EU. At the WTO negotiations the Minister raised the need before the WTO talks conclude to compensate producers in regard to the tariff regime that will apply to agriculture products entering the EU.

In reply to a similar question from Deputy Upton in February last, I stated that as a result of

[Mr. B. Smith.]

the audit carried out by the Food and Veterinary Office of the EU, a number of recommendations were made by the European Commission to the standing committee on the food chain and animal health. Some of those recommendations were acted upon at that time. The EU was in further negotiations with the Brazilian authorities at that time in regard to certain concerns. In particular, only deboned and mature meat can come from specific areas of Brazil to the EU.

The concerns outlined are ones the Minister has highlighted alone at the Council of 25 Agriculture Ministers. At every opportunity that arises at EU level, in the Council of Ministers or at bilateral meetings with other Ministers for Agriculture throughout the Union, we raise these issues diligently and forcefully. It is an issue we will ensure is kept on the agenda.

**An Leas-Cheann Comhairle:** We will move to Question No. 30.

**Dr. Upton:** I will make a final point. I am glad this issue has been raised at EU level. However, the Minister of State will agree it is putting Irish producers at a significant disadvantage. The issue with regard to inspection is that it was meant to be a review of promises made the previous year by Brazil. However, despite some improvements, there is a long list of unacceptable practices in Brazil from the perspective of animal health, hygiene and the consumer as well as trading interests.

**Mr. B. Smith:** I assure Deputy Upton, the House and the wider community that the Minister, Deputy Coughlan, has sought at the WTO negotiations a continuation of the sanitary and phytosanitary agreement whereby, if issues arise and the EU feels products are a danger to the health of consumers, it can implement measures and ban them. Ireland is seeking recognition for the additional costs borne by our producers by seeking a discount of the EU tariff reduction commitment. These issues are being pursued by this country in a trenchant and forceful manner. That is way it will remain.

**An Leas-Cheann Comhairle:** I call Question No. 30.

**Dr. Upton:** This beef is an unacceptable product. There is a tariff issue and a financial issue in this regard but there is also a health and safety issue if such practices continue. A factory would more than likely be closed down in this country if similar practices prevailed.

**Mr. Naughten:** They would be in jail.

**An Leas-Cheann Comhairle:** We must proceed.

**Dr. Upton:** The incidents to which I referred are a small part of the problems that prevail in

those countries. There is a significant risk to the consumer arising from those practices as well as to trade.

**Mr. B. Smith:** The Deputy is aware that the Minister last October wrote a formal letter on the issue to the Commissioner for Health and Consumers' Protection, Commissioner Kyprianou, apart from raising it at the Council of Ministers. The Commission response was that it was satisfied with the level of monitoring and controls in place in respect of imports from third countries.

#### **Animal Carcase Disposal.**

30. **Mr. Ferris** asked the Minister for Agriculture and Food if there have been breaches of regulations regarding the sale or use of specified risk materials from animals; and if she will make a statement on the matter. [12361/06]

**Minister of State at the Department of Agriculture and Food (Ms M. Wallace):** The safe disposal of specified risk material, SRM, and other offal plays an important part in the protection of human and animal health and is an integral part of the EU legally enforced BSE controls in the meat sector. Conscious of the need to protect consumer health from vCJD, the human form of BSE, Ireland has consistently supported control measures to exclude from the food chain products of animal origin which may pose a risk to human health.

Under EU and national legislation it is a requirement that SRM, consisting of certain offal, including the skull, spinal cord, eyes and other specified material of cattle and sheep over 12 months of age, be separately collected, transported, processed and disposed of outside of the feed chain. In practice this material is separated from other animal offal at slaughter plants and butchers' premises, dyed and sent to dedicated rendering plants which are under the veterinary supervision of my Department for rendering into meat and bonemeal and tallow. The meat and bonemeal derived from the SRM is disposed of by incineration in other member states. The tallow is generally burned as an alternative fuel at the rendering plants. More recently, some meat processing plants have begun to use tallow as a fuel in thermal boilers to produce heated water and steam. To do so, the operator must be approved by the Department.

The controls at high capacity meat establishments are overseen by the Department's veterinary inspectorate and those at low capacity meat establishments by the local authority veterinary services. The Department and the local authorities operate under service contracts with the Food Safety Authority of Ireland, which also has a statutory role in auditing the procedures and the food safety controls in place throughout the meat industry. The EU Food and Veterinary Office also audits and reports on the controls in

place at meat plants, including those relating to the removal and disposal of SRM. The various audits on the SRM controls operated by my Department have indicated that they are satisfactory.

In 2005 there were nine breaches of the SRM controls recorded. All the product in respect of eight of these breaches was destroyed to ensure it did not enter the food chain. In respect of the other breach, bovine carcase product containing SRM was delivered to a plant not authorised to process such product. This product was subsequently transported under official control to an authorised plant where controlled SRM removal took place.

Our Department will continue to monitor the implementation of the BSE and SRM controls to ensure compliance with all EU and national legislation. In conjunction with the EPA and the Department of the Environment, Heritage and Local Government, my Department continues to consider all possible options for the safe disposal of such material.

**Mr. Ferris:** Is the Minister of State aware that claims have been made by at least one individual involved in the meat industry that specific risk materials, as defined in the relevant EU scientific options, are being sold for use in the manufacture of cosmetics and that this has taken place despite the appointment of official inspectors to prevent such a transfer of those materials? Has the Minister of State been made aware of any such practices and have the Department inspectors ever voiced concerns that such practices might take place? Will she indicate whether she is satisfied that the current level of inspections and monitoring systems are sufficient? Will she further indicate the penalties for any company or individual found to be involved in such practices?

On a lighter note, given that a great deal of money is spent annually on cosmetics for the Taoiseach, whether it be for foundation, conditioner, moisturiser, liquid blusher, lipstick which I do not assume would apply to him — or eye shadow, and given that considerable specific risk materials could find their way into the cosmetic chain, what measures can we take to at least protect our Taoiseach?

**Mr. Naughten:** That answers a good deal.

**Mr. M. Wallace:** We are not aware of the incident to which the Deputy referred. If he has such information, we would be pleased if he would notify us immediately of same. Our advice and knowledge is that there is sale element involved in this process because it is a cost to the industry. The industry has to pay for the proper disposal of the materials, chiefly through incineration in Germany and other member states. It is a cost to the industry. There is no profit from the disposal of the materials and there is no sale element of

which we are aware. If the Deputy has any other evidence, he might notify us of it.

Our information is that there were the nine incidents of which I advised him. We believe the monitoring system is effective due to the fact that nine incidents were detected in this manner. We are clear about what specifically occurred in each case. In two of nine incidents the items were simply put in the wrong bin and that was immediately identified by the inspector. In some cases the plant was closed temporarily or the slaughtering ceased while the whole line was checked to make sure that everything was perfected. We are all the time perfecting a dedicated and detailed system and it is our information that the process is crystal clear. If the Deputy wishes he may bring to our attention the example he identified of which we are not aware.

#### **Milk Quota.**

31. **Mr. Crawford** asked the Minister for Agriculture and Food the discussions she has had with farming organisations and her own advisory body on milk quotas regarding her recent announcement that milk quota will be available from 2007 at market value through different structures including marts; when full details of this new development will be available in order that co-ops and farmers can plan for the future; and if she will make a statement on the matter. [12363/06]

**Mary Coughlan:** I recently announced my intention to move to a more open market system for transferring milk quotas, which will come into effect on 1 April 2007. I made this decision because the current restructuring model will not meet the future needs of the industry and a more effective response is required to meet future competitive pressures.

This is crucial given the growing competition faced by the sector both internally in the EU and in our international markets. These competitive pressures will increase as we move towards the conclusion of a new WTO agreement. I want to ensure that the Irish dairy sector is well prepared for these challenges while having the capacity to secure its share of global growth in demand for dairy products.

In making my announcement I made it clear that the new system would continue to operate at co-op level and that it could be organised through an exchange system, through direct sales between individuals, between brokers-agents or through the marts. Quota could be sold with or without land and leased with land, with a variety of partnership options being allowed. I specifically said that the detailed arrangements would be prepared in association with the stakeholders and my Department has already commenced that consultation process.

When the initial stage of the consultation process is completed in the next few weeks, I will consider how best to proceed with a view to hav-

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ing the detailed arrangements in place at the earliest possible date. In announcing my intention to reform the existing system a full year in advance of the effective date of implementation, I was anxious to provide adequate time to consider all the relevant issues and to alert farmers that new arrangements were under consideration.

**Mr. Crawford:** I thank the Minister for her interesting reply. It is strange that she should issue the 2006 restructuring scheme on a Friday morning and on that afternoon write this statement, on the release of which an embargo was placed until Sunday, literally killing off the restructuring scheme for 2006. Was it because she was feeling anxious going to meet her colleagues on a Sunday afternoon regarding her disastrous position on the sugar beet and nitrates issues that she wanted to cause some means of distraction? If it was, she achieved that as evidenced by the fact that the nitrates issue is no longer on the front page of the *Irish Farmers' Journal*, but rather this issue is. Does she accept that if there is a major differential in the value of milk from one area to another, co-op boundaries will certainly not retain it?

Does the Minister have an answer for a young farmer — from whom I am sure the Minister of State, Mr. Brendan Smith, has also had contact, and this farmer is only one of many — as to the position in which he will find himself in County Cavan or in the lakeland dairy sector, given that he understood he was working to a two-year plan that she announced last year, but now finds that there will be no milk quota available for him to purchase this year and that he will have to lease it instead? Does the Minister believe what she has done so quickly after her announcement on the restructuring scheme will allow any restructuring to happen this year?

**Mary Coughlan:** I totally refute the Deputy's little petty political snipe. It would be much more overcoming and overbearing if I had not done something about the dairy industry. That industry has decreased its capacity during the past nine years by 11,000 farmers. If we are to have a sustainable dairy sector, we need to do something about it. Two years ago I made an announcement in consultation with all the stakeholders to examine restructuring. I indicated at that time that I would re-evaluate the outcome, but the outcome was disappointing. It is on this basis that I have reviewed the policy, and the policy must be the preparedness of this industry to deal with the outcome of the WTO talks, increased competition — we are only half way through the Luxembourg Agreement — and the absolute necessity to sustain dairy farming here. It is on that basis that I introduced a more open market system. I am allowing a year for time to consult and to prepare farmers. On the basis of the outcome last year of 3.4%, my view is that we will not see anything

near that this year on the basis of the current restructuring scheme.

**Mr. Crawford:** The Minister has scuttled it.

**Mary Coughlan:** I have not. I am talking about the reality and dealing with it needs action and that will be provided in consultation with the stakeholders.

We are seriously concerned about outcomes for small farmers and for young farmers. That is the reason this open market system is operated within the co-ops and that ring-fencing is not being removed. It would be easy to go into an open market and allow a free for all, but that is not in the best interests of the sector. If we are to be prepared for the competitive nature of the dairy industry and to sustain it, most particularly when the market supports are being removed, we must have a pro-active initiative within the sector to allow for scale, to allow those who wish to retire the opportunity to do so with a proper income and, in particular, to protect the most efficient who often are the smaller to middle sized operators.

I will consult. Consultations have taken place with the stakeholders. The Minister of State, Deputy Brendan Smith, and I will meet the co-operatives as well as the farming organisations. We will take into consideration their concerns. We will not allow a free for all or a situation where just because a person has money, he or she can have access to quota. All of that must be done within a proper framework. When we speak of regulation and over-regulation, it is about time we allow farmers to predetermine, not to be told how they should do their business, and allow them that freedom to farm. I will certainly take into consideration many of the concerns which need to be addressed in the context of this new policy framework.

**Mr. Crawford:** While I appreciate the Minister's answer, how does she suggest one will be able to retain quota in areas if the value of that quota is significantly higher in the low-cost areas of this country? History shows that one of the largest quotas in the country transferred from Donegal to Cork in the past under a technicality. Does she accept that in some cases co-operatives straddle this country which means that if the chequebook farmer has the right to buy, quota can move within that co-operative structure from one end of the country to the other?

The person to whom I refer in County Cavan is a young small farmer who wants to progress. He has detailed his situation and what it will cost him. Can the Minister guarantee she will be able to ensure that if a farmer wants to sell his quota in Monaghan or Donegal, it will be retained in the area concerned and that farmers will be able to buy it at a realistic price?

I possess a quota and therefore I have a personal interest. I want to declare that clearly. If I want to sell my quota I will try to give it to the highest bidder, no matter who that person is. How can the Minister guarantee that it will remain in the area? At EU level is the Minister seeking an increase in the quota for this area? It might be a more positive way of dealing with the situation.

**Mary Coughlan:** As the Deputy is aware, in 2008 we will be reviewing the quota scene. Considering what has happened in the European Community recently, our preparation must happen now to sustain our activity in the dairy sector. Coming from Donegal, I agree that the issue of ring-fencing is a policy initiative that is close to our hearts and I will continue to ensure that will remain so.

Like Deputy Crawford, I have concerns that there would be situations whereby people would over extend themselves by perhaps getting a loan to purchase quota. Equated with that is a considerable criticism of the lack of access to quota which we in this House all hear day in, day out. That is a significant concern for people. It is a significant disincentive for them to remain on the land and I must do something about that. However, I agree there will be regulations and assurances given to allow a situation whereby there is fairness and a balance within the quota system.

In listening to as many people as I do, my view is that unless we move now we will not have a dairy industry. It is incumbent on all of us in this House to ensure we have a sustainable dairy sector. It is a fabulous industry. Ours is the most efficient in the European Community. We are under a great deal of pressure from market support reductions from WTO, considerable issues of the decreasing price of milk, consumer spend and the current world price of milk. That is why it is important we have a sustainable, commercial activity in the dairy sector. It is not just farmers who will be waiting for the outcome of this, but also so many other vital ancillary industries.

I very much respect Deputy Crawford's views. I understand from where he is coming. I have read the local newspapers. I have seen some slight agitation about this issue. The Minister of State, Deputy Brendan Smith, will meet the co-operative on my behalf. I will meet them in due course. We will come up with proposals on the basis of consultation with the stakeholders which is almost complete.

### EU Directives.

32. **Dr. Cowley** asked the Minister for Agriculture and Food the reason sheep farmers in the Ballycroy, Tiernaur, Bangor and Keenagh areas of County Mayo are being asked to remove stock for six months of the year and to de-stock up to 70% when this will mean the total extinction of

their farming livelihood; if her attention has been drawn to the fact that the overwhelming majority of those farmers are already involved in REP schemes and have already heavily destocked in recent times; and if she will make a statement on the matter. [12365/06]

**Mary Coughlan:** This situation relates to the implementation of the Wild Birds Directive and as such it is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. He has designated the Owenduff/Nepin Beg complex, which includes the area in question, under both the wild birds and habitats directives.

The European Commission secured a judgment against Ireland in the European Court of Justice in June 2002. The case, which was focused by the Commission on the Owenduff/Nepin Beg area of County Mayo, was taken under the Wild Birds Directive and was about the extent to which the habitat of the red grouse, an annexed species, was compromised by the overgrazing of sheep on commonage. The Department of the Environment, Heritage and Local Government was the lead Department in responding to the court proceedings.

Following the judgment against Ireland a reassessment of the commonage took place. This showed that the actions that had been taken to deal with the overgrazing, which involved partial destocking in 2002 under the commonage framework plans, had not been enough to allow the habitat to regenerate. The Minister for the Environment, Heritage and Local Government is, therefore, required to take further steps if Ireland is to avoid a large fine.

Implementation of the destocking provisions of the commonage framework plans was capped at 60% when it was first put into effect. It is now clear, however, that destocking recommendations must be implemented in full. This will affect approximately 50% of the area in question, where the destocking requirement in the framework plans is greater than 60%. I understand the Department of the Environment, Heritage and Local Government, following consultation with farming representatives, has also advised that for this area to regenerate it will be necessary to have an annual period of total destocking.

The Department of the Environment, Heritage and Local Government has, I understand, notified the Commission in February of Ireland's intention to implement the full recommended destocking in the commonage framework plans. They have also informed the Commission that they will require farmers to take all sheep off the commonage for a five-month period each year. This will be made up of the months of November and December and the period from mid-February to mid-May.

Many farmers in this area are in REPS. It is a condition of that scheme that they must comply with the framework plans. However, the com-

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plete removal of sheep for a five-month period is additional to REPS requirements, and the farmers are entitled to be compensated for it separately by the Department of the Environment, Heritage and Local Government. Farmers who are not in REPS may seek compensation, both for the destocking and for the five-month no-grazing period from the Department of the Environment, Heritage and Local Government, under the national scheme operated by the National Parks and Wildlife Service.

REPS is a voluntary scheme and will continue to make a positive contribution to specific environmental objectives. It will continue to complement the actions the Department of Environment, Heritage and Local Government is taking to deal with this serious situation. It is in the interests of all farmers to ensure that only environmentally sustainable farming practices are carried out on the site. Otherwise there is a real risk that payments which are directly linked to environmental benefits will be brought into question.

**Dr. Cowley:** I thank the Minister for her detailed reply. There are 300 sheep farmers who farm commonage in this area of Mayo. The big problem is there has been a significant lack of information from the State about what is happening. People just came down and made assessments and the farmers had no input at all. The result is these severe measures which will sound the death knell for these farmers. If one takes the sheep of the mountain for so long, will the sheep go up the mountain again? There is at least one farmer who has no lowland whatsoever. What is he to do? Where will he find a place for his sheep? Who will pay for the rent of the land to accommodate them etc., for five or six months?

This is the point on which I seek the Minister's view. Farmers, as she stated, are already involved in good farming practice. Some 60% are in REPS and they have done their best according to the commonage framework plan, which is in place since 2002. There has been nothing for the other 40%. There was supposed to be a national plan which would guide farmers on what to do. The farmers have had no administration whatsoever to allow that 40% farm in any environmental way. This has been a major deficit. What is the Minister's view? Farmers are really paying the price and there has been a significant lack of information about this entire matter.

**Mary Coughlan:** There are 135 sheep farmers in the area, 85 of whom participate in REPS and are entitled to measure A, that is, €242 per hectare, which we renegotiated and obtained. With regard to the five-month destocking period, compensation will be made available by the Department of the Environment, Heritage and Local Government through the national parks and wildlife service to address issues of feed and land.

Recently, a heated public meeting took place in County Mayo on this matter. My Department's perspective is based on a number of specific issues arising from the commonage framework plan. For example, in estimating the single farm payment, we went back to 1997 and 1998 in recognition of the impact of the framework plan. We have introduced a specific scheme for those who are destocked under the national reserve and I hope that people have applied for that.

Deputy Cowley's main concern seems to be for the farmers who do not participate in REPS. Such farmers can either decide to enter the scheme or look for compensation through the Department of the Environment, Heritage and Local Government. That is the only mechanism by which we can address this matter because, at the end of the day, the European Court of Justice has made a judgment against us and we are incurring daily fines. Over and above that, however, I am concerned that we may have difficulties in proceeding with REPS 4. Compensation for those outside REPS can be made available either by joining the scheme, in which case they will be afforded measure A, or by seeking compensation through the national parks and wildlife service.

As the Deputy is aware, we have introduced a new farm waste management scheme under which grant aid is provided for the housing of sheep. Perhaps that can help farmers who must move their sheep for the five-month period in question.

**Dr. Cowley:** The 60% of farmers who participate in REPS have done their best and have farmed in an environmentally friendly way, so no fault can attach to them. The remaining 40% have no plan whatsoever. As the Minister noted, a heated meeting took place about three weeks ago which was attended by officials from the Departments of Agriculture and Food and the Environment, Heritage and Local Government. However, the national plan was only put in place hours before the meeting whereas it should have been in place in 2002 when the commonage framework plan was introduced. The farmers in question have been mistreated and have suffered from a lack of information. The Commission was informed in February that there would be a five-month destocking period, although I was informed on 31 January that negotiations would be held. It seems the matter is a *fait accompli*.

**Mary Coughlan:** The Commission investigated the matter last June and found that, despite the measures previously introduced, the 60% under the commonage framework plan did not work. On that basis, they went beyond the plan. It may be appropriate for the Department of the Environment, Heritage and Local Government and the national parks and wildlife service to hold further discussions with the farmers on resolving the issue of compensation and their concerns. Deputy Carty and I have met a number of these farmers

to explain the matter and the aforementioned meeting was held to brief people on the outcome.

**Dr. Cowley:** How could it have worked, given that no plan was put in place for the other 40%? If the Department had acted properly eight years ago, the mountain would be different now.

**Mr. Kehoe:** Deputy Carty will sort it out.

### Other Questions.

#### Export Refunds.

33. **Mr. Naughten** asked the Minister for Agriculture and Food the steps she intends to take to stop the European Commission proposal to abolish the current system of offering pre-financing export refunds for farmers; and if she will make a statement on the matter. [12014/06]

**Mary Coughlan:** Irish beef exports in 2005 stood at 487,000 tonnes. All these exports went to the UK and continental Europe except for 35,000 tonnes which went to third countries, mainly Russia. While the beef industry has in recent years become less reliant on third countries, these markets are important for specific cuts at particular times of the year. Third country beef exports attract export refunds.

At the Council of Agriculture Ministers on the 20 of March, the Commissioner for Agriculture and Rural Development, Ms Fischer Boel, announced her intention to abolish pre-financing of export refunds on the basis of criticisms levelled at the system in a 2003 report by the Court of Auditors which stated that the controls were complex and unevenly applied across member states. The pre-financing regime allows for the payment of refunds at the time beef is put under customs control and for the meat to remain in storage for up to four months. The regime is of benefit to exporters in that it assists them with cash flow and provides time for the exporter to build up an exportable quantity of stock and to find a suitable market.

At the Council of Ministers, I strongly opposed the removal of pre-financing and argued that its abolition was not justified. Pre-financing is being used by most of our exporters of beef to third countries and is an important part of their operation. The system was streamlined in 2003 and the controls are now working well.

An internal impact study by the Commission shows that the main advantage of the scheme was in the administration of beef exports rather the financial element. The Commission proposed new beef control measures to replace the present scheme and my Department and I will be examining the proposals to ensure, as far as possible, that whatever is put in place by the Commission to replace the existing system best suits the needs of the Irish beef sector.

**Mr. Naughten:** I put it to the Minister that this is tantamount to the end of the export refund system as we know it. The timeframe for export refunds is limited to 2013 but is it not now the case that the European Commission is trying to put a more immediate end to these refunds? This will have a serious impact on the export of beef to third countries in terms of cashflow. The four-month period represents a substantial period and permitted a degree of flexibility, but its removal will threaten the viability of exporting products outside the European Union which has traditionally been important to this country.

**Mary Coughlan:** I concur with the Deputy on a number of issues. France was the only state to support the argument I made at the last Council meeting that the removal of the pre-financing of export refunds is not appropriate at this time for two reasons. First, following the Court of Auditors investigation in 2003, we streamlined our procedures. Second, from a political and tactical point of view, it means the removal of export refunds in parallel with the loss of other support mechanisms as part of World Trade Organisation negotiations. I expressed my views forthrightly. It is unfortunate, however, that few apart from France support me on this.

I have written to the Commissioner to explain the issues we have with male beef and the fact that the pre-financing of export refunds is often exclusive to the export of carcasses. We have listened to the views of the industry and are aware of the concerns it holds. I agree it is not necessary to introduce pre-financing at present. A further difficulty arises in that the matter is a Commission rather than a Council competence. However, we have presented our views to the Commissioner. I wrote to her to ask that our concerns about beef exports to third countries be considered in the context of the review she will conduct within the next six months of a new mechanism. We will strive to have these concerns addressed through beef management and will follow through politically.

**Mr. Naughten:** The Commissioner's decision will lead to great frustration among the agricultural community in Ireland. The Commission is selling our rights at WTO level and allowing a substantial tonnage of beef to be imported into the European Union at low or no tariff, while at the same time the limited supports in place for beef exports are being withdrawn prior to any final negotiations at the WTO. Will the Minister put it again to the Commission in that context?

What steps are being taken in this country, in light of export refunds evaporating from 2013, to develop premium markets in third countries? There are a number of premium markets, not just for beef but for other food products, where we could get a premium price for products. What steps are being taken at this stage to develop those markets so we do not end up with what



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appears to be a traditional scenario of worrying about solutions when everything else is being closed down?

**Mary Coughlan:** We will raise the issue in the beef management committee and consider the adverse effect this will have. On the basis of our meat exports *per se*, the majority goes to the European community and the United Kingdom in particular. In our preparedness to deal with the impact of change in the market as a consequence of the WTO, the Minister of State at the Department of Agriculture and Food, Deputy Brendan Smith, initiated with me a considerable marketing promotion for the next three years focused on the premium market. This is being rolled out vigorously within the European community.

With regard to third countries, I have taken the opportunity to travel to Russia. We are also working in Egypt, we have opened markets in Algeria and now that we have progress on pig meat in China, we will take the opportunity of a diplomatic visit here by the Chinese Government to pursue the issue of beef in China. In particular we will pursue the issue within the United Arab Emirates, and one of my colleagues raised the issue on a visit there.

We will look to return to the premium markets, where a good return was received for investment. We will continue to do so diplomatically, politically, through Bord Bia and with companies themselves. The Deputy is correct in stating that this is where we are. When we see market supports being removed, we must consider quality and return on that basis.

### Live Exports.

34. **Mr. McEntee** asked the Minister for Agriculture and Food her plans to ensure that adequate shipping capacity is provided at peak periods for the export of excess quantities of live calves to continental Europe; and if she will make a statement on the matter. [12025/06]

**Mr. B. Smith:** The function of the Department of Agriculture and Food with regard to the transport of livestock by sea is to approve vessels based on statutory requirements regarding the protection of animal welfare. The actual provision of such services is a commercial matter.

Approval for the carriage of livestock on roll-on roll-off vessels is considered on a case-by-case basis, having regard to the characteristics of the individual vessel, whereas there are specific statutory requirements which apply across the board where dedicated livestock vessels are concerned. Over the years, the Department has approved a number of dedicated and roll-on roll-off vessels and it works closely with applicant companies for approval to ensure that the conditions aboard such vessels are consistent with national and European Union animal welfare requirements.

A vessel approved by my Department for the carriage of livestock was recently approved for the carriage of two additional livestock units and underwent a successful trial voyage. The vessel is also provisionally approved for a further additional livestock unit subject to some minor modifications to the ventilation system. The vessel will then be capable of transporting a total of 21 livestock units. My Department has also authorised the transport of cattle from Shannon Airport on aircraft and to date three consignments of animals have been exported by this means. Up to 19 March 2006, 43,844 live cattle have been exported from the State, compared with 32,585 for the same period during 2005. This represents an increase of 35%.

The live export trade provides a valuable outlet for categories of younger animals and a degree of competition, thereby sustaining prices. The Department will continue to discharge its responsibilities on the live trade by ensuring that any such applications are dealt with in a thorough, professional and efficient manner and that our animal health status continues to allow producers to have access to markets in the European Union and elsewhere.

The Government's consistent position on live exports has been that they provide a vital and legitimate market outlet for the livestock sector. The role of the Government in the promotion and preservation of any commercial trade is to create an environment in which it can be carried on in an economic and sustainable manner and which allows it to make the maximum possible contribution to the national economy.

In the case of live exports, the preservation of the animal health status of the country, the international reputation of its veterinary certification services and the existence and application of a framework which ensures that good standards and welfare considerations are taken into account are key elements. In each of these areas, our record is exemplary. Ultimately, the transport of live animals is a commercial matter and there are sufficient numbers of approved vessels to provide a service if the commercial demand exists.

**Mr. Crawford:** I thank the Minister of State for his lengthy answer, which contained much detail. The real problem for calf exporters some weeks ago was that they had no access to a means to export calves. Does the Minister of State accept that this causes a unique problem, especially in the case of calf exports? If calves cannot be exported before a certain age they must be tested for tuberculosis. This can cause further problems and increases the cost factor. Does the Minister of State agree that it is absolutely necessary to ensure that a continuous opportunity exists, on a weekly basis, for the export of live calves? Does the Minister of State accept that the Holstein type of Friesian is a valuable export, and without third country markets there are not many opportunities for Holstein type of beef?

**Mr. B. Smith:** I accept Deputy Crawford's point that the export market is very important. We have a very successful and important export market. The exports to date this year represent an increase of 35% on the comparable period last year. I reiterate that the Department acts in a speedy and efficient manner when applications are made for the licensing of vessels. Certain criteria must be met with regard to animal welfare and safety etc. and these criteria will not be compromised.

There were some delays in shipping due to weather conditions and we cannot legislate for those, as we all know. I assure the Deputy that the Chairman of the Oireachtas Committee on Agriculture and Food, Deputy Johnny Brady, spoke on a number of occasions to the Minister, Deputy Coughlan; the Minister of State, Deputy Mary Wallace; and me on the need for additional capacity. He highlighted the issue, his concerns were acted upon and additional capacity has become available.

Should there be any other applicants to the Department to have vessels licensed, the processing of applications will not be delayed. We are anxious to ensure that adequate capacity exists at all times to cater for the product going to the markets we have succeeded in obtaining abroad.

**Mr. J. Brady:** I thank the Minister, who sent officials when a problem arose where the smaller shipper was not being facilitated by the larger shipping units. The officials considered the case and extra facilities were made available, which was welcome. As Deputy Crawford stated, this is at a time when calves are coming on stream, and it is important that we get them out of the country. Is it intended to license any other new ships in the near future?

**Mr. B. Smith:** The main destinations of Spain, Italy and the Netherlands are very important markets, as everybody in the House will be aware. The Department understands that some commercial interests are considering the commissioning of an already approved dedicated vessel to provide additional capacity for live exports, particularly to the Spanish market. Were such an application to come before the Department, I assure the Deputy there would be no delay in the necessary processing of the application.

**Mr. Crawford:** I thank Deputy Johnny Brady for his representation on the committee's behalf. This was a major problem which was not related to weather, and I am glad the Deputy clarified it. Has the Minister considered the possible opportunity to create a veal industry in this country? We could retain calves and make the industry profitable. Is it possible to have a cost-effective industry where we could compete with the likes of Italy or Spain?

**Mr. B. Smith:** As Deputy Crawford knows, the matter is not straightforward and it is a difficult issue. It is under consideration by Bord Bia.

**Mr. Kehoe:** The Minister of State mentioned exports through Shannon Airport. Will he clarify that these are through Bóthar or other aid organisations, and not new commercial exports?

**Mr. Naughten:** Did they wear seatbelts?

**Mary Coughlan:** They did, and they had comfortable seats.

**Mr. B. Smith:** The Department authorised the transport of live cattle on aircraft from Shannon Airport. To date three consignments of animals have been exported by these means and it is expected there will be future consignments, though this method of transport is not expected to last in the long term. It was availed of due to bad weather at sea some weeks ago and helped us to meet commitments abroad.

#### **Sugar Industry.**

35. **Mr. Naughten** asked the Minister for Agriculture and Food the steps she has taken to try to retain the sugar industry for a final season; when her attention was drawn to the decision by Greencore; and if she will make a statement on the matter. [12008/06]

**Mary Coughlan:** Throughout the negotiations on reform of the EU sugar regime, my primary objective was to seek to have the Commission's proposals modified to ensure the continuation of an efficient sugar processing sector in Ireland. I had several meetings with the Commissioner in that regard and Ireland played an active role in a group of 11 member states who had common cause in seeking to modify the proposals. The group remained steadfast in its opposition to the reform proposals from the time they were first mooted in July 2004 right up to the final Council meeting in November 2005. When it became evident at the Council meeting that there was not sufficient political support to adapt the proposals to the extent necessary, I focused my efforts on securing a compensation package worth €310 million for Irish stakeholders. I also succeeded in having the reform arrangements phased in, in a manner that opened up the possibility of sugar processing being continued in Ireland for a further two campaigns. Unfortunately, the recent deterioration in the market was a decisive factor for Greencore and on 15 March the company announced its decision to cease sugar production. I learned of the company's decision on the same day.

**Mr. Naughten:** I thank the Minister for her response. I note she did not mention any discussions with Greencore. Did discussions take place with Greencore prior to the decision of 15

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March? Was the lack of clarity on whether farmers would be eligible for the diversification fund if they did not grow beet in 2006 a factor in making farmers hesitant to indicate they would grow beet in the current season?

Will the Minister, as I asked a number of months ago, convene multi-party talks involving all the interest groups to discuss the future utilisation of the land and to address the issues surrounding the compensation deal?

I have asked the Minister on numerous occasions whether the Revenue Commissioners considered quota as an asset for taxation purposes. Have farmers who have bought and sold quota no legal rights or are all the legal rights in the hands of Greencore?

**Mary Coughlan:** If the Deputy wanted to know what meetings I had with Greencore he should have asked the question. That is not the question that was asked. I have had several discussions with Greencore and its representatives, as I have had with farming organisations and people in the localities affected by the reforms. I have met Deputies and Senators from all sides and contractors and as many people as have asked to meet me to discuss sugar since I was first appointed, as I will continue to do. Those discussions covered a variety of issues. I obtained clarity from the European Commission on the basis of the legal text available to me. My position was difficult from the outset because I did not support the reforms, but the regime was going to change this year, in June or July, and I had to make a decision before I had the legal text. Having received the text, I had to make a further decision. I do not think that is the way to do business and it is unfortunate it happened that way, causing concern for many people. However, clarity has now been obtained and I conveyed that to farmers the minute I was in a position to do so. It would have been wrong of me to clarify the situation in a quasi-judicial way because I had to have a legal text available to me.

The question of the future use of the land is, quite rightly, up for discussion. The joint committee of which the Deputy is a member is considering the issue.

The diversification fund is quite specific. It can be used to support farmers and it can be used to support alternatives, if viable. I have recently asked Greencore for clarity as to whether, in the context of the new regime, it would be financially viable for it to consider growing sugar beet for bioethanol purposes and I await a response. The company has previously advised me that it was not economically viable but that is not to say the initiatives announced by former Minister of State at the Department of Agriculture and Food, Deputy Browne, and furthered by the present Minister of State, Deputy Wallace, will not bear fruit. We must investigate their viability.

It would be inappropriate to bring all parties in to one meeting to discuss how the restructuring fund will be dispensed. A process, on which I have sought independent advice, is being put in place at the moment. It will be open, transparent and will produce as balanced an outcome as is possible, given the legal constraints.

As I have said in the House on a number of occasions, my legal advice is to the effect that the quota provides a methodology for measuring an asset but is not, in itself, an asset as defined. The Deputy will accordingly notice that, in the context of the sugar reforms, the term “renunciation of quota” was used. Compensation will be based on renunciation and that clarifies the position with regard to ownership of quota.

**Mr. Kehoe:** The blame game over who destroyed the sugar industry may be over but I blame the Government for its actions in recent months. I have recently spoken to a number of farmers in the beet industry. As the Minister knows, agriculture in Wexford was largely dependent on the beet industry. People there were left in the dark as to whether they would be allowed to grow beet. Many will be affected by the loss of the beet industry in Wexford — farmers, croppers, haulage firms, machinery contractors and people who have invested thousands of euro in the industry over recent years. I spoke to a beet farmer before I came into the House this evening and he said he would erect a sign on his gate before the next general election forbidding Fianna Fáil candidates from entering his farmyard, and I cannot blame him.

**Mary Coughlan:** That is pathetic, Deputy. It is as pathetic as the Deputy’s telephone call to me on 15 March.

**Mr. Kehoe:** No Fianna Fáil member will be allowed to canvass in his farmyard.

**Mr. J. Brady:** He is a Fine Gael man.

**Mr. Kehoe:** He was a Fianna Fáil cumann member but will not vote for Fianna Fáil again because of what it did to the beet industry. Whose interests will the Minister look after in the compensation package? Will it be the farmers who have put their heart and sweat into the beet industry in recent years or will it, as in the past, be Greencore?

Can the Minister envisage beet being grown here in coming years as an alternative energy crop?

**Mary Coughlan:** I will answer the latter question first. The question of whether to grow sugar beet for bioethanol is a matter for farmers and people who might want to be involved in the activity on a commercial basis.

**Mr. Kehoe:** It is a matter for the Department of Agriculture and Food and for the Government.

**An Leas-Cheann Comhairle:** Order, please.

**Mary Coughlan:** When Deputy Kehoe is on this side of the House he can spout——

**Mr. Kehoe:** We will be on that side.

**Mary Coughlan:** ——about how he would have saved the sugar industry. He could not have done so because nobody could.

**Mr. J. Breen:** The Minister should not give up so soon.

**Mary Coughlan:** The consequences of this regime have been severe. Some 11 closures have taken place in countries where the impact statement did not anticipate this. I met people at the marts in Wexford who are involved in alternative energy and energy crops. This should be considered in the context of the diversification of the sugar industry. We should not underestimate the impact this has on the people the Deputy represents, those involved in the ancillary industries, those who work in Mallow and the company. I will not favour one side over another as I must work according to the legal text provided. When this decision is made I hope it will not end up as a catfight in the High Court or the Supreme Court. It is best we deal with this in a professional manner.

The single farm payment is being addressed at present. The diversification fund will be dealt with in the context of decisions made by farmers and the restructuring fund will be dealt with on the basis of economic and social criteria, with advice made available to me. I will do my utmost in the decision I make to reflect the loss suffered.

**Mr. Stanton:** Has research been done on the future consequences of the cessation of beet growing and sugar beet processing? What alternatives have been suggested to replace sugar beet as a crop in the long term? What part is the Department playing in developing research into energy crops or is it solely concerned with food crops? How could the Commissioner in Brussels provide a clear answer on the question of the levy yet the Minister of State could not give a clear answer?

**Mary Coughlan:** An impact study was carried out by the Commission, which indicated that in a number of countries this measure would have an adverse effect. Ireland was one of these countries, the others were Finland, Portugal, Italy and Spain.

Alternatives are being considered and a considerable amount of money has been made available for research into alternatives. This has been done in conjunction with the recent Department of Finance decision on taxation. The Minister of State at my Department, Deputy Mary Wallace, has special responsibility for examining alternatives in conjunction with the Department of

Communications, Marine and Natural Resources. A commercial component of the decision made by the Minister for Communications, Marine and Natural Resources on Sunday will be rolled out.

Farmers will also have to make decisions on this matter. When I travelled to north Cork I met young people who had an interest in alternatives. The diversification fund, which the Commissioner has stated is specifically for alternatives, must be considered and should be used in the new technology programme. Alternative energy crops are being promoted in Deputy Kehoe's constituency and this must be examined. I agree that €45 per hectare is not adequate and in the context of the new energy policy, we put forward the view that the sum will not be sufficient for what we wish to achieve in alternative land use.

The special fund was made available because we did not have alternative rotation crops and the sum increased from €22 million. On that basis we are examining the impact the removal of sugar has had on the tillage sector. In consultation with a number of Departments we will examine and facilitate alternatives. Considering compensation, *per se*, may not be the best way forward and we must show leadership in encouraging people to continue growing in the tillage sector despite their disappointments.

The Commissioner indicated that one does not pay the levy in the year one renounces. I have watched every press conference the Commissioner gave and the decision was made as a result of the final text passed by the Parliament and the Council. It was only at that stage that we could determine the parameters of the levy.

*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 Naughten — the need for the Minister to outline her plans for the development of services at hospitals (details supplied); (2) Deputy Cowley — the need for the Minister to extend the National Treatment Purchase Fund to provide a temporary breast screening service to women in the south and west; (3) Deputy Walsh — to discuss the question of the provision of interim accommodation by OPW at Clonakilty, County Cork; (4) Deputy Fiona O'Malley — to discuss the regulator's role in ensuring that postal services in the country comply with legal obligations; (5) Deputy Upton — to ask the Minister to ensure that a student (details supplied) receives a blind pension; (6) Deputy Deenihan — the need to postpone the implementation of the action plan for 2006-07 of the Commission for Taxi Regulations for at least six months; and (7) Deputy Neville — to discuss an increase in financial aid for the growing of miscanthus.

[An Leas-Cheann Comhairle.]

The matters raised by Deputies Naughten, Walsh, Upton and Deenihan have been selected for discussion.

**Criminal Justice Bill 2004: Motion re Instruction to Committee (Resumed).**

The following motion was moved by the Minister for Justice, Equality and Law Reform on Tuesday, 28 March 2006:

That, notwithstanding anything in Standing Orders, it be an instruction to the Select Committee on Justice, Equality, Defence and Women's Rights that it has power to make provision in the Criminal Justice Bill 2004 in relation to:

- the Firearms Acts 1925 to 2000 including increasing fines and penalties generally for firearm offences, creating mandatory minimum sentences for certain offences, introduction of a gun amnesty and amendments governing the grant of firearm certificates;
- the Explosives Act 1875 to provide for new offences relating to fireworks and increased penalties;
- offences relating to organised crime including an offence of participating or contributing to any activity of a criminal organisation for the purpose of enhancing the ability of such an organisation to commit or facilitate a serious offence whether inside or outside the State, an offence of committing an offence for the benefit of a criminal organisation and an offence of conspiracy to commit a serious offence;
- the Misuse of Drugs Act 1977 in order to strengthen the existing sentencing provisions for drug trafficking offences, create a new offence of importation of drugs with a value of €13,000 or more, and a new offence of supplying drugs to prisons;
- a requirement in the interests of the common good, obliging persons convicted on indictment of certain drug trafficking offences to notify certain information to the Garda Síochána;
- sentencing including creating a statutory basis for suspended or partially suspended sentences, imposition of a fine and deferral of sentence, restriction on movement orders and electronic monitoring of offenders;
- civil proceedings in relation to anti-social behaviour by adults;
- the Children Act 2001 to provide for civil proceedings in relation to anti-social behaviour by children aged 12 or over and other juvenile justice matters, including amendments to facilitate the transfer of responsibility for the provision and operation of children detention schools from the Department of Education and Science to the Department of Justice, Equality and Law Reform;
- the establishment of a body to be known as the Criminal Law Codification Advisory Committee to advise on the drawing up of a criminal code and monitor its implementation;
- a new offence of possession of an article intended for use in connection with certain offences;
- section 19 of the Criminal Justice (Public Order) Act 1994 in order to expand the existing offence of assaulting or threatening to assault a peace officer to include medical personnel;
- the Criminal Justice (United Nations Convention against Torture) Act 2000 to clarify the meaning of "torture" as defined in that Act;
- the Courts (Supplemental Provisions) Act 1961 to clarify that a district court judge may exercise his or her powers in relation to his or her district anywhere in the State.

**Aengus Ó Snodaigh:** Ba mhaith liom mo chuid ama a roinnt le mo chomhghleacaithe, na Teachtaí Finian McGrath, Catherine Murphy agus Sargent.

According to the Minister for Justice, Equality and Law Reform the amendments to the Criminal Justice Bill 2004 aim to bring criminal law up to date and make it relevant to the needs of modern society. However, he is electioneering at the expense of democracy. He is engaged in a war on fundamental rights and has a coalition of eager allies in his Fianna Fáil partners, much of the media and the so-called alternative coalition. The Minister is hyperactively producing legislative reforms that are, in the main, unnecessary. His proposals amount to superficial gimmicks which he is selling to the public as quick-fix solutions via his press releases, seeking cheap votes.

There are no quick-fix solutions to today's complex crime problem. Reform, restructuring and resourcing of the Garda Síochána is needed to ensure enforcement of existing laws. It is vital that new provisions are evidence-based and human rights compliant. My Sinn Féin colleagues, civil libertarians and children's rights groups have expressed serious concern at the number and intent of some of the measures proposed by the

Minister. Among those causing concern are the lowering of the age of criminal responsibility, the introduction of anti-social behaviour orders and the motivation, legality and potential effectiveness of new sections regarding gangland crime, conspiracy, drugs, sentencing and electronic tagging.

The ability of Sinn Féin, NGOs and the Irish Human Rights Commission to absorb and analyse the Minister's proposals, thereby contributing to the development of sound legislation in this area, has been greatly inhibited by the Minister's typically anti-democratic actions. The Bill began in 2004 with 38 sections and the Minister is now introducing over 200 amendments, of which we only had sight last week. There are substantial differences between these amendments and the heads of the Bill he published at the end of last year. Yesterday he indicated in the House that he intends to introduce more sections on Report Stage. The whole thing is a joke.

I will focus on one area of particular concern, the new provisions on organised crime. My reading of the proposed amendments is from a human rights perspective. A series of red-line issues are thrown up. It appears the Minister's desire to be seen to be doing something, anything, to address the country's growing gangland crime problem has led him to propose a series of rash new offences and proceedings that would have grave and dangerous consequences for the fundamental civil and political rights of the people. The Human Rights Commission questioned whether the Minister's proposals on organised crime are a proportionate or necessary response to the problem of organised crime. It concluded: "the activity which is targeted here is already subject to appropriate criminal sanction through existing common law and statute which prohibit conspiracy to commit an offence and prohibit the aiding, abetting, counselling or procuring of an offence". The Irish Council for Civil Liberties argued in its submission yesterday to the Oireachtas Committee on Justice, Equality, Defence and Women's Rights, that existing laws are sufficient. The ICCL argued that the Minister's proposals lack certainty and clarity and that the effort would be better spent on improving law-enforcement, that is developing and resourcing proper community policing initiatives.

To add to the sound arguments against the Minister's proposals put forward by the Human Rights Commission and the ICCL, his provisions on organised crime are based largely on the Canadian criminal code. The same section of the Canadian criminal code the Minister is eager to introduce here was recently found by the Supreme Court of British Columbia to be in violation of Canada's Charter of Rights and Freedom. The Minister's proposals are framed in such a way that one could almost be found guilty of an offence for baby-sitting a possible criminal's children. The prosecution would not have to prove

that any criminal offence was committed or that the defendant knew about it if it was.

Instead of assaulting the fundamental rights underpinning this democracy the Minister should reform, restructure and resource the Garda. As a priority he should arrange for the civilianisation of appropriate tasks such as certain administrative duties and the introduction of a dedicated traffic corps thereby freeing up trained gardaí to fight crime. Sinn Féin will oppose all measures proposed by the Minister that fail to comply with international best practice and human rights standards, and that will ultimately fail to address the country's crime problems. I urge the Minister to withdraw this Bill and begin afresh.

**Mr. F. McGrath:** Crime, like health, is a major issue. In recent weeks we have seen people suffer as victims of crime, the drugs issue and massive violence being used against our citizens. It is important we address this issue in a serious and comprehensive way. I extend my deepest sympathy to the family of Ms Donna Cleary in Coolock, one of my constituents who was recently murdered at a party. She was a young mother, shot down in the dead of night by people armed with guns and high on drugs. That this innocent woman was slaughtered at a party is a disgrace. While I blame the people directly involved, we need more than sympathy for the families affected. The Cleary family needs practical support and I urge all the groups, particularly those working with victims to assist them. We also need a policing response and action. I have a simple and old-fashioned, though relevant, philosophy on crime. If one does the crime, one should do the time without whingeing. Gardaí should not go into communities and demand respect but earn it, and this will gather community support. Although I welcome constructive comments on the solution to crime, increasing powers and creating new offences are only cosmetic exercises. When tackling crime, addressing social, economic and educational disadvantage must be a major part of the solution. We also need programmes to assist violent and dysfunctional children at an early age. It is too late to help them after they have been lost in the system. As part of the policing solution we need more gardaí working with the community, on the beat, not sitting in their offices, in Garda stations or whizzing around in patrol cars. That is the reality and our citizens demand it. We want them to be on the beat for six hours in every eight hour shift, not doing other jobs.

We need a properly planned anti-drugs strategy, because drugs lead to more violence in our society. In the approach adopted in the Bill and its amendments there is a tendency to see the solution to crime in terms of increasing policing powers and creating new offences. The Garda and the criminal justice system are severely under-funded and the measures proposed by the Minister are cosmetic and not justified by the background information. The Minister for

[Mr. F. McGrath.]

Justice, Equality and Law Reform has not done his job on crime. I urge him to wake up, to avoid little debates and rows on numbers with the private schoolboy people such as the Opposition spokesperson. It is not acceptable. The people demand action, more community policing, a serious response to crime and that the Garda does its job in a professional way.

**Ms C. Murphy:** I want to concentrate on anti-social behaviour orders. The proposal is on reducing the burden of proof from the criminal justice system, where a reasonable doubt applies, to the civil burden of proof, where it is about the balance of probabilities. On his visit to the UK in November 2004 the Commissioner for Human Rights stated:

The proper evidential requirements and sensible control of what actually constitutes anti-social behaviour are essential, as ASBOs can bring their subjects literally a misplaced step away from the criminal justice system. Indeed ASBOs blur the boundaries between the civil and criminal justice systems and great care must consequently be taken to ensure the rights to a fair trial and liberty are respected. 42% of all ASBOs up to 2003 were breached. The concern is that the excessive use of ASBOs is more likely to exacerbate the anti-social behaviour and crime amongst youth than effectively prevent it and this is for two reasons. Firstly, ASBO breaches have resulted in large numbers of children being detained. 46% of young people received immediate custody upon conviction of a breach. The chair of the Youth Justice Board has conceded that the rise in the young offender population in custody in 2004 resulted mainly from breaches of ASBOs. Given the high reconviction conviction rates for detained juvenile offenders one wonders whether the detention of juveniles for non-criminal behaviour will not lead to more serious offences on release.

Much of what has been described as anti-social behaviour is criminal behaviour. Public order and damage to property offences already exist on the statute books. We need the personnel to pursue vandalism, damage to property and being drunk and disorderly. We have seen too many public relations exercises such as "zero-tolerance". This is yet another attempt to give the impression that something is being done. Again I quote the Commissioner for Human Rights:

One cannot but wonder, indeed, whether their purpose is not more to reassure the public that something is being done and better still, by local residents themselves, than the actual prevention of the anti-social behaviour itself.

I saw first hand what happened when by-laws sanctioning those who were causing a serious problem with drinking parties were introduced by

Leixlip Town Council. The object was to reduce the problem. All that occurred was the creation of an additional stream of income and the local authority had to administer the system. A great administrative burden was placed on the local authority. It was found in the United Kingdom that it required a virtual army of administrative staff to process the orders, track offences and follow those who had breached the orders. There is a public service embargo preventing the recruitment of civilians to the Garda to do non-frontline work and it is being proposed to put trained police officers into offices to track ASBOs. This is madness.

I have seen excellent work done by junior liaison officers and good community policing. The problem is that there are insufficient resources.

However, to obtain further Garda resources, there needs to be increased crime rates. Good policing is not just about detection rates, it is also about prevention. We need to approach this matter differently.

ASBO excesses have been well-publicised. Two notable examples include the serving of an ASBO on an 87 year old woman for being repeatedly sarcastic and on a 17 year old deaf girl for spitting. Orders tend to apply to those on the fringes of society and those with severe behavioural problems. We are trading away our civil liberties instead of allocating money for resources to deal with the problem.

**Mr. Sargent:** Tá áthas orm deis a fháil labhairt ar an mBille um Cheartas Coiriúil 2004. In his opening address, the Minister referred to giving extra powers to the Garda Síochána. I ask that he devote as much attention to the reforms needed in the force. People need to hear more about these in light of the Morris tribunal.

The issue of resources, which my colleagues have mentioned, was not covered in the Minister's opening address. He needs to return to this given that there have been more problems associated with a lack of resources than with a lack of powers. The Minister proposes to amend the firearms and explosives legislation. However, it is still the case that international arms traders are very easily approached over the Internet. I read in a newspaper over the weekend that schoolgirls in Portlaoise were able to access fairly frightening torture equipment and weapons over the Internet, just to prove it could be done. I do not believe the Minister is tackling the problem, nor does the legislation under discussion contain proposals to do so.

Amending the fireworks legislation of 1875 is one matter but monitoring communities and acting on foot of the tsunami of fireworks entering this country is another. Resources and education are badly needed in this regard. Serious incidents have occurred such as the blowing up of an animal corpse with fireworks. The Garda certainly

needs greater resources to tackle the type of behaviour sometimes evident in our communities.

I agree with Deputies who mentioned the inadequacy and counter-productive nature of ASBOs in that they focus on the marginalised in the community. Not only do they lead to a culture of criminalisation, they also highlight the lack of resources. It is an end-of-pipe type of approach rather than one characterised by preventing the problem in the first place. In this regard, more juvenile liaison officers are badly needed, as are more uniformed gardaí.

I have received a number of letters on this subject, one of which is from a resident in Doneraile in County Cork. It states:

In my young days when crime was almost nil . . . we had a resident sergeant plus 4 resident gardaí. Today in 2006 we have no resident garda, a despicable situation that has now gone on for the past few years, when crime and vandalism [are at an unacceptable level]. I am requesting you and other politicians to help this town of Doneraile to fight for a resident garda sergeant, plus a resident garda. In fact, I am not alone requesting you, I am pleading with you to help us get law-enforcement officers. I will say . . . it is nothing short of a disgrace to have to beg for a resident law-enforcement officer for a growing town with an equally growing population[.]

This is typical of letters I receive from individuals throughout the country.

My area covers Balbriggan, Rush, Lusk, Skerries, Garristown, Naul, Ballyboughal and Oldtown, and also Trinity House and Oberstown. The Garda district of Balbriggan had more uniformed gardaí in 1988 than it does today although the population was approximately half of what it is today. This is an indictment of a Government that has anything to say crime, as this legislation purports to do. In 2006, there are 33 station personnel, including 15 uniformed gardaí, four sergeants and personnel in other roles the Garda has been given. The Garda needs to have personnel in these roles. Although there were more uniformed gardaí in the district in 1988, there was no drugs unit and there was not as much serious crime as there is today, nor were there community policing or foreign national responsibilities.

The Government is clearly attempting to paint a picture to the effect that there is no problem and that it is just adding to the powers of the Garda. However, law and order are in crisis because of cutting corners in the provision of resources. The Commissioner's statement that we need to increase Garda strength to 15,000, 1,000 more than the Minister was considering, even in his wildest dreams, indicates that the Garda is at the end of its tether.

The Minister's proposal to increase the retirement age of gardaí takes the biscuit altogether. Gardaí are doing their level best to get out of the

force early because they are so demoralised, have no back-up and are expected to a number of jobs all at once. They are not getting the help they need from the Government and additional powers will not solve this problem. I hope the Government spokesperson, when wrapping up this debate, will indicate clearly that the resources the Garda needs will be provided. Only then will we take the Bill seriously.

**Mr. O'Connor:** I preface my remarks by expressing my sympathy on the death of Ruairí Brugha. I did not have the opportunity to add my voice to the expressions of sympathy. It is often forgotten that Ruairí Brugha, when he was first elected in Dublin South County in 1973, represented the Tallaght area.

I am very happy to contribute to this debate. I was waiting for my colleague, Deputy Sargent, to praise the Minister for Justice, Equality and Law Reform because, when I was listening to the news on TV3 last Saturday evening, I heard Ursula Halligan tell us rather excitedly from Kilkenny that the Minister had cheered up the Greens. The Deputy was busy and may have missed it.

**Mr. Sargent:** It was for the wrong reasons.

**Mr. O'Connor:** That was some achievement and the Deputy might give him some credit for it. I waited in vain but maybe the Deputy will avail of another opportunity to do so.

My good friend Deputy Ó Snodaigh referred to electioneering but, according to my count, there are at least 400 more days before the election. We have a long way to go.

**Aengus Ó Snodaigh:** Electioneering starts when the previous general election is over.

**Mr. O'Connor:** That is correct but there are 400 more days to go, which is a long time.

**Aengus Ó Snodaigh:** I did not say it was tomorrow.

**Mr. O'Connor:** I have noticed that people have talked about their constituencies in this debate and I will certainly mention mine in my contribution. I went for a walk today around the old streets from which I came. I do not come from Tallaght but was born in this parish and lived in St. Stephen's Street and South Great George's Street. I said in a speech some time ago that I was born in a bygone era in Dublin and, having listened to some of the contributions, I believe it is fair to reflect on this. As I grew up in Crumlin, I remember that the biggest event of any day was when the local garda cycled from the Garda station down the streets and through Derry Park, which Deputy Ó Snodaigh will know very well, and took our ball. I am not a bit afraid to say from the Government benches that this is the kind of policing to which we need to return. It is very important to have visibility and to have the



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male and female members of the Garda on our streets. This is the way forward in dealing with our communities.

There has been much controversy recently about anti-social behaviour orders and the question of a Garda reserve. It is very important that we speak up for what the Minister is trying to achieve in some of these issues. He has heard all sorts of comments from every side of the House, including from the Fianna Fáil benches, yesterday and today. As a Government Deputy, I will not claim that everything is right in my community, but at the same time we should try to work with the Minister and bring to his attention the issues of concern to us and try to get action. I do that not only as a Deputy, but also as a member of the Joint Committee on Justice, Equality, Defence and Women's Rights, where we all see what the Minister is trying to do. I have heard Opposition colleagues marvel at the workload in that regard and that on a regular basis the Minister engages with us, which is important.

I am not afraid to say that we face challenges as far as crime is concerned. The area of Dublin which I represent and in which I live is different from the place where I grew up. It is becoming a dangerous place with much crime. Not a day goes by without crime making the headlines. We need to press the Government to ensure the Garda is properly resourced to deal with crime. We need to tackle the bosses and their gangs and take them out of business.

I always want to be positive about the work of the Garda, particularly in my constituency. I disagree with the advice of senior Garda management in the Phoenix Park and senior officials in the Department of Justice, Equality and Law Reform on the need for Garda facilities in my town of Tallaght. My constituency is very relevant to the debate. While Dublin South-West includes the town of Tallaght, which is the third largest population centre in the country, it also includes rural areas like Brittas and Bohernabreena, and other population centres like Firhouse, Greenhills and Templeogue. My constituency has 74,000 people, but there is only one Garda station. While we are served by other stations in the region, in Clondalkin, Terenure, Crumlin and Rathfarnham, we have only one Garda station.

Tallaght Garda station was built in 1989 before the town developed to its present size. Members and certainly the Ceann Comhairle will remember the Tallaght of 1989, with no Square, hospital, civic centre or civic theatre. It had none of the facilities, which thankfully have been introduced in the past 15 years. I have often mentioned — I am sure the *Irish Examiner* will pick me up for mentioning it again — that 20 cranes are working on the town centre land, thousands of apartments are being developed and new housing estates are being developed, particularly to the west of the town, in Marfield, Kiltipper, Westbrook and Carrickmore. We still have only one Garda

station, with fewer gardaí than in Limerick which has a smaller population than Tallaght.

We need the Minister to understand that Tallaght has those needs. We need the development of the new Garda station, which is being progressed, as the Minister advised me some weeks ago. I understand that a planning application is being progressed by the OPW. The Garda authorities and the Department believe that Tallaght does not need another Garda station, which I absolutely refute. I will not sit idly by because Tallaght needs a second Garda station. I have made a case for the rest of the constituency. A Garda station situated west of the Square would be of great benefit to those communities and to the whole area.

Considerable progress has been made regarding the work of the Garda in Tallaght and the other areas. I am always happy to support the work of community gardaí in every community, particularly my own. They work on a weekly basis with the local authority and provide a clinic setting where people can go to discuss problems they are having in the estates. These clinics operate on Wednesday, Thursday and Friday in Tallaght, Jobstown, Killinarden and Fettercairn.

Other colleagues have talked about the need for the JLO scheme to be beefed up, to give resources to the drugs unit and to help Garda visibility by promoting the use of mountain bicycles, the horse unit etc. I am glad my communities have been able to take advantage of those programmes. I strongly support the Garda youth diversion projects. Killinarden, Jobstown and Fettercairn in the Tallaght area have very successful projects. On a number of occasions recently in Dáil debates, at the Oireachtas joint committee and through other means, I have drawn the Minister's attention to the need to fund the St. Aengus stay in school project in Tymon North in Tallaght. When I brought in a group from St. Aengus's parish to meet the Minister for Justice, Equality and Law Reform, Deputy McDowell, he was able to confirm that the project will be funded. While the Garda understands it has been confirmed, the document has not been signed and I hope it can be confirmed in the next few days.

From previous contributions I have made on crime and Garda resources for my constituency, Members will know that I believe strongly in community involvement, which is why I feel the proposal for a Garda reserve is reasonable. Members of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights accompanied the Minister for Justice, Equality and Law Reform last April on a visit to the London Metropolitan Police in New Scotland Yard. We saw what it is doing regarding community policing and reservists. During that weekend, Deputy Finian McGrath and I had the opportunity to go on a detail with policemen, which was an amazing experience. We saw how the police respond to situations. As it happened

on the day of a match between Chelsea and Fulham, many people were out and about with considerable potential for high spirits. While it might sound sad to some Members, I found it a great experience, which gave me a good understanding as to what can be done with community policing.

I mentioned my own town a few times and I would like to mention some other activities I strongly support in Tallaght. The Tallaght Garda has a so-called "one-person programme" working with what I will call the international community in our town. The programme has been very successful. The community garda, Jim Fleming, has been working with the local schools and in recent times pupils from all the schools took advantage of the facilities in the National Basketball Arena. That represents an extension of the Garda diversion project and it has been very successful.

We need to understand the concerns of victims. I have been a long-time supporter of victim support programmes. We need to do as much as possible to facilitate victims and ensure their needs are considered. Victim organisations, particularly Victim Support, often make the point that the needs of victims are not addressed in legislation. I was a victim of crime on a few occasions and it had a significant effect on me. Every day I meet families who are the subject of even more serious crime than that to which I have been subjected and it affects them greatly. I ask the Department officials to convey this message to the Minister. I have made representations to the Minister in respect of the victim support facilities in Tallaght Courthouse. As some Members may know, that courthouse has not operated for some months following a fire. It is being renovated and it is understood that Judge McDonnell will be back very shortly, to which the local community looks forward. People have concerns about the victim support facilities being moved to another part of the courthouse. I hope the Minister will respond in a positive way to the reasonable representations I have made to him by ensuring that victim support is facilitated and there are no difficulties in that regard.

I also want to talk about the operations of peace commissioners, which is an issue that a number of people have raised with me. I am sure Members will recall that until two years ago, peace commissioners were allowed to sign search warrants under theft legislation which was subsequently amended to disallow them from doing so. If gardaí want to obtain search warrants on foot of cases of theft or larceny, they are required to present themselves before a District Court judge. However, it can be difficult to obtain access to District Court judges out of hours, especially at weekends. Peace commissioners are allowed to sign search warrants for drugs searches under drugs legislation, often resulting in large quantities of drugs worth millions of euro being taken off the streets, as we have seen in recent times. Peace commissioners are available to gardaí on a 24-hour basis. They often attend the

court cases which arise from the issuing of drugs search warrants. It is difficult to understand, therefore, why peace commissioners cannot issue search warrants under theft legislation, for example in the case of the theft of equipment or property worth €100.

This regulation causes a great deal of frustration for gardaí who seek such warrants out of hours. I hope the Minister will examine this problem and amend the Criminal Justice Bill 2004 to facilitate the issuing of warrants under theft legislation. This issue has been brought to my attention by a number of peace commissioners in the Tallaght region. I am a peace commissioner. It is not something I always wanted to do but I am always happy to oblige the Garda. I ask the Minister to consider this matter and tell the House whether changes can be made.

A number of colleagues referred to the difficulties which arise from the use of fireworks. Deputies are contacted every year by people concerned about the problems caused in their communities by fireworks and bonfires. I receive complaints every year from communities in which fireworks are being discharged in a haphazard, illegal and dangerous manner. Local authorities say every year they will take action — South Dublin County Council is no different in that regard — but we always end up talking about what went wrong and saying we will have to take action next year.

I have listened carefully to a number of contributions to this debate in which Deputies have referred to the difficulties and challenges posed by the use of fireworks. I ask the Minister to understand the significant concerns in many communities in that regard and to examine the matter. We say every year that something definite must be done in our communities, but we always seem to end up saying we will take action next year. We find that we are doing the same things when the following year comes around. Given that this issue has been raised by successive speakers throughout this debate, it is clear that action is required.

Perhaps the Minister will consider telling the Garda authorities that more liaison should take place with local authorities to ensure that these matters are dealt with. We should ensure that bonfires are organised properly, as they are in the Aylesbury district of Tallaght every year. Such organisation ensures that illegal fireworks are not discharged and open spaces are not damaged. I am trying to spread this gospel throughout my constituency. Perhaps the Minister will promote this idea elsewhere because we should understand the need for it.

Many speakers have referred to the threat and danger posed to our communities by drugs. I have applauded on many occasions the good work of the Garda in dealing with drug gangs. I do not disagree with the Member who said yesterday that much of the blatant and serious crime taking place at present, such as the shootings on the

[Mr. O'Connor.]

M50, is being perpetrated by gangs who are making easy money. My constituency has suffered from drug problems as much as anywhere over recent years. We need to keep on top of the problem. I agree with Deputies who have argued that this is not just a law and order issue, although that aspect of it is clearly important. I appeal to the Minister of State, Deputy Noel Ahern, whose efforts to date I applaud, to acknowledge that the Department of Community, Rural and Gaeltacht Affairs continues to face challenges in this regard. It is important that we continue to support communities like those in Dublin South-West, which are no different to those in other parts of the country in this respect, through the gardaí and by other means.

I appreciate the opportunity to speak on this motion. I acknowledge the presence in the House of my good friend, the Minister of State, Deputy Killeen, whose work in this regard I am always happy to applaud. Some people questioned whether this important debate should have taken place, but it is good that we have been able to discuss the various issues. I have listened to all the contributions and it was good to hear the trends. I hope the Minister will take particular note of what we all say in a general and global sense. I remind him to consider the specific issues I have raised, including the need for a new Garda station in the Tallaght area. I hope he will support me in that regard.

**Mr. Deasy:** If I do not use my seven minutes, can I cede the rest of my time to Deputies Hayes and Crawford?

**An Ceann Comhairle:** Is that agreed? Agreed.

**Mr. Deasy:** I do not mean any disrespect to Deputy O'Connor, who put his finger on the drugs issue, when I ask him to pick out the aspects of the Criminal Justice Bill 2004 which will make a difference on the streets. As far as I can tell, the legislation will do nothing to bring about change in respect of drugs. I have examined the Bill and I think it is useless.

When I listened to the Minister's opening speech yesterday, the first thing that caught my attention was his remark that, "it has taken somewhat longer than I hoped it would to bring this motion before the House". The fact is that he was forced to initiate this debate because he was embarrassed by what happened last week. When some people raised concerns about the number of amendments proposed to the Criminal Justice Bill 2004, he conceded the point. The Minister has given us some nonsense about the need for an open debate on the issue, but if it were up to him, we would not be having this debate. He was forced into it.

The other thing that caught my attention was the Minister's comment in defence of his record that, "the number of headline crimes was heading

for well over 500,000 if the rainbow Government had remained in office for five years". That is like me saying that the way things are going, half the people in this Chamber will be murdered if Deputy McDowell remains as Minister for Justice, Equality and Law Reform over the next five years.

**Mr. Hayes:** Well said.

**Mr. Deasy:** It is probably the weakest thing I have ever heard anyone say when trying to defend their record. The Minister is genuinely embarrassed because he knows that the amendments to this Bill do not provide for mandatory minimum sentences. It is a bit of a joke.

It has been proven that the manner in which legislation is written has allowed judges to disregard what Government Deputies would describe as "mandatory minimum sentences". We know that the sentences in question are not mandatory. The supposedly mandatory ten-year sentence has been handed down in just 3% or 4% of the cases which have been brought before the courts since 1999. I do not know how one can refer to it as a mandatory minimum sentence in such circumstances.

The Government's efforts to tackle the problem of drugs over its last four years in office have represented a complete failure. Such substantial quantities of drugs have never before been circulated in this country. Deputy O'Connor's comment that a large percentage of crime stems from the drug trade and the culture of the drug world was something of an understatement. Many crimes such as street violence, anti-social behaviour, gangland murders and burglaries stem from the drug trade. The Government has done practically nothing to prevent it. This Bill is more of the same. We are constantly being regaled by press conferences on the extra drug seizures around the country. We all know there have never been more drugs in the country. Members will not contradict me when I say that in small villages in counties such as Clare one can find drugs that were not available five or ten years ago. Four years ago I could have said there was no heroin in some parts of County Waterford. That is not the case any longer. When I came into the Dáil first, they were available as far south as Carlow. Now they are freely available in some towns in Waterford. That is the legacy of this Government as far as the whole drugs issue is concerned.

The response seems to be that the Government is going to amend the provision inserted into the Misuse of Drugs Act 1997 by the Criminal Justice Act. This was the so-called famous ten-year mandatory minimum sentence. One gets ten years if found in possession of over €12,700 worth of drugs. It is not mandatory, however. Judges, as everyone has acknowledged, including Members on the Government side, know that there is a massive opt-out here. Judges have been laughing at this provision for the last six years. The offend-

ing part of the Bill is this: "This section shall not apply where the court is satisfied that there are exceptional and specific circumstances relating to the offence". They will not give the sentence, essentially, if there are exceptional and specific circumstances relating to the offence. It allows judges, basically to ignore this completely. I am not reading that from the amendment to do with drugs. Rather, it is the amendment to section 15 of the Firearms Act.

The Minister is telling us he is introducing a minimum mandatory sentence for the possession of firearms. What he has also done is to include the line which provides that if there are exceptional and specific circumstances, the section does not apply. He has handed the judges the exact same opt-out that was given six years ago in the case of drugs. It is as useless as the Criminal Justice Act 1999. For the last four years I have been listening to the Minister and others complaining that the provision was being completely ignored by judges saying it was the norm and not the exception. Yet the Government tables amendments as regards firearms and puts in exactly the same line, so that every judge can ignore it just as much as he or she can as regards the provision on drugs.

The defence is probably more pathetic. Basically it is that an individual's criminal record will have to be taken into consideration from now on. Surely, that was a matter of course in any courtroom anyway. It is mind-bogglingly idiotic to assume that a court would not take someone's criminal record into consideration anyway. The Minister said at the committee hearing that when the court was considering imposing a lesser or reduced sentence, it should have regard to whether this would compromise the public's protection against drug traffickers. I assume the courts take public protection into consideration as a matter of course. Probably the most useless line from legislation dealing with criminal issues has been re-inserted for the whole area of firearms after it had been proven not to be worth the paper it is written on. In fairness to some Fianna Fáil backbenchers, surely the Minister of State will agree with that and that this will have to be rewritten. As it stands every judge will continue to laugh at this. If the Government is serious about taking on drug offenders, we should start to seriously consider taking on the Judiciary when it comes to constitutional issues that arise between the Legislature and the Judiciary. This Bill does not do that. It allows the Judiciary to sidestep everything in this Bill.

**Mr. Hayes:** I am pleased to address the House on the issue of criminal justice. The whole area of law and order is one which we are all concerned about and that concern is growing all the time. Some shocking events in Dublin recently have suggested that this country is in a bad way and that criminal justice is an aspiration rather than a reality in 2006. The events in Dublin, while

shocking and tragic, should not detract totally from the fact the country is experiencing a worrying deterioration of law and order. In my constituency crime rates in the more urbanised areas have grown significantly in recent years. In the Clonmel Garda district, which takes in Carrick-on-Suir and Fethard, recorded headline crimes in 2004 amounted to 523. Figures that I received from the Department of Justice, Equality and Law Reform a week ago indicate that this figure had increased by 37% to 717 in 2005. The figures indicate that thefts and burglaries jumped most significantly, from 387 in 2004 to 528 in 2005, a rise of 36% in just one year. In the context of such massive increases in thefts and burglaries, it is difficult for people to feel safe in their homes and businesses. It is no comfort to know that of the 528 thefts and burglaries recorded in 2005, only 192, slightly over one third, were detected. The solution to the escalating crime levels is to increase the numbers of gardaí and give them adequate resources. If criminal numbers are growing and they have access to ever-improving technology, the State must ensure Garda numbers and resources keep pace. In my constituency that has certainly not been the case. Fethard for example, is a town in part of the district in which crime has been growing significantly in recent years. When this Government came into office in 1997, Fethard had three gardaí. It now has two. So the trend in Fethard has been increasing crime and decreasing Garda numbers. The downgrading of rural Garda stations is not confined to Fethard. Other stations in my constituency affected include Emly, Golden and Dundrum. The trend is relentless not alone in mine but in every constituency throughout the country.

Rural Garda stations fulfil many functions. Deputy Cregan could name a few, as well.

**Mr. Cregan:** I could and I will.

**Mr. Hayes:** The most obvious of these is to ensure the law is upheld and order prevails. People in a locality feel safer when there is a garda stationed in their area. They are pleased to see their local gardaí patrolling the area. They know the physical presence of a garda in an area is a crime deterrent. This is of particular importance to the elderly who often feel especially vulnerable, particularly if they live alone. One constituent phoned me in a state of some distress last year because his local Garda sergeant had retired and had not been replaced. There is a direct correlation between the loss of that Garda post and the steep rise in anti-social behaviour in the small town. Those in the locality feel very let down by Government. They believe that rural Ireland has once again been forgotten and that it does not matter if their area is subject to vandalism, drug abuse, thefts, burglaries and so forth because this level of crime does not merit the appointment of a garda. Even though no Government in the his-

[Mr. Hayes.]

tory of the State has ever had so much money flooding the Exchequer, no allocation was made to provide a garda for this small town. Its people were, and still are, expected to put up with anti-social behaviour and petty crime and to just get used to it. That is life in rural Ireland under this Government.

Clonmel is a sizeable urban area with many problems, not least among them anti-social behaviour, thefts and burglaries, assaults and drug offences. In nine years, Clonmel's garda numbers have increased by four. This increase is not all it seems, given that Fethard which is part of Clonmel's Garda district lost a garda during this period. Another example of under-resourcing is that in my entire constituency just three gardaí are dedicated to tackling drugs crime. It is generally acknowledged that only 10% of drugs coming into the country are detected. If we want that statistic to increase, we must increase the number of gardaí that are dedicated to this area. The number of gardaí must be increased if we are to tackle crime, particularly in regard to drugs.

**Mr. Crawford:** I welcome the opportunity to say a few words on this important legislation. The only difficulties I have with it, like other speakers, is the length of time it has taken to come through the system and the fact that such a large volume of additions has been tacked on to it. This issue has been the source of debate in the House yesterday and today. It is absolutely impossible to give this matter any real consideration in a five or six-minute period, so rather than do that I will concentrate on a few issues.

When I spoke on the original Bill I referred to the anomaly of including the issue of firearms in the legislation. It is unfortunate that this was the chosen mechanism. The matter should have been dealt with by itself. The issue must be dealt with comprehensively and must include the matter of storage and training for those who are permitted to use firearms. We should not allow somebody to be in control of an ordinary shotgun without some degree of understanding and monitoring.

Crime figures have been the focus of attention in this House recently and I will not allow myself to be accused by the Minister of misusing his figures. However, the reality on the ground is what we see and in the Border region I represent, which is also represented by the Ceann Comhairle, the number of gardaí in the stations is minimal compared to the number there in the past. I welcome the peace process and all to do with it but if we are to treat it seriously and bring it to a final conclusion there is justification for a real involvement of manpower, be it at Garda or Army level, in that area.

I congratulate the Garda and the PSNI for the job they did on the Border in Armagh. The alternative small farm enterprise that has become so common along the Border is totally and absolutely unacceptable to me. Has the Minister

worked out how much finance we are losing in taxes due to the diesel that is being cleaned? Would that money not be better used in providing the extra personnel to ensure that this matter is dealt with once and for all?

Let us consider what it would mean to the peace process if we could say that at last we had dealt with criminality. That is the real question as far as I am concerned. I want to see the Good Friday Agreement finalised. I want to see criminality from whatever side ended. There is no doubt that it happens on both sides. I also want to see Sinn Féin take an active part in the police force in Northern Ireland, as it is meant to do. Then we could solve for once and for all the issue of criminality along the Border. This is not the only manifestation of criminality that is at issue, people also cross the Border to raid shops and go back across it with impunity. That cannot be allowed to continue indefinitely.

In the area I represent, from the far end of Cavan right along the Border, about two Garda stations are open 24 hours a day. I heard speakers refer to Tallaght having only one barracks, and that may be so, but while we have many barracks they are ones that have nothing but a green man at night. That is not much comfort to the elderly, shopkeepers or business people whose premises are being robbed and who cannot even go to mass without being sure that when they return their houses will not have been robbed. Several cases of the latter type of robbery occurred before Christmas where people were obviously being watched. As soon as people left home, their houses were robbed.

The party to which I belong is committed to law and order and we will give this Bill every support we can, within reason. I urge the Minister to ensure that the committee is given sufficient time to properly scrutinise the amendments so that whenever the legislation comes before the courts, as it will, it will be found to be in favour of ordinary people, the victims and not the criminals.

**Mr. Curran:** I wish to share time with Deputy Cregan.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Mr. Curran:** I welcome the opportunity to speak on this motion on the Criminal Justice Bill. The amendments proposed by the Minister are an appropriate legislative response to the issues that have been raised by Members on both sides of the House recently.

I agree with Deputy Crawford's final comment that he would like adequate time to be provided for all the amendments to be dealt with in the committee. It is important such time is made available. I was involved in the Select Committee on Education and Science where we were required to deal with in excess of 500 amendments and time was found to deal with them in full. I think the Deputies opposite will agree that

was the case. I would not support the use of the guillotine in this case and, if necessary, extra time should be provided for late sittings because this is significant legislation and the amendments put forward by the Minister are far-reaching and cover a wide area.

As Deputy Crawford stated, if the legislation is to stand up in the courts the amendments need to be given proper scrutiny in the committee. I urge the Minister to make provision for that and to be prepared to spend the necessary time on Committee Stage. That is most important, particularly in light of the number of amendments in comparison with the proposed legislation as originally devised. Some Members have argued that it would have been preferable to introduce new legislation instead of making changes by way of amendment to cover some elements of the Bill, but that is not what has been decided.

I agree with Deputy Hayes's emphasis on the fact that we need more gardaí. There is a record number of gardaí and that number will continue to increase for the foreseeable future. One only has to look at the number of recruits currently in training in Templemore for evidence of this.

The proposed legislation and the amendments are far-reaching. They include the issues of dealing with firearms, a gun amnesty, a new offence of participating in or contributing to criminal activity, the updating of laws relating to drug offences, a new offence of importing drugs to the value of more than €13,000, a new offence of supplying drugs, a drugs offenders' register, a new offence of supplying drugs to prisons. The Bill also deals with the issue of anti-social behaviour orders and makes provision for the protection of staff in accident and emergency units and other medical officers. A variety of provisions in the original legislation are also relevant such as provisions dealing with warrants and periods of detention, collection of evidence and the protection of crime scenes.

Operation Anvil has been up and running for ten months. It started in the Dublin metropolitan region in May 2005 with a view to addressing the serious problems of gun crime, robberies, burglaries and to combat the emerging gun culture. Operation Anvil is to be extended outside the Dublin metropolitan region during 2006. The Minister obtained funding to enable Operation Anvil to continue as long as it is deemed necessary in operational policing terms. All operational personnel in the Dublin metropolitan region may be employed in Operation Anvil as the need arises. Personnel from the national Garda units are also deployed on the operation as appropriate. To date, 31 people have been arrested on the charge of murder, 440 persons for serious assaults, 414 for offences relating to robbery and 907 for burglary offences. A total of 8,300 drugs searches have been carried out, 873 searches for theft offences and 776 for firearms. More than 26,000 checkpoints were set up and a total of seiz-

ures include 374 firearms and 3,934 vehicles. This is a brief summary of Operation Anvil.

It would be fair and accurate to say that some of those results would probably have been achieved by the Garda Síochána even without the benefit of Operation Anvil. However, it has acted as a preventative as a result of the number of checkpoints established which have also led to detection.

My constituency has in recent times seen a significant rise in drugs and gangland-related crimes. A drive-by shooting occurred last weekend on the M50 and N4 and there have been a number of murders by means of shootings.

People in my constituency are scared because those alleged to be involved in crime might be in the area. Innocent people are afraid of what could happen to them by association. The Minister stated last night that the headline figure is decreasing in relation to the population. However, gangland and organised crime and drug-related gangland crime are on the increase.

I remind the House of what happened ten years ago about half a mile from my house. It was 26 June 1996, the day Veronica Guerin was murdered. In response to her murder, the Garda Síochána established a thorough and detailed investigation over an extended period and its results were far-reaching. Many serious players in drugs and gangland crime were arrested and imprisoned and some of them fled the country. The operation was extremely successful. The Garda Síochána demonstrated its capacity to deal with this type of organised gangland crime when it was resourced and tasked to do so.

I compare the achievements of Operation Anvil with the investigation into the Veronica Guerin case. The people involved in gangland crime today, those involved in shootings and being shot, are in their 20s. They have filled the void created by the success of the investigation into the murder of Veronica Guerin. It is time for a new operation to deal with gangland crime over and above what is offered by Operation Anvil which has now been rolled out on a national level. However, it is time the Garda Síochána was resourced to target those who are profiting from and organising crime. The same commitment and enthusiasm must be shown and it requires an effort from all of us. This is the only way to tackle the growing problem of gangland crime.

This will require commitment and leadership from the Minister and the delivery must start with him. He will require the backing of the Government and it requires committed implementation by gardaí. The Garda Síochána has demonstrated its capacity to deliver when it is resourced and tasked to do so and this was shown in the investigation of Veronica Guerin's murder.

Gangland crime is a growing problem. Gangland and related drugs crime is not just confined to criminals murdering each other; it filters down through every level of society and we need to deal with it at the top. The people involved have

[Mr. Curran.]

no respect or regard for human life, no regard for property, no regard for anything. It is time we initiated a new operation above and beyond what is envisaged in Operation Anvil and I am sorry the Minister is not in the House to hear this. We do not have a crisis that is out of control but gangland crime is growing and we need to tackle it with something more than what is envisaged in Operation Anvil.

I asked the Minister a year ago whether it would be possible to include a provision for a gun amnesty in the Bill. I am pleased to see this proposal will be included. Some people may argue that those involved in serious crime will not avail of such an amnesty but a gun amnesty is an important first step.

A gun amnesty in the UK some years ago resulted in the return of 43,000 guns and more than 1 million rounds of ammunition. Those in possession of illegal firearms must be afforded the opportunity to get rid of them if we are to introduce serious and tough legislation and tough mandatory sentencing.

I refer to a recent gun amnesty in Ottawa where a collection service was organised by the local police force for all sorts of reasons. The police collected more than half the total number of guns.

The challenge is to reduce the number of guns on the streets and to reduce easy access to them. The mandatory sentencing accompanying this legislation is absolutely critical.

I listened to Deputy Deasy who stated that mandatory sentencing was not tight enough and he was concerned that judges would have too much leeway. If this is the case it is a detail to be dealt with on Committee Stage and cannot be left as it is. If we are to rid the streets of guns, we must have tough, mandatory sentencing so that those using, holding and supplying guns are held accountable. In Ottawa, which is an interesting case, a type of reward system was set up to encourage people with information on illegal firearms to report it. If we intend to have a gun amnesty, it must be accompanied by mandatory sentencing and a proper awareness campaign to make people aware that guns cannot be kept.

The Minister proposes significant updates to the laws relating to drug offences. They include changes to strengthen the provisions on the ten-year mandatory minimum sentence for drug trafficking, which came into being through the Misuse of Drugs Act 1977 and the Criminal Justice Act 1999. There is widespread concern that those caught in possession of significant amounts of drugs are not serving the minimum mandatory sentence of ten years. It is important that clarity is brought to this issue. The Minister indicated this clarity in his proposed amendments which will be discussed in detail on Committee Stage. If it is the desire of the House that we have tough mandatory sentencing, it is for the Judiciary to be directed

accordingly and for the guidelines to be strict and detailed. I hope this will emerge as a result of Committee Stage.

Those who have an interest in law will be aware of the following issue which was brought to my attention and which the Minister is addressing. Several people have been murdered in cold blood in my area. If a murder victim were to be shot dead and a person were to be arrested, that person would normally be arrested under the Offences Against the State Act and could be held for a period of 24 hours, with an extension of 24 hours sanctioned by a Garda superintendent and a further 24 hours sanctioned by the courts. However, if the murder victim were stabbed to death, the person arrested would be charged under section 4 of the Criminal Justice Act. The period of detention in this case would be merely six hours and a further six hours sanctioned by a Garda superintendent, with no possibility of extension. In both types of case a murder would have been committed but the realistic prospects of the Garda Síochána solving the crime of murder committed through a stabbing, beating or otherwise would be greatly diminished.

The Garda Síochána must be afforded reasonable opportunities in this regard. I welcome the fact that these issues are being addressed in the Bill and the proposed amendments, specifically those dealing with securing evidence and securing the scene of the crime. These measures will help gardaí to secure convictions in the many cases where they are aware of the perpetrators but find it difficult to get the type of evidence they need promptly.

**Mr. Cregan:** I am glad to have the opportunity to speak on this important motion. The Celtic tiger economy and the associated affluence of the country in recent years is positive and to be welcomed by all. There is, unfortunately, a negative side to this progress. We have seen a distinct lack of respect creep into society, accompanied by a lack of moral values. We are paying a price for our prosperity and affluence.

It is time this issue was tackled to ensure that the greatest civil liberties of all, namely, that people can sleep easy in their beds at night and walk the streets of our towns and cities during the day or night, are protected. Those criticising the introduction of anti-social behaviour orders take the high moral ground. They are the goody-goodies who claim we are infringing this or that right. I come down firmly on the side of the ordinary citizen, young or elderly. The most important civil liberties we must protect are, as I have just said, the right to walk our streets without fear of being assaulted, intimidated or otherwise and to sleep easy in our beds at night. We owe this to the elderly. I fully support the implementation of any measures, including anti-social behaviour orders, which would achieve this.

Reference was made by several speakers to the number of gardaí. As they were parochial in their

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contributions, I will be parochial as well. In the town where my office is based, Newcastlewest in west Limerick, there has been substantial population growth in the past four or five years but little increase in Garda numbers. While I compliment the gardaí in that district for their excellent work in crime prevention and detection, more prevention is needed. The only way to achieve this is by appointing additional gardaí to places like Newcastlewest and other small rural stations throughout west Limerick.

There have been increases in Garda numbers at national level, which I welcome and for which I compliment the Minister and the Government. There have also been increases at divisional level in the Limerick Garda division. However, there has been little or no increase in the district. We tend to concentrate our minds on the larger centres of population where crime is more serious, but this is sometimes at the expense the smaller locations where crime may not be as serious but where anti-social behaviour and assaults occur late at night. We must clamp down on this behaviour. It is an important issue for the Government and one which must be addressed.

Deputy Deasy raised the issue of sentencing and referred to a specific line in the Bill. Like Deputies Deasy and Curran, if a section of the Bill gives increased discretion in sentencing, I disagree with it, although I depend on the contributions of the previous speakers as I have not studied the Bill. There is too much discretion at present. It has been used not only in high profile cases but also in lesser known cases. The public finds it hard to understand how a person who commits a crime and is sent to prison is released just months later. At the other end of the scale, a person who commits a much lesser crime can spend much longer in prison. I am not satisfied with the application of discretion. Minimum mandatory sentencing should mean just that. With regard to a gun amnesty and subsequent prosecutions for those who do not avail of it, it is important that we would implement to the letter of the law the minimum mandatory sentence.

I commend the Bill. I wish the Minister every success in his endeavours and compliment him on his performance to date.

**Ms McManus:** I wish to share time with Deputies Howlin, Wall and Broughan.

**Acting Chairman (Mr. Sherlock):** That is agreed.

**Ms McManus:** It is worth noting the pattern already developing in the contributions on the Bill. Regardless of which side of the House the speakers are on, they are essentially critical of the track record of the Government, in particular the Minister for Justice, Equality and Law Reform, and cite serious problems across the board with the Minister's responsibility to ensure law and order in communities. This raises question marks

over the track record of the Minister. As the level of serious crime rises, the level of the detection of crimes is falling.

Much emphasis has been given to serious crimes such as murder, assaults and other crimes committed in particular parts of our cities. However, this is not just a city problem. Gangs operate through violence and intimidation. They do not operate by electoral area. Part of the constituency I represent is the town of Bray, County Wicklow. A gang has been operating in my town for years. Two people have been murdered, one man in his home and another who was tortured, in effect, to death. The crimes have gone unpunished. Only the other day, a member of this gang entered a house in Bray where a householder had the temerity to stand up to those who burgled his house. As a consequence, the gang leader came and intimidated the householder. This type of activity is extremely frightening for people in their communities. It needs to be highlighted and dealt with here in a way that will be effective.

It is not only in our towns that there are significant problems. Two nights ago I attended a community council meeting in Roundwood, which as well as having the highest pub in Ireland will be known to most people as the gateway to Glendalough. It is a small village and one of the shops there has recently experienced two armed robberies, which were carried out by people crazed on cocaine and desperate to get money at any cost. This is a symptom of a major drugs problem that prevails particularly in Dublin city, which has a ripple effect extending to rural communities such as Roundwood. Some 60% of crimes in County Wicklow are committed by people living outside the county. That community needs resources in the same way as any other community.

An application was submitted recently to the Garda Commissioner for the deployment of an extra 220 gardaí for counties Wexford and Wicklow. This request was raised by way of parliamentary question and while we received a reply we have not seen any action. The members of the community attending that meeting the other night were angry about this problem, about the fact they do not have a Garda station and that gardaí are not living locally looking after their community. They find that deeply disturbing. They are more than willing to play their part through the community alert programme and whatever else needs to be done but they cannot do it without gardaí. The absence of gardaí is a cause of great distress to local communities. I urge the Minister to ensure he lives up to his commitment to provide the extra gardaí promised and to make sure that they are on the beat. He should talk a little less and act a little more.

**Mr. Howlin:** I am delighted to have some time to speak on what is probably the most pressing issue, together with the health services, namely, the genuine fear in our communities of a real and



[Mr. Howlin.]

justified concern about escalating crime levels, particularly serious crime. A day does not pass without the national media covering yet another ratcheting up of the seriousness of crime that makes Ireland look increasingly like the Los Angeles we saw portrayed in the crime movies or Chicago in the bad days. That is no longer hyperbole.

The measures before us are needed and God knows they are long overdue. I want to comment on the role of the Dáil in dealing with these matters. It is not good enough that the Minister's attitude is that we can present a series of proposals, he can graft on bits and pieces as he goes along and make up a strategy to deal with one of the most urgent social issues with new ideas and a new policy every day such that when a Bill has a Second Reading, it comes to Committee an entirely different vehicle. The Minister cannot continue to make it up as he goes along and pretend this is a satisfactory way to deal with what now amounts to a crisis. Just as the Tánaiste has belatedly recognised a crisis in the health service, it is time the Minister for Justice, Equality and Law Reform recognised a crisis in public confidence in the criminal justice system. What is required is joined-up policy as well as determined leadership but, unfortunately, neither is currently available from the Minister and the Government.

I wish to mention two critical components of the many components that could occupy the time of this House. The first issue is effective policing. That is the cornerstone of all of this. In November 2000, five and a half years ago, I published, on behalf of the Labour Party, comprehensive proposals to establish effective policing here. I published proposals for legislation in a comprehensive policy document. I stated at that time that:

Labour more than any other party knows the impact of crime on certain sections of the public. It demoralises working class communities, terrifies the elderly and destroys the lives of our young people through drugs. In this context, effective policing must be seen not as a luxury but as an essential component of any attempt to sustain and improve the quality of life of all our citizens.

That five and a half year old statement is as real and as important today as it was then. I regret that the comprehensive policy platform that was proposed then was not implemented, although bits of it were albeit reluctantly over time by two Ministers for Justice, Equality and Law Reform.

The building of real partnership between communities and policing has still to be achieved. Without such partnership the criminal will continue, as I fear is the reality today, to have the upper hand. I welcome the considered contribution to this debate by Deputy Curran when he talked about the concerted, united, joined-up

reaction after the murder of Veronica Guerin in 1996. That is the type of co-ordination we need.

The second key component of a co-ordinated policy is judicial reform. Consistent decisions of the courts are a prerequisite of public confidence in our criminal justice system. The Minister's predecessor promised reform to ensure adequate judicial training, specialisation and a new mechanism for accountability. Speaker after speaker on both sides of the House have talked about the erosion of confidence because of the lack of consistency in judicial decisions. People will know individual criminals who are as routinely before the courts as the court clerk and it simply is not good enough. The proposals put forward by the Minister's predecessor included a constitutional referendum, but all of those have been dropped. We now have dialogue and discussion and no substantial reform.

I hope we will have many other opportunities to deal with this issue and not only on Committee Stage, in respect of which I join with others in saying that appropriate time should be allocated for it. Furthermore, Members who are not members of the Select Committee on Justice, Equality, Defence and Women's Rights will want to involve themselves in that debate.

The Minister is addicted to his own media image. The trotting out of the patently false mantra that "it was worse in your time" will not wash any more. He must accept responsibility for the situation here and now to solve the crisis and not have the illusion in which he indulges all the time that his rhetoric is a solution.

**Mr. Wall:** I wish to reflect on the anti-social behaviour aspect of the problem referred to in many of the contributions made on both sides of the House. When we try to investigate the cause of the anti-social behaviour that causes such anxiety, worry and concern to many people, one wonders what research goes into providing guidelines on the headings of a Bill such as this and what way it will affect the community.

Community life has dramatically changed in the past ten years because there are now many different nationalities living here and many people are living in estates and are all working which was not the position heretofore. Community life as we knew it is slowly but surely dwindling away and we are not doing anything to resurrect it. If we could do that and get people to focus on the value of community life and of the family in creating a sense of community, maybe we could form a basis for trying to defeat anti-social behaviour. If we do not do that and continue to think that putting youngsters behind bars will solve this problem, from my understanding of what is happening and of youngsters, we are taking the wrong road. Those youngsters are time and again being put into jail. Unfortunately, some of them have been in jail 30 or 40 times. It has done absolutely no good. It has done nothing to benefit the community to which they return. The

Government has done nothing to resurrect community life, protect it and ensure today's youngsters will not be tomorrow's criminals. We are heading in the other direction. The problems are evident. The Government can introduce whatever legislation it likes but if it does not take measures to support the basis of society, which founded and grew the Celtic tiger economy, we will lose that impetus and the value of what is there. If anti-social behaviour orders are used as the means of resolving it, we will see youngsters in jail and we will have to reopen the jails the Minister closed because of insufficient space.

Although we have spent vast amounts of national lottery money on providing facilities, at this stage it is necessary to reflect and move the goalposts further to get value for money. To do that, we must involve the community, community policing and the heads of the associations to which we gave the money in rebuilding the community and in regaining the life which was so treasured in the past and which seems to be dwindling from us.

Putting more people in jail should not be the only answer and is not our purpose. Surely we place greater value on community than stating the only answer is to put people behind bars and maybe that will teach them a lesson. The evidence shows it will not teach them a lesson and that people who have been this problematic previously will not be reflective and therefore we must attempt prevention, although not by this mechanism. As I stated, I have seen hundreds of these youngsters coming out of jail probably worse than when they went in. In developing this case, the Minister must reflect and work with other Departments such as the Department of Arts, Sport and Tourism, to create community involvement with which we all can work so anti-social behaviour will be an issue of the past. Community life would be re-instigated and in that way society would move forward positively.

**Mr. Broughan:** I am grateful for the opportunity to speak on these amendments. It is extraordinary, just over two years after this Bill was presented, that we are finally getting around to deal comprehensively with it in the House. I strongly support these amendments. I reiterate at the outset the nub of my party's policy, which is tough on crime and tough on the causes of crime.

In my constituency and neighbouring constituencies the past six months of the McDowell era have been appalling for many individuals, families and the entire community. There have been attacks on homes, SUVs driven through walls and into doors, people shot at and homes shot up. A man with a child walking into a flats complex was shot at. Guns have been available all over the place, with people waving guns about and holding guns to people's heads on a local green. Guns have been available for €150 and less. There has been a total collapse of law and order for which the Minister is responsible. Is it

any wonder some of my constituents are asking me what should they do now? Is it time for internment, for example? Is it time to consider taking the drug lords off the streets completely, get rid of them into preventative detention? As every crime journalist seems to know who these people are, I presume senior gardaí know who they are. We need to take vigorous action against them. It is unbelievable that two years have passed since these measures on criminal gangs, Mafioso and gun law were brought forward. It is unbelievable we have had to wait so long.

There have been so many shootings recently and, fortunately, by the grace of God, nobody was killed. Then there was the tragic murder of Ms Donna Cleary, a young woman who lived in an area I represented for eight or nine years, up to 2002. It is inevitable that such a tragedy would happen because the Minister did not take the vigorous, determined action that is required of him. I warned him in contributions nearly a year ago that in parts of the area I represent, and in neighbouring areas, bullet-proof vests were becoming almost a fashion accessory. With people in bullet-proof vests running around threatening communities, people and families, what did the Minister do?

Yesterday there was another serious armed robbery in my constituency. We need to take stern measures against these people who are threatening our society. Up until recently the threat seemed to be to the low-income, more deprived communities. Following a recent Saturday night, when it was clear it was spreading to every community, the Minister and the Taoiseach spoke at long last about taking action. It is appalling that they have been so dilatory for so long.

As many people accept the current Minister is a fundamentally bright man, they thought that when he got his chance to be Minister for Justice, Equality and Law Reform three or four years ago he would have set out a clear programme of reform and development of the Garda Síochána and of reform of the Judiciary. Although my colleague, Deputy Howlin, put forward an effective developmental and strengthening policy for the Garda Síochána when he was my party's justice spokesperson, the Minister, Deputy McDowell, did not act on it. He brought forward a Garda Bill, which had to be amended repeatedly, with no Garda authority and no clear, strong ombudsman on the lines of the Patten report for which, I think, everyone in this House asked. The Minister bears a grave responsibility.

A young colleague told me on the way into this debate that according to the OECD figures newly published on the web, Ireland spent the least on sports and youth facilities. Year after year Deputies try to drag money out of this Government. Deputy Carey, a Fianna Fáil Member who sat with me for a number of years on the urban regeneration committee of this city, knows how difficult it is to get money for these kinds of communities. I ask Deputy Carey and other similar

[Mr. Broughan.]

Deputies to start taking action, even in the dying days of this Government, to bring about peace and justice for my communities.

**Mr. Carey:** I welcome the opportunity of speaking on this matter again; I spoke on it last June.

I will take up from where Deputy Broughan finished. Despite the robust and sometimes polemical comments, there is cross-party agreement on the issues with which we need to deal. Unfortunately, my constituency has been in the news probably more than most because of the raft of crimes that have been committed over the past long number of years. I spent 30 years teaching. Deputy Broughan has been teaching. Our constituencies neighbour each other. Unfortunately, the numbers of young people with whom I have come in contact over the years who have ended up in prison — I end up visiting, helping their parents, helping their siblings etc. — is far beyond that which I regard as being acceptable.

This morning, before I came here, I called into a school to discuss the learning support it is receiving from the Department of Education and Science and to assure the school that such support would be increased. Yesterday, I visited a school in my area which justified my belief that prevention is better than cure because, despite being one of the most deprived in the country, it managed to achieve an attendance rate of 91% by means of the school completion programme, targeted measures such as breakfast and after school clubs and the provision of the facilities noted by Deputy Broughan and me. To be fair, these facilities are slowly being delivered.

**Mr. Broughan:** They are too slow.

**Mr. Carey:** I have always felt that the delivery has been too slow. We managed to establish two significant projects in my constituency which I would like to see replicated. Ballymun, which had two or three project workers a couple of years ago, now has approximately 30 and Finglas has a dozen. These are not sufficient, however, and they are slipping into a nine to five mode, whereas I would prefer them to work at night and over weekends because that is when their support is required.

I compliment the gardaí in my constituency because they are working flat out and are second to none. They are working closely with the community and I cannot complain about their diligence, effectiveness and willingness to respond. One of the shootings which hit the headlines two weeks ago took place in my constituency but within half an hour, gardaí recovered the sawn-off shotgun involved after a report was received that it had been found in somebody's back garden. It is sad that the injured party, while lying in his hospital bed, refused to communicate with anybody, even his mother. The same individual

was involved with last Saturday night's escapade on the M50. The issues we must address are difficult but we need to start with education.

I support the amendments proposed by the Minister. They are long overdue and will be accepted in communities. I have been contacted by a man who is driven demented because a gang of youngsters refuses to stop kicking balls against the side of his house at all hours of the day and night and gives him two fingers and worse. At the other end of the scale, guns are produced in rows over cars, girlfriends, games of poker and unpaid drug debts. These issues must be addressed because there is no doubt that crime is proliferating. However, our problems are not of the order experienced in Los Angeles and we should not talk about them as if they are out of control. The vast majority of people are law abiding and want to remain so.

Problems of anti-social behaviour are increasing and Deputies from every part of Ireland hear of the issues that affect people. Effective and enforceable measures will have to be put in place because I am not in favour of introducing a raft of unenforceable rules and regulations. We should try to ensure that we protect the people we are elected to serve. We have to consider ways to successfully prevent crime and, more importantly, to stop people from becoming involved in criminal activity in the first place. A number of the proposed amendments focus on these issues.

Sooner or later, every Member of this House will have served in Government. I have been long enough around to have seen the introduction of many worthwhile initiatives which have been consigned to the shelf upon the appointment of the ensuing Minister. I have seen neighbourhood youth projects, youth encounter projects and this, that and the other kind of project, but they never seem to be anything other than pilot schemes. They should be mainstreamed without prevarication.

Firearms are a significant issue, particularly in light of recent events. My constituency includes grieving families as well as ones that are causing grief to others. I know the families of two of the people questioned with regard to the murder of Donna Cleary. The parents of the families concerned are good people and it was not for the want of effort that their sons fell into a cycle of crime. Efforts were also made by State agencies to help them but, by each working on their own, these agencies go nowhere. We must aim for inter-agency co-operation. Many families live in fear of an escalation in the level of gun violence. The people involved in the M50 incident have friends who are waiting in the long grass to exact retribution, but there is a reluctance, borne of fear, to reveal their whereabouts. We need to confront the fears that exist in communities with regard to bringing information to the Garda. It is frightening that a person injured in such an inci-

dent is not prepared to talk to gardaí. I understand why this is so, although I do not condone it.

It is important that guns are removed from circulation. I am inclined to support the notion of a gun amnesty, but I cannot see the people involved in these matters acknowledging that they possess guns and asking that they be licensed or entering the local Garda station and saying, "Here is my gun, sergeant, I will be a good boy from now on". However, I applaud the attempt to use the gun amnesty to recover at least some of the guns in circulation. I compliment the family of Donna Cleary on its bravery in wanting to be associated with such an amnesty.

A couple of years ago, I attended a meeting with senior gardaí, at which the issue of sawn-off shotguns was raised. I appeal to people who possess licensed shotguns and who, for the most part, live in rural Ireland not to be under the illusion that a gun thrown under the kitchen table or into the corner of the stable will still be there when they return for it. I was told of a man who, while shooting rabbits, visited a local petrol station and placed his gun beside his car while paying for petrol. The gun was gone when he came out but it turned up later as a sawn-off shotgun. While the amendment proposed by the Minister on sawn-off shotguns is welcome in that respect, it must be obligatory that guns are kept in a secure case, regardless of the inconvenience involved, because it is not enough to claim that a gun can always be accounted for. We do not want to revert to the situation that obtained during the Troubles, when licensed shotguns had to be left in Garda stations.

Minimum mandatory sentences are necessary in the current climate. Communities will support us in ensuring they are served. I do not know how we can communicate to the Judiciary that the public is in favour of strict sentencing with little room for remission. To be fair to the Minister, I compliment him on the manner in which he has been progressively reining in the notion of early release etc. Such action must continue. The mandatory sentences for possession of drugs was introduced by a previous Dáil of which I was not a member, but it does not appear to have been taken on board to a serious extent by the Judiciary. It should reflect on this.

Operation Anvil is a very effective way of policing. It is vigorous, robust and upfront, but some people do not like it. Recently, I had to drive through three armed checkpoints on my way home. I felt secure, although I was somewhat intimidated when gardaí with submachine guns were examining my car along with uniformed gardaí. The number of cars which have been seized, together with the prosecutions made in my area, warrant this. The €83 million in Garda overtime included in this year's Estimates, €23 million higher than last year, is money well spent. It may need to be extended, but if we continue with the high profile level of policing, we will make progress.

Progress can also be made if gardaí can work alongside community gardaí who are the heart and sole of any policing force. As an old-fashioned teacher I have always argued that a moderate type of discipline is needed, be it in a classroom or a community. One cannot blow hot and cold, being a nice person one day and objectionable the next. The same principle applies to the Garda and it should be consistent. I compliment the approach of Operation Anvil.

Organised crime is a significant issue. An amendment is being proposed regarding gang membership, and this needs to be teased out. The matter was brought to my attention some nights ago when I attended a meeting where the issue was raised. We need a mechanism in place which will in some way make it an offence for a person not to give a statement. I am not a lawyer and have no legal training, but too many people are going into Garda stations and staring at the wall or a video camera, making a mockery of the system. An inference must be taken from this inaction, and it should be punishable in law. Otherwise we will have too many people holding on to information. Gaining intelligence is the nub of the problem as the intelligence needed to crack organised gun crime is not forthcoming to the extent I would like.

We have almost talked ourselves into the ground about the drugs issue. Unfortunately, drugs never became an issue of real concern until they became a problem in rural Ireland and in better-off portions of society. As long as the problem was confined to working class areas such as mine and Deputy Costello's, as well as similar areas, it was almost acceptable. This was not acceptable in the 1970s, the 1980s or the 1990s, and it is not acceptable now. The nature of these drugs has changed and the proliferation of cocaine is frightening, as is the emergence of crack cocaine.

For every shipment of heroin or cocaine which comes into the country, a gun comes with it, which is disturbing. I do not know how the scanning of consignments of freight coming through ports can be increased. I have been told by someone with knowledge of these processes that many of the guns coming through in consignments are not detectable by scanners in use at our ports because of the material from which they are made. We must examine that issue.

We should consider fast-tracking technology for the gardaí. Within about ten minutes of the shooting in Berryfield Drive a fortnight ago, the person suspected of hiring the gun was on the scene. He knew where the shooting had taken place and it is believed he was able to scan the Garda communications system. This issue should be considered, and the system should be digitised. I visited San José as part of a Dublin City Council delegation some ten or 11 years ago. The police there had onboard computers, for example, and were able to get instant information. We need to be able to do the same.

[Mr. Carey.]

The investment in the area has been made, but I wonder if it is to the extent that it should be. I stumbled on a fact today that stunned me. I rang a part of the Garda force and asked if I could e-mail them regarding a matter. I was told that part of the force did not have e-mail or Internet access. That is extraordinary. I asked how I could send the information to them and I was told that I could e-mail it to the Garda press office and it would be circulated to the appropriate station. Even children in their bedrooms have access to the Internet at this stage. I hope I am not correct in this statement and that I can stand corrected.

**Mr. Costello:** The Deputy is quite correct.

**Mr. Carey:** Surely it is the most basic of communications to which gardaí should have access.

**Mr. J. O’Keeffe:** I tabled a question on the matter a few weeks ago.

**Mr. Carey:** Perhaps I am a slow learner. I happened to come across the issue today. The use of drug courts is an important and useful pilot. I do not know if it can be replicated or how it can be extended.

I wish to discuss anti-social behaviour. I am on the record as stating I am not a fan of anti-social behaviour orders. I am a fan of trying to ensure that the measures in the Children Act are fully implemented. I believe that the Minister of State at the Department of Health and Children, Deputy Brian Lenihan, and the Minister for Justice, Equality and Law Reform, Deputy McDowell, are getting there by working together. To think that anti-social behaviour orders will be the panacea for all our ills would be to delude ourselves and the public. A measure of restraint is required, but I do not believe the blunt instrument of anti-social behaviour orders will work in all cases.

One should not forget that there is a provision in the Children Act for family conferencing, for agencies to work together and for an outcome to be agreed among parents, the offender and the community offended. I urge significant expenditure to be continued on education measures, as we are doing, with examples such as Deis at primary and post-primary schools. There should be preventative programmes in the area of health and education, and the crime diversion projects which the Garda has. These are superb projects, with an example being the FAN project in Finglas. That deals with those who are the hardest of the hardcore troublemakers. Many of the participants have become fine members of society. Given resources, the Garda Síochána will be in a position to ensure such programmes are even more effective.

This problem is not beyond resolution. I compliment the Minister on bringing in these amend-

ments and we should consider them carefully. We should assure the public that gardaí are working flat out. The Minister, Deputy McDowell, has provided and continues to provide resources which will ensure that the Garda becomes even more effective.

**Mr. Ferris:** I propose to share time with Deputies Gregory, Breen and Eamon Ryan.

**Acting Chairman:** I am facing a dilemma as it seems the Deputy is getting six and a half minutes and somebody else is getting three and a half minutes. I do not know who worked it out, but the Deputies should do the best they can.

**Mr. Ferris:** The Acting Chairman can remind me when I come close to the end of my time.

I will focus on the proposed new sections of the Criminal Justice Bill 2004 that specifically relate to children, primarily Part 12. My colleague, Deputy Crowe, has outlined our concerns regarding ASBOs in Part 13. The issues I can address today are limited by the time available and do not constitute an exhaustive list of Sinn Féin concerns.

In this State’s report of July 2005 to the UN Committee on the Rights of the Child on its implementation of the convention the Government disingenuously stated:

The most important development on juvenile justice comes with the enactment of the Children Act 2001. This represents a major shift in how children in the juvenile justice and welfare systems will be treated.

The central principles underpinning the Children Act 2001 are prevention, diversion, rehabilitation, restorative justice, and detention as a punishment of last resort. The proposed additions to the current Criminal Justice Bill amount to an effort by the Government to roll back on the crucial child protection commitments made in the Children Act 2001. If these amendments are allowed to pass, then the principles that I have just listed will in fact not govern how children in this State will be treated.

In its concluding observations in 1996 the UN Committee on the Rights of the Child criticised this State for its low age of criminal responsibility. Following this the Government made a commitment to raise the age of criminal responsibility from seven to 12 years. This commitment was expressed in the Children Act 2001 which made provisions for the reform. The Government refused to put this part of the Act into operation. Now the proposed amendment to the Criminal Justice Bill would set the age of criminal responsibility for serious crimes at ten years, effectively lowering the age of criminal responsibility for these crimes by two years.

The Irish Youth Justice Alliance has asked what will be achieved by bringing a child aged ten years to court and detaining him or her with older

teenagers without treatment, therapy or re-education. We support the alliance's argument that such children need the support of specially trained professionals and of rehabilitative and therapeutic programmes to address their complex needs and prevent them from reoffending. Sinn Féin will push for the exclusion of this provision from the Bill.

The Children Act 2001 prohibits the reporting of personal information about children facing criminal proceedings that might lead to the identification of a child in question. The Minister is now proposing to eliminate these protections by allowing the court to lift the reporting restriction in certain circumstances. The Minister's proposal contravenes Article 40 of the Convention on the Rights of the Child which recognises the absolute right of the child to his or her privacy at all stages of proceedings.

The amendment also includes a provision to shift responsibility for the detention of children under 16 years from the Department of Education and Science to the Department of Justice, Equality and Law Reform. While we welcome the provision that all children under 18 years will fall under one Department, we believe the Department of Justice, Equality and Law Reform to be the wrong choice. The report on the youth justice review published by the Department last July states that the service with responsibility for children in detention would be best located in a care and social services setting, as is the practice in many other jurisdictions. Sinn Féin will table amendments to give effect to those recommendations.

A further issue of grave concern to Sinn Féin is the provisions in the Minister's proposals for the continued use of St. Patrick's Institution for the detention of children. The Minister is prolonging the use of St. Patrick's Institution despite the fact that the practice of detaining children there runs contrary to international human rights provisions and universally accepted child protection guidelines. This fact has been identified by the Inspector of Prisons and Places of Detention and by the Council of Europe Committee for the Prevention of Torture. The Whittaker report on St. Patrick's Institution stated more than ten years ago that rehabilitation is not possible as the physical and environmental conditions are such as to nullify any personal development programmes. The facilities and services required would not be provided even in a renovated St. Patrick's Institution.

It is vital that youth justice policies recognise that the primary concerns of children before the courts are welfare-based. The Children Act 2001 aimed to achieve balance between the need to administer justice and the need to protect the welfare of all children. That Act, which the Government is now attempting to roll back, was not allowed to fulfil its potential to address crime or anti-social behaviour by children because this same Government starved it of resources and

refused to put it into effect. Sinn Féin will vote against the inclusion of most of Part 12 in the criminal justice legislation and calls on the Government once more to resource and implement the Children Act 2001 in full.

**Mr. Gregory:** In his opening speech the Minister referred to his strategy to "retain the confidence of the public". Does the Minister seriously believe the criminal justice system in this State enjoys the confidence of the public? He might, for example, ask the family of Rachel Kiely, where the person who raped and murdered her will be back on the streets in a year's time, no doubt to put others under threat, to judge by his activities while on bail. The Minister could ask the young women who were mutilated by Dr. Neary who, when the horrors of what he had done to them were unfolding to a shocked public, went to sun himself in Spain.

In the case of the appalling treatment of women during Garda interrogation in Donegal, some of the gardaí against whom very serious findings were made in the first tribunal report still serve in Donegal today. He might ask the families of the wives who have been murdered by their husbands, who are now household names but against whom the law is ineffective.

The latest we hear is that the murderer of Veronica Guerin may soon be a celebrity guest on "The Late Late Show". I only have three minutes but the litany is endless. I do not believe the public has confidence in the rule of law or the courts, and the Minister should start from that basis.

The Minister tells us that headline crime is very low by comparison with most western democracies. Is it really? For example, one headline crime causing great public concern at present involves the increasing lawlessness of drug gangs. Is the Minister telling us that the drug problem in this country is low by EU standards? We all know it is quite the opposite. Ireland has one of the highest rates of drug usage in the European Union. It follows logically that drug crime must also be far above the EU average. It may be the case that detected drug crime is low by EU standards and detected drug gang murders are pathetically low.

One other example which concerns many people is the level of detected burglaries. In one Garda district in my constituency there were 629 reported burglaries in 2005, of which a mere 49 were detected. That is some record. Is the Minister telling us that inspires public confidence?

I will refer briefly to the mandatory minimum sentence of ten years. The Minister said he intends to make a change to take account of drug trafficking convictions. That is fine in itself but will it reverse the trend among the Judiciary to ignore the main legislative deterrent to the drug scourge in the past 20 years?

**Mr. J. Breen:** This Bill has been in preparation for two years before coming before the House.

[Mr. J. Breen.]

Now it comes before us complete with almost 300 amendments. While some of these are long overdue and welcome, it is foolish to think that this Bill is going to change our society when the practical implementation of so many parts of the Bill will be almost impossible.

The Bill will enlarge the grey area between the powers of the Garda Síochána to police our society effectively and the rights of the individual to enjoy the full extent of his or her rights and freedom in society.

Another likely achievement of the Bill will be to tie up our court system in challenges to any aspect of the Bill which might be considered an infringement of an individual's human rights. As I said, I strongly welcome parts of the Bill, most notably the criminalisation of an assault on or threatening to assault medical personnel. Does anyone in this House believe the Department of Justice, Equality and Law Reform will run detention centres for children at a time when our prisons are in chaos and the Garda Síochána is close to open revolt?

In the recent past we have seen major faults in the acquisition and execution of search warrants, the case of Judge Brian Curtin being an example. To hand over the granting of search warrants to ranks within the Garda Síochána at a time when we have more District Court judges than ever is foolish. Even to consider granting such powers at a time when damning revelations of abuse of existing power are disclosed daily at the Morris tribunal merely damages the trust the public has in the Legislature and the Garda Síochána. Safeguards must be put in place to ensure that those entitled to grant warrants have no involvement in the investigation requiring the warrant.

We can expect our courts to be fully occupied with challenges to the issuing of search warrants, extensions of periods of detention, the taking of bodily samples and photographs, the use of necessary force to acquire those samples and the admission of witness statements in court in the absence or denial of the witness. At a time when people are dismayed at the length of time a case takes to get to court, this Bill will ensure this delay is lengthened. It will replace the Road Traffic Acts as the most challenged legislation in the courts.

Common sense should prevail and instead of rushing this Bill and its long tailcoat of amendments through the House, proper consultation should be held with all relevant bodies to ensure a better and complete Bill passes before the House. I witnessed the Minister stating no garda would be left behind a desk in the lifetime of this Government. He has removed very few of them and replaced very few with civilian personnel.

**Mr. McDowell:** I did not state that.

**Mr. J. Breen:** The Minister certainly said it.

**Mr. McDowell:** The Deputy should find me the quote.

**Mr. J. Breen:** The chief of the Garda Síochána told chief superintendents recently that he would remove all gardaí from such positions if he was given permission to employ civilian personnel by the Minister for Justice, Equality and Law Reform. Will the Minister grant that permission?

**Mr. Eamon Ryan:** I checked the definition of the word "liberal" in the library because the Minister bestows that title on himself. Do I also have to find a quote to support that or is the Minister satisfied with the description? The political definition of the word is one who is favoured to constitutional changes and legal or administrative reforms tending in the direction of freedom or democracy. From my observation of the 30 Bills the Minister has passed, he takes an illiberal approach to his office. While there may be some liberal intent, much of the Minister's legislative reform is highly illiberal. That is the most damning indictment of the Minister's Administration — saying one thing and doing the opposite.

What would a liberal approach to legislation involve? It would involve careful consideration of anything restricting freedom. Anti-social behaviour orders, ASBOs, were introduced without analysis or proper consideration. In contrast with the public discussion in Britain, ASBOs landed on the Irish political agenda without anyone in Government knowing about them, let alone anyone in the wider academic and social community. The Minister took an illiberal approach. One of the slices in the sandwich, a colleague of the Minister's from Fianna Fáil, will shortly explain ASBOs but I do not believe anyone in Fianna Fáil or the Progressive Democrats knew what measures would be implemented. That belies an illiberal approach to the development of legislation.

A liberal approach is one that recognises mitigating circumstances. Such circumstances cannot be described by a crowd that will always have the tendency to call for Barabbas. In our western democratic system set up under the liberal tradition, there is a role for the Judiciary to decide what is appropriate rather than legislators setting out mandatory sentences. The latter is an illiberal approach while a liberal approach is one that would examine the causes of crime and the threat of rising crime.

I agree that our crime levels are low in comparison with other states but the Minister's illiberal approach is the greatest threat to that situation. Policies of imprisonment and extensive Garda powers may lead to losing the trust that is behind our historical low levels of crime. We should address the drink culture that is promoted rather than restricted by the Government. We should address community factors in planning, one of the real checks on crime. One of the

reasons we have had historically low levels of crime compared with other countries is that we had a strong sense of community spirit in this country. People knew others in the parish, what they were like and what one could and could not do.

According to the leader of the Green Party, Deputy Sargent, the worst legacy of the Government is that, despite the Taoiseach's espousal of Mr. Robert Putnam, the decisions it makes damage the community spirit upon which low crime levels depend. The Government is saying one thing and doing the opposite.

Our culture of low crime was based on the idea that money was not everything and one's personality counted for more than what one had. Perhaps the Fianna Fáil Member present will agree that this loss will be responsible for the rise in crime in Ireland. There is a sense that one must have a flash car, a flash house and flash clothes because under the Government a consumer culture has been espoused. The growing inequality that stems from the Government's political philosophy would be addressed by a liberal approach to reducing crime. The Minister is not a liberal, nor is he a republican. He seeks to encourage inequality rather than reduce it, saying one thing and acting in the opposite fashion.

**Mr. Kelleher:** This Bill has been debated on many occasions and has been the topic of conversations as a result of high profile crimes committed in our communities. The Minister has reacted to this and ensured he has brought forward proposals that go some way towards addressing the concerns and changes to society.

ASBOs have been referred to by previous speakers. We had a similar debate in 1994 when the Criminal Justice (Public Order) Bill was enacted. This was described as a gross infringement on civil liberties, allowing young people to be herded up when they tried to congregate. This has not turned out to be the case and, in fact, we sometimes accuse the Garda Síochána of failing to use the provisions of the Act to address concerns in our community, anti-social behaviour and intimidatory tactics.

I welcome the introduction of anti-social behaviour orders. Last year I travelled to Leicester, England to view how anti-social behaviour orders worked and impacted on communities. I went with an open mind and returned convinced that there was place in our legislation for them. Communities that have been ravaged by anti-social behaviour in various forms felt powerless and removed from the police and housing officers. The people to whom they looked for help were incapable of offering it because there was no legislative backup. The introduction of anti-social behaviour orders has made a significant difference.

I welcome the fact the Minister, when examining the introduction of anti-social behaviour orders, did not simply lift the UK formulation but

has watered it down. The maximum sentence will be two years, a senior member of the Garda Síochána will need to apply to a District Court for an anti-social behaviour order and there will be street warnings and good behaviour contracts. That is positive because the purpose behind the orders is not to criminalise a young person but to give him or her a chance. He or she would get a number of yellow cards or street warnings. It gives an opportunity to juvenile liaison officers, schools and health officials to assess and address the needs of that individual. Young people feel they can act with impunity because they are unlikely to be prosecuted under current laws. We should examine the number of parents or guardians who attend court when a juvenile is before it. We have not addressed this. Although the introduction of anti-social behaviour orders is not a panacea, it gives the opportunity to get to a person at an early stage before they are involved in serious crime and are criminalised.

We must address the underlying causes of anti-social behaviour. There may be an element of dysfunctionality in the home, for example drink or substance abuse by the parents or the child, or there may be no structured home. Reference was made to family conferencing regarding the Children Act. We need a mechanism whereby parents can be given assistance. Parents may not be neglectful in their duties but incapable of parenting because they lack the skills, resources or confidence. They may have literacy problems, have dropped out of school early or have had an early pregnancy. These issues have an impact.

In addition to the deterrent of anti-social behaviour orders, we must have crime diversion programmes and stronger community policing with gardaí in the communities involved. I welcome the introduction of the Garda reserve force and see great potential for it. It is a positive step and I hope members of the Garda Síochána embrace it. Every day members of the Garda Síochána appear on television asking members of the public for co-operation in solving crimes. The best form of co-operation the public could give would be to assist the Garda Síochána in the form of a Garda reserve. The Garda reserve could be used for traffic management.

Every Friday in Fermoy in Cork one or two trained gardaí stand on the bridge directing traffic. We entrust the lives of our children to the lollipop ladies every morning when they go to school. A trained Garda reservist could direct traffic and let the front-line members of the Garda do the job they claim they want to do, to police, investigate crime and resolve the problem of crime in our communities. Traffic management and sporting events are a huge drain on Garda resources to manage what is likely to be a peaceful crowd. We go regularly from Cork to all-Ireland finals — other counties may not experience this — and see a huge number of people on their best behaviour. The reservists could play a part there.



[Mr. Kelleher.]

It has been said the uniform is not visible in communities. The use of a Garda reserve force could be explored. We might have a difficult area in one part of Cork city and some of the members of the community association might be members of the reserve force. They could help the community in another area and that community could send members of its reserve in exchange. The public has great respect for the uniform, and although it has been diminished to a certain extent recently due to certain events, tribunals and what is perceived as the lack of crime resolution, in general the public has an honest, genuine commitment to and trust in the uniform. The most common complaint that every public representative hears, particularly in urban areas, is the lack of visibility of the Garda Síochána. I hope the Garda reserve force will be encouraged primarily in community policing, in assisting the front-line gardaí and ensuring the uniform has a presence. I compliment the Minister on that proposal. Although some people have opposed it, and some oppose it privately while they support it publicly, in general the public will embrace it. As time passes a certain attachment will occur with the public on that issue.

I welcome the Minister's expeditious move on firearms offences. There is a perception, backed by statistics, that gun crime is increasing. Although I have no great knowledge, I assume it is because of the epidemic of drugs in society and the profits that can be garnered from drug importation and distribution. We passed legislation some years ago in which we claimed there would be mandatory sentencing for people caught in possession of illegal substances over the value of IR£10,000. The Judiciary has failed to take into account the views of the Oireachtas on this issue. That is a grave insult to this House. While we value the independence of the Judiciary we cannot allow this situation to escalate. Members of the Judiciary must understand that drug importation and distribution is killing our young people and driving our society mad. We can dance around other issues and address other concerns, but substance abuse is the single biggest problem facing our society, and I have stated this since I came here as a public representative in 1993.

The increase in crime figures was mentioned. We all remember that not long ago we did not have a seat in our trousers and our crime figures were low. This is because society viewed itself differently. There was no affluence, most people lived in tenements and were unemployed, there was massive emigration but there was a strong, cohesive bonding of family and community. We now live in an affluent society and have escalating crime figures. This is because crime is mainly generated by the drugs trade. If somebody can convince me otherwise I would be willing to debate it. For years nightclubs in Cork and elsewhere had "chill rooms". After taking ecstasy tablets

and dancing for the night people would go to a chill room to cool down and drink water. Even night clubs had a system in place to encourage people to take ecstasy tablets. Cocaine use is increasing and is available city-wide in Cork, Dublin and elsewhere.

Young people are queuing up to take lines of cocaine on Friday, Saturday and Sunday nights. This is driving the whole drugs industry. Therefore, I welcome the Minister's provisions regarding drugs and mandatory sentencing. However, what part of "mandatory" does the Judiciary not understand? Perhaps we should ensure that a clear signal is sent from this House to the effect that we will not accept the Judiciary reducing people's sentences on the basis of their pleas of guilt or their co-operation with the Garda Síochána when it is investigating their cases. People who import great quantities of drugs into Ireland know that if they get caught, plead guilty and assist the authorities in their investigation, they will get a reduction in their sentence. That is unacceptable. Regardless of whatever else happens, the Oireachtas must make it very clear in this legislation what it expects the Judiciary to do in respect of mandatory sentencing for the importation and distribution of drugs.

Firearms offences are increasing because of the drugs trade and those convicted are probably on drugs themselves. There is a lot of money to be made from protecting one's turf and ensuring others do not move on to one's patch. If the law is lenient on drug dealers and importers, we cannot address the underlying problems in our communities.

Anti-social behaviour was referred to. We must also address the problem of drink. Every public representative who represents urban areas will know that off-licences seem to be a problem. I do not know how we can address that. I have heard many reports of anti-social behaviour in certain areas on the opening of new off-licences. Perhaps we should ensure that there is a restriction on the number of new off-licences or their trading hours. I am not quite sure what we can do but I know the Minister has examined this matter and is considering the introduction of certain measures. In the event of the Garda being able to identify widespread under-age drinking as a result of the presence of an off-licence, there should be some mechanism whereby it could instruct that off-licence to close at certain hours. Almost immediately on the opening of a new off-licence, young people congregate and drink to excess. This leads to assaults, intimidatory activity and anti-social behaviour.

The law is an archaic system that is very slow to embrace new technologies. The Oireachtas should be proactive in ensuring that all available technologies are made available. Let us be under no illusions regarding DNA testing. It is more fail-safe than most systems, yet the taking of DNA evidence from suspects was subject to objections and concerns for years. I welcome any

measure that will allow the Garda, acting within the law, to detect crime and investigate cases with the most modern technologies available to it.

I was amazed when I discovered that written statements are the only ones admissible in court and that video evidence, in spite of the technology involved, is not admissible. I know the Minister is considering this and I would welcome changes that would allow for investigation using modern technologies, speed up proceedings under our criminal justice system and bring perpetrators of crime to justice.

We must also consider the issue of burglary, although it is not covered in this Bill. It is sometimes perceived as not too serious but it is regarded as a great offence by most people to have somebody wandering around their bedrooms at 3 o'clock or 4 o'clock in the day or night. We do not view the problem seriously enough. One's home is one's castle and one should feel safe therein, yet week after week burglars are treated leniently in the courts wherein it is argued that they come from deprived areas or have fallen on hard times. There is no excuse for breaking into homes and intimidating people in their beds or for not viewing this as a very serious crime.

These issues are of much greater concern to the public than murders. Regardless of all the murders in the State last year, amounting to approximately 50, tens of thousands of people are affected by anti-social behaviour and burglary. These are the crimes of which most people will be victims and we must effectively resource those who are tackling them.

People will have their own views on the Minister and I certainly have mine. I commend him as he has been proactive in bringing forward legislation. Somebody described him as illiberal, but I do not mind whether he is liberal or illiberal as long as he is proactive in addressing the concerns in our communities. I welcome the motion and believe Members should have an opportunity to discuss in detail the amendments being introduced by the Minister on Committee Stage.

Very often we grandstand in this House but it is on Committee Stage that the substance of Bills should be discussed. I welcome the introduction of all the amendments, although the Opposition may have concerns in this regard. The Minister was proactive and is trying to address some of the major concerns regarding gun crime, drugs and anti-social behaviour. I commend the motion to the House.

**Mr. Stanton:** I wish to share time with Deputies Enright and English.

**Acting Chairman (Mr. O'Shea):** Agreed.

**Mr. Stanton:** The Minister for Justice, Equality and Law Reform has a very tough job. Society has changed enormously and the population has increased and become far more diverse and mobile. Coupled with this, gardaí do not seem to

be present, particularly in rural areas. Garda stations are being closed and locked up. Very often gardaí do not know who is living in the areas under their watch, what they are doing or where they come from. In some cases, the gardaí do not even know the areas. This must be addressed because the detection and prevention of crime are very important. It has been said time and again that if people are afraid of being caught, they will think twice about committing a crime. If they get away with one, they will commit more.

People are very concerned about crime. I attend meeting after meeting in my constituency at which people say their Garda station is closed and ask where they should go to meet a garda. They ask why all the stations, which are expensive properties, are locked up. Very often the stations are done up and then locked up because there are no gardaí. We need to train gardaí and furnish them properly with up-to-date, modern equipment. That is a priority.

I have never seen a motion such as this in the nine years I have been a Member. Perhaps the Office of the Ceann Comhairle will let me know if there is a precedent to taking legislation in the manner proposed. There probably is but, if so, it is very rare.

The Criminal Justice Bill 2004 was produced initially in July 2004 and almost two years later, we are still awaiting Committee Stage, which fact alone speaks volumes. During my Second Stage speech, I expressed concern about the practice of publishing incomplete Bills and amending them substantially on Committee Stage. I understand there are over 300 pages of amendments to the Criminal Justice Bill 2004.

My colleague, Deputy Jim O'Keeffe, has highlighted the danger that if one minor aspect of this Bill is found to be unconstitutional on foot of one challenge, the whole lot will go down the tubes. I hope that will not happen and that we will tease out any anomalies or difficulties on Committee Stage. I agree with Deputy Curran that every amendment, from all sides of the House, must be teased out fully and properly. This is defining legislation and it is so vast that it alludes to almost all criminal justice measures. There is no way I can do it justice in seven minutes except to talk in general terms. No other Member can do so and that is why Committee Stage is so important.

Yesterday the Irish Youth Justice Alliance made a very interesting presentation to the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights, as I am sure the Minister is aware. The alliance made some interesting points about the Children Act 2001, which unfortunately has not been fully implemented. If it had been fully implemented and resourced, many of the measures now before the House might not be needed. The group stated that the provision in section 19 to extend the Garda diversion programme to include behaviour that is not criminal in nature is a serious exten-

[Mr. Stanton.]

sion of Garda powers to include the power to intervene in the lives of children and young people from the age of ten with respect to behaviour that is not criminal in nature.

The group went on to state that the formal extension of the programme had serious net-widening potential, given that it means that children who have not committed a criminal offence will be brought into formal contact with the Garda Síochána. It referred to the proposal in certain circumstances to remove or restrict a child's right to have his or her privacy protected when an anti-social behaviour order has been made. This involves an amendment to the right to privacy which children enjoy when before the Children's Court, and represents a weakening of children's rights as set out in the Children Act 2001. There are concerns over how children are treated.

Deputy Kelleher stated he went to Leicester. I was in Scotland last week where we had a discussion about ASBOs. ASBOs are used very carefully there. The Scots see them as a serious tool and it might be useful for us to consider the experience in Scotland also.

I welcome the provisions on firearms. It is frightening that criminals now seem to accept firearms as a first option. Some people go away and then come back with a gun and use it without thinking. They may not be able to think if they are high on cocaine. Deputy Kelleher is correct in stating that we must take the problem of cocaine very seriously. I am told that it is widely available and is driving a considerable amount of serious crime. The abuse of alcohol must also be addressed.

I welcome anything that would deal with organised crime. I am very concerned about the advent of mafia-style gangs here with international contacts. We need to be absolutely ruthless with those gangs. We have been waiting almost two years for the Criminal Justice Bill 2004. It will be months before the Bill can be enacted if all these elements are to be debated properly. The Minister should have introduced a number of smaller Bills rather than doing it as he has.

**Ms Enright:** I welcome the opportunity to speak on the Bill. Like many of my colleagues, I am disappointed at the manner in which this legislation has been handled from the beginning, both in terms of the delay in bringing it before the House, from its initial introduction in July 2004, through to the publication of so many amendments, on issues which should be dealt with through separate legislation. However, I welcome that the issues are finally being dealt with, albeit nine years after the Government parties came to office.

In dealing with a number of aspects of this Bill, I wish to bring other related issues to the Minister's attention. Legislation is clearly important

but its implementation after enactment is equally crucial if not more so. While I will speak about the number of gardaí, particularly in my constituency, I must say how amazed I am that student gardaí entering their early days in Templemore training college are counted as gardaí for the purposes of the Minister's statistics. What will we do next? Will the Tánaiste count first-year medical students as doctors? This is effectively what we are doing when including trainee gardaí as full members of the force. They are not qualified, have not been trained and should not be counted until they have finished their training and have reached the required standard of excellence to be considered fully-fledged gardaí. A certain number students drop out, fail their exams or are dismissed or suspended for disciplinary reasons. However, they are considered from the initial stages to be gardaí when we seek statistics on the number of gardaí.

I am not sure how familiar the Minister is with the position in my constituency. It is a two-county Garda division, made up of Laois and Offaly and serving small portions of neighbouring counties. While I have not availed of the offer of the Minister for Justice, Equality and Law Reform for a briefing on the figures, I will use the figures I got from the Department at face value. On 5 October 2004 the division had 277 gardaí. When compared with other two-county divisions, we are fairly near the bottom of the league in terms of garda numbers. However, when one considers that none of those other divisions contain two national prisons, which are staffed out of those numbers, the Laois-Offaly division is poorly resourced in terms of garda numbers. Both Portlaoise Prison and the Midlands Prison are located in my constituency and to the best of my knowledge — if I am wrong, I am sure the Minister will be only too delighted to correct me — they are staffed out of the Laois-Offaly division. I have tabled parliamentary questions asking how many are deployed to the prison to be informed that I cannot have the figure for reasons for national security and for operational reasons. However, I believe the people of the area are entitled to this information.

I will give some specific examples of the difficulties being experienced in rural areas in Laois-Offaly. I stress that while the vast majority of gardaí I come across are extremely hard working, serious about their job and are dedicated to it, they are stretched beyond reason. In recent months a number of serious armed robberies in various homes and business have taken place. In one, the Garda was informed by a neighbour that she had seen five armed people entering a home attached to a small business. Two gardaí travelled 12 miles to arrive on the scene. Needless to say the raiders managed to escape by force of numbers and equipment. The gardaí gave chase but eventually lost them because their walkie-talkie system could not operate in the Slieve Bloom mountains and they could not maintain contact

with gardaí on the other side of the mountain who had come from the Portlaoise area. The perpetrators knew if they went through the Slieve Bloom mountains the Garda could do little about it.

We cannot blame the individual members of the force for that sequence of events. They did the best job anyone could do with the manpower, resources and equipment available, but the raiders escaped and a quiet couple, in their 60s are left battered and bruised, physically and emotionally, from the experience. When I met the family, they named several towns in the vicinity and asked why gardaí from these towns could not be deployed to deal with the incident. I had to explain to them that for years these towns only had a Garda presence for a few hours a day which is ludicrous.

This scenario can be found to varying degrees across both counties. Parts of south Laois have had a spate of criminal activity in recent months and while the general public correctly want a greater Garda presence, it is just not possible with the numbers. When we meet the superintendents and the chief superintendent, this is what we are told. Only one patrol car is on duty in a division at particular times in the night. Gardaí need to use their personal mobile phones. No flak jackets or anti-stab jackets, which are common for police officers throughout the UK, are available even though the criminals they face — as we saw last weekend — are perfectly equipped to protect themselves. A person needed to call to a Garda station in the fastest growing town in Offaly seven times to get a passport form signed, because the station is not open for 24 hours despite being in an area with a large population. It is not possible to over emphasise the genuine fears of people living in these areas.

Criminals are clearly aware of the lack of visibility of gardaí in urban and rural areas in the midlands and are in a position to capitalise. The growing figures for robberies and burglaries prove the point. Much Garda time is taken up in particular areas depending on the length of District Court sittings. We need to ensure that Garda time is used more effectively. This is a genuine issue and one that needs to be grappled with. Towns like Tullamore and Portlaoise have 48 fixed District Court sittings a year each requiring the attendance of up to 20 or 30 gardaí. In 2004 there were also more than 20 special sittings in each town again necessitating gardaí being present. We must look at ways of dealing with this.

I ask the Minister to consider that the gardaí should have fixed times for having their cases heard rather than all of them needing to be present at 10.30 a.m. for the commencement of court. Civil matters such as debt collection, litigation, and licensing applications should be heard at a fixed date and time. When a defendant makes a plea, consideration should be given, with the defendant's consent, to allowing the superin-

tendent or State solicitor outline the facts and the defendant should be required to notify the prosecution of the plea in advance of the sitting. Special times and days should be set aside for family law cases in order that general District Court business and Garda time is not taken up in this way. This would make far more sense. On a typical Friday or Saturday night in any city or town, an arrest for a public order offence — even a relatively minor offence — leads to Garda time being taken up at the time of arrest and again at the time of detention. There may be a need to call a doctor or a solicitor, which can take up more time. Additional time can be spent questioning, investigating, getting statements, preparing the book of evidence, taking the case to court and waiting for it to be heard. It is possible that even more time will be lost if the person is transferred to prison. If there had been more gardaí on the streets, it is possible that the public order offence would not have been committed and a great deal of time and resources would have been saved.

I accept the principle behind the proposal to establish a Garda reserve, which is a topical issue at the moment. Before such a step is taken, however, we should ensure that all matters within the existing force are right. We should resource the Garda by giving it the numbers and equipment it needs before we examine other issues.

On anti-social behaviour orders, I implore the Minister to ensure that such orders are used as a very last resort. I have concerns about them. I ask him to form a committee with his colleagues, the Ministers for Health and Children, Education and Science, Arts, Sport and Tourism and Community, Rural and Gaeltacht Affairs to review the extent of the facilities available to young people. Older people than me often complain when they hear young people saying they have nothing to do, but that is genuinely the case in certain parts of the country. We have to ensure that facilities are made available for young people.

**Mr. English:** I am pleased to have an opportunity to say a few words on this Bill. I welcome the Minister of State, Deputy Brendan Smith, to the House, although I would prefer it if his senior colleague, the Minister for Justice, Equality and Law Reform, were here to debate this issue. He is probably ranting and raving to journalists somewhere, or jumping on somebody else's issues, rather than on his own issues. If he were here, we could have a proper debate about this matter.

**Mr. B. Smith:** The Minister has other commitments.

**Mr. English:** I am sure he has, but he should be here to debate this issue.

**Mr. B. Smith:** I noticed on the chart of attendance that was published last week that he is a good attender in Dáil Éireann.

**Mr. English:** I am a good attender as well. The Minister of State and I are aware that there is a difference between voting and attending.

**Mr. B. Smith:** The Deputy is looking for a different way of measuring it.

**Mr. English:** I will do my work in the House by attending and contributing to debates. At least I do my job when I am here, unlike the Minister, Deputy McDowell, who is not doing his job.

**Mr. B. Smith:** The Minister is doing a good job.

**Mr. English:** I ask the Minister of State to allow me to speak.

**Acting Chairman:** Deputy English to continue without interruption.

**Mr. English:** The Minister for Justice, Equality and Law Reform is not doing a good job. We have been told for the past two years that this Bill will be the saviour of the world. In every interview he has done in that time, the Minister has said that the Criminal Justice Bill 2004 will solve all our problems. We have had to wait for two years for the legislation. We asked for the amendments a year ago, but we were not given them. How can we have a proper debate without the information we need? In recent weeks, we have been given the heads of the proposed new sections and bits of the proposed amendments. Approximately 300 pages of amendments will have to be considered on Committee Stage. I would welcome many of the Minister's proposals if I believed the Bill would work and the new provisions would be enforced. Many of the measures in the legislation are similar to existing regulations. I accept that it will tighten the law and give the Garda more powers in some cases.

Two main points should be noted in this regard. This legislation will introduce new laws, but how can we be sure they will be enforced? If we are to help gardaí to enforce existing laws and do their jobs properly, we have to give the force the resources it needs, including additional staff. It is not acceptable, in this day and age, that simple things like stab jackets have to be borrowed from forces in other countries. Criminals fly along the M50 in some of the top cars in the world, like Jaguars and Lexuses, while our gardaí go around in family saloon cars. They are not sufficiently armed or equipped to deal with criminals like those operating.

We need to get real if we are to tackle crime. It is not enough to put in place a Bill that tries to cover everything but will probably not be implemented until this time next year, just before the general election. The Minister for Justice, Equality and Law Reform will claim he has

tackled everything, including the fall-out from the Ferns Report, the problems in accident and emergency departments and aspects of crime such as the use of guns, in this Bill, which covers almost everything. There is something in it for everyone. I am afraid that every time we try to bring a case under the Bill, it will be challenged in the courts. This legislation is a minefield because it is so big that the lawyers representing criminals will have many easy opportunities to find loopholes in it. The manner in which it is being introduced in bits and pieces, with many amendments, may also lead to difficulties. The Minister should separate the main issues and deal with them individually.

I will refer to some aspects of the Bill about which I am happy and some of the changes which are good. I am glad the Minister has proposed the introduction of mandatory minimum sentences for people convicted of firearms offences. People who have guns for the wrong reasons deserve to be behind bars. Prison is mainly for those who represent a danger to society. Those who carry guns for no reason other than to do damage and cause bodily harm belong in prison. I welcome the Minister's intention to put in place laws to that effect. It is a pity this measure could not have been separated and enacted quickly to scare those who carry guns. The introduction of an amnesty is important, but the problem is that the people to whom I refer are not afraid that they will be caught. This aspect of the legislation needs to be enacted quickly to scare such people.

The Bill will tighten up the provision whereby a mandatory sentence of ten years' imprisonment is imposed on people convicted of dealing in drugs worth more than €13,000. That has been the law since 1999, but it has not been enforced in 95% of cases as a result of get-out clauses. I welcome the tightening up of this law. We need to publish better sentencing standards and guidelines to be used by judges. The types of sentences imposed should not vary depending on location. One's address should not decide the judge one gets, and the judge should not decide whether one is given two years or ten years in prison. There should not be substantial differences in length of sentence. New sentencing guidelines and policies for judges should be published.

The Minister has proposed the establishment of a drug offenders' register, on which the names of those who are convicted of drugs offences will be listed. The Garda knows such people and watches them. We need to give the Garda the power to deal with them, not the power to compile a list of their names. Everyone knows who they are.

I welcome the proposal to provide for restriction of movement orders, which will be enforced by means of electronic tagging in some cases. It is right that we should use modern technology. The criminals use such technology. They are able to defeat the Garda hands-down when it comes to technology. We have to equip our police force

with modern technology that its members can avail of.

The Minister in this Bill is introducing anti-social behaviour orders which are supported by most parties. I would favour their use in conjunction with a system of penalty points for various crimes, whereby different levels of anti-social behaviour cause one to be given different numbers of penalty points. When a young person — young people will most commonly be involved in this system — approaches a certain number of points, it will be clear to everyone in the community that they have a problem on their hands and they need to step in to tackle it before it is too late. I suggest the establishment of a system of penalty points, in conjunction with the use of anti-social behaviour orders or, preferably, in advance of the use of such orders, as a means of identifying young people who are starting to get involved in crime.

I would like to speak about the speed of the legal process. The greatest deterrent to crime is the fear of getting caught. When people are caught, too long a period often elapses before they are brought to court, tried and sentenced to imprisonment or community service. The link between the punishment and the crime is sometimes blurred if a long period of time has elapsed. Some commit many more crimes while they are waiting to be tried for an earlier crime. Many out on bail commit crimes and get involved in illegal activities.

I remind the House of the importance of crime prevention. All the Bills introduced by the Minister for Justice, Equality and Law Reform relate to tackling crime after it has taken place, which is too late. We need to have some good debates about crime prevention. The Minister is an intelligent person, although he does not always act quickly. I am sure he could contribute a great deal to a debate on crime prevention. I hope such a debate can take place soon. I apologise for speaking beyond my allotted time.

**Mr. Kelly:** I welcome the Criminal Justice Bill 2004, which is extremely important. I commend the Minister, Deputy McDowell, for bringing the amendments to the Bill before the House. It is clear that we all want the most equitable and effective criminal justice legislation possible. Many surveys have shown, as if we needed surveys to tell us, that crime and law and order are sources of great concern for many. We owe it to the people to put criminals away. We should ensure that our criminal law can respond to crime in a way that retains the confidence of the public. It should provide a strong deterrent to those who seek to undermine the stability and good order of our society. Most of our citizens are law-abiding, good, decent and respectable people who want to live in peace and harmony. We should not allow the minority in our society to upset the majority. We should send a loud and clear message that

crime does not pay and that there is no place for criminals in society.

The amendments proposed by the Minister will go a long way to meeting the objectives I have mentioned. Fianna Fáil has always been tough on crime. The Government has dealt with this issue in a tough manner since 1997. Crime of any kind cannot be tolerated and must be tackled head-on. Ireland's crime rate is very low compared to other western democracies, but that is not good enough. In 1995, with a population of almost 3.6 million, the crime level was at 29 per 1,000. In 2005, with a population of more than 4.1 million this rate had fallen to 24.6 per 1,000. As the Minister pointed out to the House, yesterday, based on the crime figures for 1995-96, we were heading for well more than 50,000 crimes per year if the previous administration had remained in office for five years. This is unthinkable and only serves to highlight its ineptitude on the matter.

**Mr. English:** What types of crime is the Deputy talking about?

**Acting Chairman:** One voice, please.

**Mr. Kelly:** Today there are more gardaí. All crimes will have to be tackled and all criminal activity will have to cease. The Deputy asked me what types of crime we are talking about. I remind the Opposition that it cancelled the prison building programme and failed to put even one extra garda on the street. It failed to properly resource the Garda and to provide even one extra prison place. It supported a policy that led to 16% of sentenced prisoners being on the streets, and opposed legislation to deal with the problem of serious offences committed by offenders while on bail. It voted against legislation that would allow persons convicted of serious offences to be subject to curfew as well as against ten-year minimum sentences for substantial drug dealers.

Everybody must realise the seriousness of the situation. Members of the Opposition will have to co-operate and work together and not lecture Government Deputies on crime. They must work with the Government to ensure that when sensible serious legislation is brought forward, it is supported. Matters have gone too far. Will the Opposition start from now?

**Mr. English:** Is the Deputy asking a question or giving a history lesson?

**Mr. Kelly:** I welcome the fact that the Deputy will support this legislation and I look forward to the day when he will help vote it through the Dáil. It is good news for the country that the Opposition is getting sense——

**Mr. English:** The Deputy should stick to the present and not give a history lesson.

**Mr. Kelly:** ——and going to work. Fair dues to the Deputy.

[Mr. Kelly.]

There are 1,743 more gardaí today than in June 1997. The current recruitment drive is the largest for new gardaí since the foundation of the State. Starting in January 2005, more than 1,100 new gardaí per year have been and will be recruited for each of the years, 2005-07, inclusive. New recruits will not be stuck behind desks. They will be engaged in high visibility policing. They will be on the front line, out and about and engaged with people in towns, communities and cities. This means numbers in the Garda Síochána have never been greater, nor has the force ever been better resourced. This year the Garda Síochána has the highest level of resources in its history, €1,290 million, an increase of €146 million in 2005. The provision of Garda overtime in 2006 will ensure record levels of policing by uniformed and special units throughout the State. Almost €1 billion is being spent on justice.

We are committed and support law and order. On the major expenditure on justice, I welcome the new courthouse at Main Street, Longford, which will be in operation shortly. We expect the first court sittings in the autumn, at the latest. Under this Government, 1,200 new prison places have been provided since 1997. This will be increased further when the new facilities in Spike Island and Thornton Hall are completed and will bring an end to the revolving door system that previously operated. Under this Government the budget for the Prison Service has been increased by 100% and we have tackled the decades-long problem of excessive overtime in the prisons, resulting in a saving of €25 million for the taxpayer.

We welcome the administration section of the Prison Service to Longford. The diggers are on site, work has started and we look forward to its headquarters being located in Longford, shortly. I thank everyone in the Prison Service for the great help and support and for agreeing to come to Longford. We also thank the pipe band of the Prison Service for participating in the St. Patrick's Day parade in the town, getting involved with the community straightaway.

The Government introduced a mandatory ten years prison sentence for drug dealers. The Opposition opposed the legislation. The drugs problem is very serious and affecting too many. It has to stop. We appeal to people to stop purchasing drugs but the drug dealers are playing havoc with them and ruining our country. Drug dealers are in the minority and there should be no let-up or excuses for not tackling them. The Legislature and the Judiciary must be independent but the message should go out that while we know there are people who do not mean to break the law and get into trouble, if the law is broken they will have to pay the penalty. If people believe they will get away with breaking the law, they will break it.

I am glad the Bill contains plans to ensure that the grounds for considering a sentence of less

than ten years are clarified. It is proposed that against mitigating factors such as co-operation and a guilty plea the court will be required to take account of previous drug trafficking convictions. A record of such convictions will be a counterbalance to any reduction that may have been felt to be appropriate. Provision will also be made for a new offence of importing drugs with a value in excess of €13,000. This offence will attract the minimum ten-year sentence. A drug offenders' register will be established, properly and rightly. This matter is too serious. People involved in drugs will not stop unless they are caught. They will have to be caught and the full rigours of the law applied. We are warning people to have nothing to do with illicit drugs or drug dealing, and not to become addicted. The law will come down heavily on transgressors. They must not think they will get away from now on, because ten years is just that and there should be no time off for anybody involved in drugs.

We must also ensure that drug offenders are registered with the Garda. The proposal is based on the same principle as the sex offenders register and will enable the movement of convicted drug dealers to be recorded in a similar fashion, that is, change of address and movement in and out of the State. This will help the Garda to monitor illegal activity and should provide useful intelligence in the fight against drug crime. Given the recent occurrence of gangland murders, we must progress these matters urgently and tackle the root of the problem.

Debate adjourned.

#### Private Members' Business.

#### Road Traffic (Mobile Telephony) Bill 2006: Second Stage (Resumed).

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

**Mr. Ó Feargháil:** I wish to share time with Deputies O'Flynn, Ellis, Wilkinson and Glennon.

**Acting Chairman:** Is that agreed? Agreed.

**Mr. Ó Feargháil:** I am pleased to have an opportunity to join in the debate on the Road Traffic (Mobile Telephony) Bill 2006 as introduced by Deputy Olivia Mitchell. I congratulate her and her party for this constructive use of Private Members' time. Clearly, in the light of the ongoing fatalities on our roads, it is incumbent on us, as public representatives, to avail of every possible occasion to highlight this serious problem, both here in the House and around the country in the communities we represent. The Bill is presented as yet another measure that can be adopted to help reduce the carnage on our roads

and, as such, I am encouraged by the fact that, although the Minister, Deputy Cullen, may have reservations about some of its aspects or details, it is not being opposed on Second Stage by the Government which intends to bring forward its own legislative proposals in the very near future.

It is important to congratulate the Minister on the work he has undertaken in the area of road safety since moving to the Department of Transport. In particular, I welcome the intention to establish the Road Safety Authority which will have a broad remit in the area of transport and safety. There was widespread support in recent days for the Minister's decision to appoint Mr. Gay Byrne as chairman of the new authority. This high level of support derives not just from his public recognition, but also from the fact that Mr. Byrne enjoys a high level of public confidence and can be relied upon to progress the road safety agenda in an able, committed and fearless manner. He represents an excellent choice for what will, no doubt, be a most difficult job.

The scale of the problem on our roads has been referred to by all previous speakers, not least by Deputy McGinley who spoke poignantly of the horrific loss of life in his native Donegal where 30 people have lost their lives in each of the past two years. However, each county has to bear its own tragic losses. I note from the most recent statistics available that in my county of Kildare the death toll, thankfully, decreased from 31 in 2001 to 19 in 2004, with a corresponding decrease in the number of injuries incurred in road traffic accidents from 349 to 288 in the same period. I suspect this may have much to do with the major road construction programme in Kildare throughout the period. The European norm of 60 fatalities per 1 million of population has been referred to. I understand the context in which this allusion has been made but feel strongly that we must continue to assert the view that there is no acceptable level of road deaths and that one death is one too many.

In the debate so far there have been calls for more legislation and more effective enforcement of the legislation already in place. I congratulate the Government on the establishment of the new dedicated traffic corps which will have 800 members by the end of this year and comprise 1,200 officers by the end of 2008, if not sooner. I acknowledge the commitment of the Garda Síochána to tackling the road safety issue but suggest the Garda Commissioner and senior managers within the force need to adopt a far more focused approach to dealing with the problem of death on our roads.

An inordinate number of fatal accidents seem to involve young male drivers and occur in the early hours of the morning, at weekends or bank holidays. Garda deployment is a matter for the Garda authorities, but I urge them to prioritise the provision of high visibility checkpoints, along the departure routes from nightclubs and other late night hostelry in the post-midnight period.

If such a campaign were mounted consistently across the country, it would achieve positive results within a short timeframe.

The number of provisional drivers on our roads has been referred to. The Minister has again set out his stall on how he intends to address the current unacceptable situation. Those many thousands of young people driving on provisional licences deserve to be able to take their test within a reasonable timeframe. In a recent media interview I heard the courageous mother of two young Kildare men who had lost their lives, with a friend, in a horrendous pre-Christmas crash, say that no matter how much legislation we had or what the level of enforcement was, we would not stop the carnage on the roads until we succeeded in bringing about a change in public attitude to the use of the car. While we must strive urgently to reduce the number of provisional drivers on our roads, we must ensure those who pass the test do not conclude that getting rid of the L plates confers invincibility upon them, as so often seems to be the case, especially with young male drivers. If the measures in place or those envisaged do not deliver the desired results, we may have to consider imposing curfews or speed regulators on very young and inexperienced drivers in order to save lives. This has been done to good effect in other countries.

I am happy to support the sentiments expressed on the use of hand-held mobile phones while driving. Despite its widespread occurrence, it is clearly foolish and reckless. One of the worst examples of recklessness I have come across recently involves a good friend of mine who travelled from Kildare to Galway with her daughter who in the course of her journey witnessed her continually sending and receiving text messages while driving. Mobile phone use is not the only form of careless driving. Only this morning on my way to Leinster House I noticed one driver reading a newspaper, while another anxiously applied her make-up. Perhaps we could all do much better behind the steering wheel. The mobile phone is a wonderful piece of modern technology when used properly and responsibly. Let us hope drivers will rapidly get the message.

**Mr. O'Flynn:** I remind the Leas-Cheann Comhairle that I am sharing time.

The issue of road safety is one that all too often dominates the news headlines. There is not a family in the country which has not been affected by such a tragedy at some stage. Too many of us have received the dreaded telephone call in the middle of the night. I experienced it myself and would not wish it anybody to hear the news that a relative was injured or fatally injured. Even one death on the roads is one too many.

It is heartbreaking that so many of our young, energetic people, in particular, have been taken from us in such a cruel and painful way. The vast majority of young people take a mature and responsible approach to road safety. They are all



[Mr. O'Flynn.]

too aware of the dangers of texting, talking on their mobiles while driving, as well as drinking and driving. Evidence from other countries suggests 60% to 70% of drivers use their mobile phones at least once a day. It has also been estimated that at any given moment 1% to 4% of drivers are using a mobile phone. I think I am correct in saying practically every young person in the country has a mobile phone, which obviously has major repercussions for road safety.

There are approximately 400,000 people with provisional driving licences. There is a considerable backlog in driving test waiting times. The Minister, Deputy Cullen, is all too aware of this and doing his utmost to speed up the system by providing more test instructors. I have great respect for Deputy Olivia Mitchell but I was astonished to hear that the Fine Gael spokesperson on transport had proposed last night that provisional drivers should be barred from driving after 5 p.m. during these short winter days.

**Ms O. Mitchell:** That never happened.

**Mr. O'Flynn:** I was told that the Deputy had said that.

**Ms O. Mitchell:** No, but a lot of people have said it to me.

**Mr. O'Flynn:** Therefore, the Deputy did not say it. If she had said it, I was going to ask what should be done with the poor old lady with a provisional licence who wanted to go out at night to collect her shopping on a week night.

**Ms O. Mitchell:** What is her name? She should be given a test.

**Mr. O'Flynn:** I am delighted, if that was not a proposal made by Deputy Mitchell. It is important to realise that those who are driving with provisional licences such as the young person—

**Ms O. Mitchell:** They are waiting for a test.

**Mr. O'Flynn:** I acknowledge they are waiting for the test. Young people in rural Ireland must be able to get home from work each day. If Deputy Mitchell made such a proposal, it would suck the economic life blood out of rural Ireland. This is the blinkered Dublin-focused nonsense which is typical of Fine Gael.

**Ms O. Mitchell:** Can they not drive in rural Ireland?

**Mr. O'Flynn:** The Deputy did not make such a proposal.

**Mr. McEntee:** My son is waiting three years for the test.

**Mr. O'Flynn:** The issue of drink driving continues to be a significant cause of concern despite promotional campaigns, enforcement efforts and severe legal repercussions. People continue to drink and drive and it is clear this cannot be allowed to continue. The road safety strategy provides that random breath testing should be in place before the end of 2006. Experience in Australia has shown that random breath testing has made a significant contribution to the reduction of road deaths.

Legislation is being prepared to overcome constitutional difficulties surrounding random breath testing. There must be regard for civil liberties and the rights of the individual but the protection of the community from individuals who abuse their rights must inform our examination of this issue. If we legislate to give the Garda Síochána greater powers to impose roadside breath tests, the purpose will be to change the climate and culture among the public towards the practice of drinking and driving. In the unfortunate event this is not possible, we should remind ourselves that as things stand, a Garda may request a breath sample where he or she forms the opinion that an intoxicant has been consumed, where a collision has taken place or where a road traffic offence has been committed. The Garda Síochána must continue to robustly pursue drink driving enforcement by means of the powers already available to it. The Garda Commissioner has recently highlighted that a problem lies in the way existing legislation is challenged regularly in the courts.

People must recognise their responsibility when they sit behind the wheel of a car. Even when it is proved they were over the limit, individuals will still persist in challenging the law. In a society where the car dominates as a transport of choice, collisions and fatalities have become an almost inevitable consequence. Some collisions are as a result of freak sets of circumstances where nothing could have been done to avoid such an outcome. Drinking alcohol and then driving a car is not a freak occurrence. The individual makes a choice which far too often leads to death. Road collisions are often caused by a mixture of different factors coming together and drivers need to be alert to be in a position to act quickly if necessary. It is known that even one drink will slow down a person's reaction time.

Many of the accidents involving young people take place between the hours of midnight and 5 a.m. This tells its own story. People are out late and become tired. Many drivers fall asleep at the wheel of the car and are involved in serious and fatal accidents. The majority of young people are to be complimented because they are better than the older generation for arranging a designated driver who does not drink.

**Mr. Ellis:** Deputy Mitchell's Bill is an opportunity to explain the current position and the cause of road accidents.

A total of 25% of accidents, not all fatal, are caused by driver distraction, either in the form of a mobile phone, a radio or CD player or a child in the car. All the causes of accidents must be examined. The action being taken to deal with the situation such as penalty points for not wearing seat belts and the use of mobile phones and other driving errors, will lead to an improvement.

Between 2000 and 2004, the death rate per 10,000 registered vehicles dropped from 2.5 to 1.8 people. This is a considerable decrease which has probably continued at that level because 120,000 extra vehicles a year are on the road. If predictions made last week are true, Ireland will have a major problem concerning traffic and traffic density within the next ten years. This will lead to more accidents. It must be acknowledged that the increase in the number of vehicles on the road will result in more fatalities. History has proved that a plateau level of accidents will be reached and it is then very difficult to achieve lower accident levels.

Some Members had the pleasure of travelling to Australia recently to investigate the system in use there. In 2000 the death rate in Victoria was 1.2 fatalities per 10,000 registered vehicles. It has been decreased to a level of 0.96. This drop per 10,000 vehicles has been a greater decrease than what has been achieved in Ireland; our rate is still double their rate.

We must aim to improve driver responsibility. Those of us who regularly drive many miles per annum see some terrible things. We see trucks passing traffic in 50 km/h zones at a speed of 80 km/h and doing 100 km/h, which is 60 mph, when they are supposed to be governed at 55 mph.

I refer to an incident when an articulated truck passed me. I was driving behind two cars with a double white line on my right. The truck passed the four of us. If any traffic had been coming towards it, there would have been a major accident. Not alone would the truck and the oncoming vehicle have been involved, all four vehicles travelling behind at a reasonable speed would have been caught up if the truck had jack-knifed. In that case nothing could be done. Any of the other drivers could have reported the incident but in court it would have been his word against ours. People do not want to report dangerous driving but it may be necessary to do so in the future.

Speeding in dangerous situations is a problem. The number of accidents occurring on the motorways is fewer than on the regional roads because the traffic is all travelling in the same direction and it is easier to escape from an awkward situation. The alignment of roads needs to be improved.

Local authorities have the right to impose speed limits on sections of regional roads. In many cases and despite the number of accidents, they seem reluctant to take action or use their powers and they should be encouraged to do so. We all know the black spots in our own areas but

it is nigh impossible to get local authorities to deal with the situation. I note that my own local authority will make an order for the first time with regard to a speed limit on a certain road.

Some national primary roads are inferior to regional roads yet there is a difference of 20 km/h in the speed limit. We are all aware that for every 10 km/h over 50 km/h, the chances of a fatal accident increases by 100%. The chances of a pedestrian surviving being hit at 50 km/h as opposed to being hit at 30 km/h are nil. We must be careful of our driving speeds.

There is a responsibility on everyone who gets behind the steering wheel of a car to ensure he or she is capable of driving. We talk about drink driving and driving under the influence of drugs but it is also imperative that gardaí set their rosters in order that they are on duty and highly visible from 10 p.m. to 4 a.m., Thursday to Saturday, which appears to be the time when most fatal accidents occur. There is a need for major progress with regard to Garda surveillance during these hours. It is up to us as a community and anyone who takes a steering wheel in his or her hands to be responsible. We cannot hold a driver's hands all the time. We can try to legislate to improve the situation but that is impossible if the will of drivers is not evident.

**Mr. Wilkinson:** I thank the Leas-Cheann Comhairle for giving me the opportunity to contribute on this important subject. It is hard to believe that in 2003 we had the lowest number of road deaths for almost 40 years but the figures are climbing again. While a target of 300 road deaths is set for this year, it is not a subject to discuss in terms of targets. The target should be nil. The numbers of deaths and injuries on our roads are horrendous. Almost ten years ago, in 1997, there were 472 deaths on the roads. Since then there has been an enormous increase in the number of vehicles, which undoubtedly is the cause of most accidents.

I am delighted with the increased number of gardaí attached to the traffic corps. By the end of this year the corps will have 600 members and 1,200 by 2008. There is no doubt that enforcement is badly needed, although when accidents are investigated, it is clear that it would be difficult to locate gardaí where accidents take place. Speed cameras are necessary. While there is a debate on privatisation, it should not enter into the matter when the objective is to save lives. Some 60 offences will carry penalty points, which is positive. When penalty points were introduced, there was an immediate cut in the number of road fatalities, although it did not last long.

I particularly welcome the decision to eliminate hand-held mobile phones while driving. There is no doubt that mobile phones are a great distraction, even hands-free phones. However, to begin by dealing with hand-held phones is positive. Those who drive long distances each week see countless examples of drivers using mobile

[Mr. Wilkinson.]

phones while in traffic. It is almost impossible to concentrate on driving while using a mobile phone. The decision will be a major step forward in the prevention of fatalities.

Much reference is made to drink driving, rightly so. We cannot make the public too aware of the dangers of drink driving. However, we should stop to reflect that a high percentage of fatalities on our roads are not drink related, which is shocking. Much time must be taken to find why this is the case.

Driver testing in schools is a further issue. When young people leave secondary school, their priority is to get a job. In most cases a job is little use to them without a car. Are they as well prepared to drive a car as they are to take a job? The Road Safety Authority must consider this issue. To have drivers trained at a young age is of the greatest importance.

I welcome the Minister's decision to establish the Road Safety Authority and welcome the appointment of Gay Byrne as its first head. However, I was disappointed with the initial interview with Mr. Byrne because he included an opt-out clause before we knew his real position. I ask him to join the real world. It is decision time, away from the cocoon of "The Late, Late Show" and showbusiness. The Minister was courageous in appointing a high profile figure. Gay Byrne has a big job to do, which entails much responsibility. I wish him well and the Minister well in his efforts to reduce the carnage on the roads.

**Mr. Glennon:** I wish to be associated with the remarks of Deputy Wilkinson, including his closing comments on the appointment of Gay Byrne to the chairmanship of the new authority. I particularly wish to be associated with Deputy Wilkinson's reference to his disappointment at Mr. Byrne's opening contribution in his new job. It is important that Mr. Byrne realises that press conferences are secondary to the primary task of road safety and that the entertainment days are over. There is a serious job to be done and he should address it seriously.

It is unfortunate that Deputy McEntee is no longer in the Chamber. He said his son was three years on a waiting list for a driving test, which I find incredible. The maximum wait is approximately 13 months. There must be something unusual with that application. I ask Deputy Olivia Mitchell to convey my concern to her colleague that his son should be detained on a list for such a long time.

**Ms O. Mitchell:** He will be touched.

**Mr. Glennon:** Perhaps if his son went to Deputy Johnny Brady, his local Fianna Fáil Deputy, he might receive a better service than he gets from his Fine Gael Deputy.

I congratulate Deputy Mitchell on her initiative. The Bill is a necessity. It is unfortunate that this is the case but that is the nature of legislation. My contribution will focus on the lack of responsibility in society in general and among motorists, in particular. Several statistics have been trotted out in this debate. My favourite in this regard is that in 1976 there were some 750,000 vehicles on the roads and 700 road deaths, whereas in 2006, 30 years on, the number of vehicles has trebled to 2.25 million and, luckily in one way but unfortunately in another, the number of projected road deaths will be approximately 400. It is too many but it is important that this debate should be kept in context.

I have just come from a meeting of the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs which dealt for three hours with delegations from the Licensed Vintners Association, the Vintners Federation of Ireland and the Pioneer Total Abstinence Association.

One theme that ran through three extremely positive contributions was a lack of responsibility in certain sectors of society. In that context, I am not referring to publicans but to individuals. The position on our roads is the same in that the problem is caused by a lack of responsibility on the part of motorists. One need only think of the number of times one drives at just under the speed limit and observes a steady stream of traffic overtaking.

Several responsible members of the public have made suggestions to me in recent months as to how motorists can develop a sense of an *esprit de corps* and draw the attention of errant motorists to the errors of their ways. For example, if a motorist is driving in excess of the speed limit, the motorist in the car being overtaken could sound the horn or signal with lights to draw the attention of the errant driver to his or her irresponsible behaviour. In other words, it would be a name and shame campaign. I do not know whether it would be possible to operate such a campaign but I put it forward for what it is worth.

I thank the Leas-Cheann Comhairle for giving me the opportunity to speak on the Bill and commend Deputy Mitchell on her initiative.

**Mr. Crowe:** I wish to share my time with Deputies Cowley, Connolly, Catherine Murphy, Healy and Eamon Ryan.

**An Leas-Cheann Comhairle:** That is agreed.

**Mr. Crowe:** Some 93 people have died on our roads so far this year. That is unacceptable. Our role, as public representatives, is to legislate and put in place measures that will discourage dangerous driving and eliminate fatalities on our roads.

The Bill proposed is welcome and I note that the Minister is supporting it on Second Stage. If he supports the proposal, it begs the question why he has not included the provisions of the Bill in

the list of penalty point offences due to introduced on 3 April. Nobody disputes the fact that using a mobile phone while driving impairs the driver's ability. It is distracting and downright dangerous. We have all witnessed this on many occasions, but the Minister has effectively ignored that bad practice. Those who use a mobile phone while driving are four times more likely to be involved in a serious collision.

To some degree penalty points were a deterrent, but they have lost their impact, the reason for which is that they were never properly enforced. The new package of extra penalty points is not viewed by many as a deterrent to bad drivers but as a new means of ripping off motorists and raising revenue. They are viewed by a large section of the motoring public as a cynical money-spinner. "Shooting fish in a barrel" is an accurate description of the bulk of Garda speed traps. Why do we never see them in areas where accidents have occurred, namely, on non-primary or secondary routes across the State? It appears there is no money to be gained in doing so.

What does the Minister propose to do about dangerous driving? Does he seek changes to this or other practices? He does not, rather privatisation is his answer. The vast majority of lives are lost on secondary routes. Some 40% of fatalities occur on 7% of the State's roads. If privatisation proceeds, private companies will inevitably follow the money and ignore non-primary roads, on which the bulk of fatalities occur. They will make their money on the M50 and dual carriageways, while no real measures will be applied or interest shown to deal with accident black spots.

On a related matter, the Minister has failed to reduce the numbers on driving test waiting lists, with people having to wait eight months on average to do their test. Does he have anything else up his sleeve now that his idea of outsourcing has been aborted or will his pigheaded attitude mean that more months, if not years, will be lost as he tries to reverse what is a binding agreement?

I hope the appointment of Mr. Gay Byrne to the Road Safety Authority on Monday last is not simply another public relations stunt by the Minister. Given the delay in implementing recommendations to improve road safety, I hope Mr. Byrne has not swapped one "Late Late Show" for another.

While penalty points serve a purpose, tackling road safety is a much bigger issue. Legislation is the only effective when it is enforced. Although announced in 2002, full implementation of the penalty points system has still not been achieved. To make our roads safer, the State should get young drivers on its side by using deterrents as deterrents, not as easy money makers, by reducing the extortionate insurance premia young drivers are forced to pay and, overall, by making our roads safer. Ensuring road safety is in everybody's interest.

**Dr. Cowley:** I support the Bill and congratulate Deputy Olivia Mitchell on introducing it. Everybody agrees that it is unsafe to drive and use a hand-held mobile phone at the same time. I have heard many Deputies speak of their experiences in that regard. I know of two fatal accidents in which it is reputed that the use of a mobile phone in this way was the cause. Those of us who spend considerable time travelling on the road are well aware of the motorist in the car in front or behind that veers to the right or the left of us. I wonder if it is a little over the top to insist that it be an offence to attempt to supervise a holder of a provisional licence while holding or using a mobile phone. That will be unenforceable and I wonder is it necessary to do so.

On the issue of road safety, it is important to ensure the 130,000 provisional drivers on driving test waiting lists are taken off our roads by addressing the problem of waiting lists. I have heard that the waiting time is eight months but could be up to one year. Whichever period it is, it is a long time. The maximum waiting time of 18 months is far too long. In the United Kingdom the waiting time is six to eight weeks and in the USA, two hours. The waiting time here is very long.

I chaired a successful conference on road safety last week organised by Jim Connolly of the Safe Driving Pledge, in which I am also involved, which the Minister of State, Deputy Killeen, opened. The factors considered most important in improving safety on our roads and reducing the number road deaths were great regard for visibility, which research has proven to reduce misbehaviour on our roads; more effective prosecution of motoring offences — some 40% of offenders get off scot-free in drink driving cases; random breath testing for alcohol and other drugs, as well as alcohol testing; the availability of proper resources for pre-hospital and inter-hospital transport services — this includes the provision of more ambulances, as well as helicopter, nursing and medical services; and driver education.

**Mr. Connolly:** I welcome the opportunity to speak on this Bill and commend Deputy Olivia Mitchell on introducing it. I understand the Government intends to accept it, which is unique. This will deny us that rare opportunity to vote and show what good citizens we are and how well we represent our local communities.

It is important to note that mobile phones form an integral part of society. They have revolutionised how we communicate with each other. No matter where one goes one sees somebody holding a phone to his or her ear as if it was an extension of his or her ear. That is the way life has gone. Regrettably, we see it far too often in the case of motorists. While mobile phones are convenient, when one drives a car while using a hand-held mobile phone, it is possible one can do much more harm than good. We should also not forget that mobile phones fitted to a car also pose

[Mr. Connolly.]

a distraction. It is important that the convenience of mobile phones outweighs the hazards they can cause or pose.

There is the notion of inattentive driving, as in the case of a lady applying her make-up or using a hand-held mobile phone. However, there is another aspect, a concept whereby we are following the example of Americans, in respect of which we should introduce a Bill at a later stage. A recent statistic showed that Americans tended to eat 33% of their meals while driving in their cars. The development of drive-through outlets and takeaways without the provision of car parking spaces infers that people will pull into a drive-through outlet, order their meals and drive off while eating them. That is an equally, if not a more, dangerous practice. We should examine the introduction of some legislative measure to address it.

I recently saw advertisements for in-car technology, with the promotion of global positioning systems and navigational displays on a small mobile phone screen. One merely presses a few buttons to find the route for one's journey. The one aspect that baffles me is how people can see where they are going in using this mobile global positioning system. The only way one can do so adequately is by pulling over to the side of the road.

Eating in cars presents another danger, as does looking after children in the back seat, particularly where they are jumping about. The level of seat-belt compliance must also be increased. These are issues that must be addressed in conjunction with dealing with the use of mobile phones in cars.

**Ms C. Murphy:** The primary motivation behind this legislation is public safety. For that reason, I favour making the use of hand-held mobile devices illegal. However, the legislation could go further. When thinking of the dangers posed by mobile phone use, most will almost certainly consider the impact it may have on human health. The *Journal of the Royal Statistical Society*, for example, states: "Except for an increase in traffic accidents induced by the use of mobile telephones in cars the evidence for a health hazard is at most indirect, but cannot be entirely dismissed". A paper by the University of Michigan transport research institute entitled, *Crashes Induced by Driver Information Systems and What Can Be Done to Reduce Them*, states:

Looking towards the future . . . Nissan refer to the transition from automobiles to infomobiles. As systems such as adaptive cruise control (ACC), navigation, mobile phones, traffic information, web access, email, and automatic lane control (ALC) see expanded use in the vehicle fleet . . . The implications of these changes for vehicle safety and usability, and more generally, the driving process, have

received insufficient attention in the research literature and in public discussions.

It goes on to refer to in-vehicle information systems overloading drivers and compromising driver safety.

From statistics gathered in other countries, it appears that receiving a telephone call poses the greatest threat, followed by dialing and then talking. Navigation systems carry a lower risk but in spite of the fact that there is a small number of vehicles with such systems, they should be factored in as it is clear they are showing up as a risk.

All such technologies — from the type of interface about which I have spoken on both mobile phones and navigation systems to designs that reduce task times and visual demands, together with specifying the optimum location, for example, for a hands-free kit as a means of reducing risks — merit consideration creating a safer driving environment. While I would be happy with an incremental approach banning the hand-held mobile phone to begin with, we need to start looking at the next generation of devices and interfaces to comprehensively deal with this matter.

**Mr. Healy:** I support this worthwhile Bill introduced by Fine Gael. I understand the Minister is accepting the proposal. If so, it makes one wonder why he has not introduced such a proposal before now.

That brings me to the wider question of road safety and why the Government has not tackled the problem effectively over a number of years. It is not rocket science. One need not reinvent the wheel to deal with it properly. Other countries have already done so. Britain, parts of Australia and some of the Nordic countries have good road safety legislation and measures. We could have learned from those countries before now.

It is widely accepted that the three Es — education, engineering and enforcement — if implemented, form the basis for good road safety measures and reducing the number of road traffic accidents. Education includes, for instance, the introduction of road safety to the curriculum of secondary schools, in particular, possibly in transition year. It also includes reducing the number of provisional licence holders, of which there are over 130,000, many of whom are waiting 12 months for a driving test. Obviously, that is a matter which must be tackled. Engineering includes road surfaces and also such matters as the mechanics of cars and mechanisms to override and reduce the speed of cars to the maximum speed limits permitted. On enforcement, as many Deputies have stated, visual enforcement by gardaí is vitally important.

**Mr. Eamon Ryan:** On behalf of the Green Party, I happily welcome this Bill and commend my constituency colleague, Deputy Olivia

Mitchell, for bringing it forward. I noted with interest last night that she referred to the comment made four years ago by the then Minister of State, former Deputy Molloy, reported in the newspapers, that “Mobile phones by drivers will be outlawed within 48 hours”. Four years on nothing has happened. Slightly before that time the same Minister of State stated that within three years of liberalising the taxi market there would be 100% accessibility in this city for those in wheelchairs. I can tell the former Minister of State that there is 0.1% accessibility for people with a disability. The Government has not achieved his aim in the case of mobile phones either.

That brings me to my central point, that when it comes to transport or road issues, it seems, after campaigning for 15 years, that one cannot get away from the political arena. It is politicians who make so many of the fundamental decisions which determine the transport and road safety systems provided. I raise this as a word of warning to Mr. Gay Byrne as he sets out on his new task. I very much welcome his arrival as he is a man who was thorough when he worked in programming and the thoroughness and preparations he exhibited in that life will be very useful if applied in his new role. I read in one of the newspapers the other day that when he had started in his new role he was wary and said that he saw political interference at any time, he would walk away. Unfortunately, he will have to get political. For the right decisions on necessary changes to be made, he must influence decision making on the far side of the House and every local authority.

Let me set out some examples. While the new Road Safety Authority has a broad brief, I note it will very much be involved in what one might call soft areas — education, training, driving standards and even enforcement. That is both welcome and proper. While such an authority might have responsibility for the way tachographs are used or the rules and conditions applying to HGVs, for example, it is an inherently unsafe system if, at the same time, as is being proposed because of a political decision, there are HGVs thundering along the quays in the centre of this city juxtaposed with pedestrians and cyclists. While welcome, no amount of soft measures will address the fundamental problem. The difficult political problem is that there is not the political will to raise safety issues high enough on the political agenda to take the tough decision that we have spent €1 billion on the port tunnel and must now take the trucks out of the city. One would think at a time when people are shocked by the number of deaths on the roads that that would be an easy political decision to take but it is not. Part of the reason is that the Minister for Transport will have been lobbying the city council to look after the haulage industry because the economy, rather than human life, counts for more. That is the problem for Mr. Byrne. When he starts to

investigate this issue, he will realise that such political thinking lies behind the terrible litany of deaths on the roads.

I can think of other examples. Road safety is about driver behaviour which we must regulate. This is a welcome step in the right direction but road safety is also about the detailed design of every junction and road crossing. It shocks me to see the quality of some of the designs being introduced today. It also shocks me to see the way in which we treat pedestrians. Mr. Byrne will know what it is like to be a cyclist, as well as a motorcyclist. Having talked about the need for better design for ten years, it shocks me that our engineers are still designing roads based on the needs of car and truck users rather than people. It requires Mr. Byrne and the Minister to tell every county council that the matter will be conducted differently and that some of the massive budget allocated every year for new roads will be diverted to improving safety on existing roads so as to permit every child to walk or cycle to school and reverse the remarkable statistics which indicate that increasing numbers of children are being driven. In some counties more girls drive rather than cycle to school. Until the roads in these counties are mended to make it easier for parents to decide to allow their children cycle to school, the other soft measures will not work. The legacy of political decision making is a transport system based on the idea that the more roads and cars we have, the better. Statistics carried in yesterday's edition of the *Irish Independent* revealed that Irish people were at the top of the table in the amount of driving they did. In those political circumstances and with amount of driving, we will have accidents. It is a political decision to say that is not clever economically, socially and, in particular, with regard to road safety. The more people who switch from that form of transport to taking buses and trains, the more lives we will save. When Mr. Byrne starts investigating this issue, he should realise that the Ministers opposite do not think like this.

**Ms Enright:** With the permission of the House, I wish to share my time with Deputies Naughten, English and Crawford.

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

**Ms Enright:** I welcome the initiative taken on this issue by my colleague, Deputy Olivia Mitchell, which the Minister has accepted. There is no doubt that legislation on mobile phone use is long overdue. Fine Gael is attempting to address the issue with this Bill, the practical nature of which means that people will be more likely to obey the measures it sets out.

I share the concerns expressed by my colleagues at the rising numbers of deaths on our roads and, in particular, the numbers of young people who lose their lives. There is insufficient

[Ms Enright.]

statistical information on the causes of accidents, although there is no doubt that mobile phone use and drink and drug abuse are factors. Bad manners can also cause difficulties in some instances. Unless we collect and test for this data and collate the material we gather, we will be working in the dark in bringing legislation before the House and deciding where best to invest our resources. It is amazing that in 2006 we are still not testing for drug use on our roads. It is vital that people are tested for alcohol and drug use and that the information collected is analysed.

Members of the House face a significant difficulty in that we cannot raise issues with the NRA. While the agency is willing to meet local authorities when it wants to build a motorway through a constituency, it is not as willing when Members want to meet it to discuss various issues. A number of fatalities have occurred in Seffin in Birr town, including two in the past year alone, yet the NRA has taken no action to deal with the problem. The danger does not arise from the road surface but the speed at which drivers approach the hill at that location. More fatalities will occur if this problem is not resolved. A number of months ago, while a friend of mine was putting her child in her car which was parked in the area in question, her car door was shorn off.

I want to refer to the NRA's programme of cleaning road signs. I frequently use the N7, as does the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Michael Ahern. While I accept that wet weather and dirt can affect road conditions, there have been nights when I was unable to see the reflection on the bollards along the side of the road. As one who has witnessed an accident, I am surprised that a greater number of serious accidents do not occur along that road. Deputy Mitchell has contacted the NRA on the issue and I ask the Minister of State to do likewise.

I urge the Government to find some way to address the issue of waiting lists. The backlog is 140,000 nationally and greater than 5,200 in my constituency. I do not know whether the issue of people with sight problems has been brought to the Minister of State's attention. They can be accompanied when sitting the test but if they are not able to read, how can they learn the relevant information in advance?

An opportunity was missed two years ago to bring forward legislation on a national speed limit outside schools. The Government should intercede with local authorities to reduce speed limits in these areas.

We need to address the issue of pedestrians who do not wear reflective clothing. It should be a legal requirement to wear such clothing because the driver of a car may otherwise have to live with the consequences of an accident because he or she could not see pedestrians walking along the side of the road.

**Mr. Naughten:** I commend Deputy Olivia Mitchell on bringing forward this legislation. The Government has procrastinated on this issue for the past nine years. The former Minister of State, Mr. Bobby Molloy, tried to address it in legislation but did not properly resolve the problem. We have since been given commitments by the Government on the introduction of legislation, yet it has required Deputy Mitchell to bring forward a Private Members' Bill in order to do so. I hope it will not go to a committee to gather dust and that the Government is committed to addressing the problem.

Sadly, the Government is not committed to clearing the driving test backlog, caused purely by the irresponsibility of the former Minister for Transport, Deputy Brennan, who *8 o'clock* opened his mouth once to often on the issue. The backlog in my constituency currently stands at 28 weeks, which costs young people an additional €330,000 per annum in insurance fees.

It is not acceptable that there are nine failures for every 20 people who sit the driving test. If that happened in the leaving certificate, a public outcry would ensue, yet we are prepared to tolerate it in the driving test. The test is completely outdated. No concessions are made for nervous applicants who may be competent and capable drivers but panic when sitting behind the steering wheel with inspectors beside them. There should be a mechanism for continuous assessment.

It is important the numbers of tests administered by driving testers are increased. Other State testers such as driving instructors in the Defence Forces could be seconded to the driving test agency in order to address the backlog. However, the Government is not prepared to take action.

There are significant variations in the driving test pass rate, which stands at 35% in some parts of the country and 50% in others. Even though the Comptroller and Auditor General published a report seven years ago on this issue, the Government has done nothing about it and ignored the farcical situation in which people can pass in one region but fail in another.

It is crazy that the Minister of State, by putting a roof rack on his car, could call himself a qualified driving instructor. No other place in Europe allows any cowboy to become a driving instructor overnight, and allegedly impart skills to a young and impressionable driver. No wonder we have the number of accidents that we do on the roads. No wonder we have a high failure rate when we are not even ensuring that those who are meant to be teaching young people how to drive cars are trained to a certain level of competency.

This Government has talked about the issue of insurance and the impact it is having on drivers, but it has done very little to address the matter. We should encourage young people to become competent, capable and trained drivers. There should be acknowledgement for claims-free and safe driving when a young person is a named

driver on parents' insurance, for example, or if an advanced driving course is completed. There is currently no mechanism to allow for this, and it is a big disappointment that the Government and the Department of Transport in particular has not reacted to the issue, or tried to help and encourage young drivers to become safer drivers.

Deputy Enright raised the significant number of unofficial blackspots around the country, where there has been a litany of minor accidents, but until there is a fatality, the location does not become a priority for the NRA. Even when the local authority looks for funding from the NRA to upgrade substandard sections of road, it can wait years for it. For example, Roscommon County Council applied this year for 21 separate low cost road action safety projects, but received funding for only three projects. These 21 extremely dangerous locations have been practically ignored by the NRA and the funding has not been provided to the local authority to address near-fatalities and possible future fatalities on the road network.

Can we expect this Government to do anything other than what it has done to date? Three years ago, the then Minister for Transport, Deputy Brennan, promised to bring in an automated system that would issue a reminder to people when their driving licences were up for renewal. Nothing has happened since. The issue of road safety is not a priority and has not been a priority. It is about time the Government started to deliver on some of its promises. I commend the Bill to the House.

**Mr. English:** I propose to share time with Deputy Crawford.

**Acting Chairman (Mr. Carey):** The Deputy has just over nine minutes left.

**Mr. English:** I welcome this opportunity to speak on the Bill, and I congratulate my colleague, Deputy Olivia Mitchell, on bringing it forward.

I am fed up attending funerals of people who should still be with us. Last year was one of the worst years, and week after week we were going to funerals of neighbours, friends or relations who in many cases were far too young to have left this world. We have not treated this matter with enough urgency in this House. In the last week we have had announcements, but we have more announcements than action. It is a shame we have not treated such a serious matter with more urgency.

This Bill is a prime example of this. Everybody agrees it is a clear, concise and simple Bill which can be accepted and be enacted in a short time. Yet it is four years since the subject matter was first mentioned, and we were told it was going to happen in 48 hours. It has still not been done. It is a shame we do not act with more urgency on issues that matter in people's lives. It is not often

we act in this House in a way that directly impacts on people and is felt quickly on the ground.

I listened to the speech by the Minister, Deputy Cullen, last night and he seems to know all about how dangerous it is to use mobile phones while driving. He has the advice of every expert in the world and advice from other countries. However, he has been Minister for several years and has not introduced this type of legislation. We should all wonder why we do not act if we know how important these issues are.

It is a miracle there are not twice as many deaths on the roads because of the way we drive and the conditions of the roads. One can park and watch what happens: people overtake on hills, corners and continuous white lines. There is madness on the roads as people have no fear of being caught. This is the most significant factor, and we should introduce legislation such as this to make the law clear. This Bill is clear and people will know they are not supposed to use mobile phones while driving if it is introduced. After clear legislation we require proper enforcement, which we do not currently have. What enforcement we have is needed in many more places. Cameras operated by private companies were promised two or three years ago. We need more of these, as they will catch offenders and deter people from breaking the law. If people are afraid of being caught, they will drive properly.

I have an example of the NRA acting on an area that needed to be improved for safety reasons. It took three and a half years to procure a set of traffic lights for a particular junction on the N3, which facilitated several thousand cars coming out from a side road every day. In order to get the lights, two councillors had to record the traffic coming from the road for a week on tape, and this showed the chaos. The junction was mentioned in *The Irish Times* list of ten worst accident blackspots in the country. However, councillors had to sit in the office of the NRA to get action. We need to act on parts of our road network to make it safer for people to drive.

It is clear that mobile phone usage while driving must be deterred. There should also be deterrents against other actions while driving, such as reading newspapers, shaving, switching radio channels etc. We are all tempted to do these things. People should clearly comprehend what we should not do while driving. Our education of drivers is not good enough. The driving test is not good enough as it does assess driving in different conditions.

I am disappointed the Minister for Education and Science, Deputy Hanafin, is not agreeing to put driver education on the curriculum. I ask the Minister with responsibility for road safety to bring the issue back to the Department of Education and Science. It is essential we learn to drive from age 12. It should be a privilege rather than a right to drive in this country. People believe it to be a right, but we should earn that right. We should encourage people to do



[Mr. English.]

advanced driving courses and go a step further to make our roads safer.

We know what can be done to prevent road deaths, and it is not rocket science that is needed, but action. I compliment Mr. Gay Byrne on his new position. However, his target of reducing road deaths by 150 is not good enough. We should be aiming for a greater reduction. Why was the figure of 150 picked, and why is it acceptable to say that 250 people can die on the roads every year? We should set a more ambitious target and attempt to eliminate incidents on the road. Most of these are not accidents but come about because of bad driving and bad road conditions. We should look to reduce the death toll by more than 150.

**Mr. Crawford:** I thank Deputy Olivia Mitchell for bringing forward this important Bill. I thank the Minister for begrudgingly accepting it. It is a step forward and the media recognises that proper legislation is necessary and long overdue. The issue of mobile phone usage when driving cannot be overemphasised. Even when a person is in a car and using a hands-free mobile phone, it can be somewhat distracting. I make no apology for stating that I have often gone wrong in travelling to a place as a result of using the hands-free mobile phone.

The worst case of all is seeing a driver of a 40 ft. lorry on a corner in some town with a phone to his or her ear. It sickens me to see this. A number of elderly people are killed by lorries in towns such as Castleblaney, and this may arise because of a person using a mobile phone instead of watching a mirror, where there is one. This is where we must bring about change. It costs very little to have a hands-free mobile phone kit and we must ensure everyone has one. I see no reason why penalty points cannot be applied to the licence of somebody found guilty of misusing a phone while driving.

I have a good relationship with the gardaí in my home county but I was annoyed this morning when I heard one of them on local radio discussing the implementation of the new penalty point offences. It was stated that gardaí would be more visible. Taking the example of Emyvale Garda station, which the Minister of State knows very well, and other stations which only have a couple of gardaí altogether, the possibility of the Garda Síochána being more visible is very slim unless manpower is increased or we bring about a scenario where civilians do the work that gardaí now do. Civilians are well capable of doing it. We can then discuss visibility.

The need for trained drivers has also been touched on. I pay tribute to my colleagues Deputies Naughten and Coveney who, many years ago, brought forward a proposal to train young drivers from transition year in school so that they would qualify for a discount from insurance companies. The delay before doing

driving tests has been mentioned and cannot be over-emphasised. People are losing hundreds of thousands, if not millions of euro because of it.

There is also a need for genuine cross-Border structures to ensure motorists north and south receive equal treatment. I have travelled to Dáil Éireann on the M1 since it opened. Of every four cars that overtake me as I drive at the maximum speed limit I can guarantee that three will be Northern Irish, British or foreign-registered. We must deal with that situation proactively.

The quality of roads has already been mentioned. We rightly spend billions of euro on roads but the design, in some cases, absolutely stinks. On the approach to Monaghan town from Emyvale, a new roundabout has been built right on the doorstep of an existing company. That company must have been a considerable distance from the junction before it was built but now it is right on top of it. If one lorry stops at the door into the business the roundabout is jammed and the situation there will eventually result in a death. In Carrickmacross a similar roundabout allows no leeway for a driver to slip off into traffic; he must stop and, in doing so, stop all other traffic.

**Minister of State at the Department of Transport (Mr. Gallagher):** I congratulate Deputy Olivia Mitchell for introducing this Bill. She stated there was an absence of effective cross-departmental and interagency action on road safety. A high level group on road safety, comprising representatives from various Departments and agencies, has been working for some time to promote full co-operation on cross-cutting issues and an integrated approach to the development of road safety in the monitoring and implementation of the strategy.

To signal that road safety is now at the top of the political agenda the Government has replaced the high level group with a ministerial committee on road transport under the chairmanship of my colleague, the Minister for Transport and including the Minister for Justice, Equality and Law Reform, the Minister for Finance, the Minister for Health and Children, the Minister for Education and Science and the Attorney General. The committee met on two occasions in recent weeks to pursue an integrated approach on all cross-cutting issues. Deputies referred to the penalty points system both last night and tonight and the system will be extended from next Monday to a total of 35 offences. The focus of the extension will be on offences relating to driver behaviour, which is the greatest cause of collisions. The response to earlier roll-out of the penalty points system resulted in a significant reduction in collisions and consequent injuries and fatalities.

The improvement in road safety reflected a more precautionary approach by drivers in the knowledge that repeated poor behaviour would result in the accumulation of penalty points. The reduction in road deaths experienced immedi-

ately after the launch of penalty points for speeding in October 2004 was exceptional but unfortunately was not sustained. A substantial increase in the number of penalty point offences will highlight the consequences of dangerous and irresponsible driving. This extension should have a positive impact on road safety but that impact will be given maximum potency when the new points are fully enforced.

My constituency colleague, Deputy McGinley, referred to the number of deaths arising from collisions in county Donegal. In view of the unacceptably high level of road fatalities in Donegal and, in particular, in the Inishowen peninsula I recently held urgent consultations with relevant officials in the county to discuss road safety. I also launched a seat belt campaign on behalf of Donegal County Council and a working group set up to increase awareness of the importance of seat belt wearing. The National Safety Council, in consultation with the Department of Transport, the Department of the Environment, Heritage and Local Government and the city and county managers association, is developing a template for road safety action plans which will be piloted in ten chosen local authority areas. The results of these pilots will inform the development of models that can subsequently be applied in all local authority areas throughout the country. Donegal County Council is participating in this pilot project and the development of a road safety plan for the county is under way.

Both the National Safety Council and the Garda have been active in pursuing road safety education initiatives at local level in Donegal. Furthermore, in response to the disturbing number of road fatalities in Inishowen a Garda traffic corps unit was established in the district on a pilot basis with effect from 20 October 2005. The unit was in addition to the traffic corps personnel already operating in the Donegal division. I am told it has been successful, notwithstanding the appalling tragedy some weeks ago when five non-nationals were killed. I believe that accident and many others have focused our attention on the important role all of us must play in road safety. A number of Deputies made points to which I would like to respond but do not have the time. Cameras will be introduced later this year and the selection of sites will be made in consultation with the Garda.

We can introduce the legislation, including cameras, random breath testing and penalty points, all of which I believe Members will support, but all road users have a responsibility to each other and should remember that our fate could be just around the next corner.

**Mr. Ring:** I will share time with Deputy Olivia Mitchell. I compliment her for bringing this motion before the Dáil and I am pleased the Government will accept it. Deputy Mitchell has talked about this subject for a long time.

We are all concerned about road safety. I do not want innocent, law-abiding citizens who drive up and down the country trying to make an honest day's living to pay the price for rogue drivers, especially those who, according to statistics, are most dangerous at night. The Garda Síochána states it has neither the resources nor manpower to police the roads late at night. That will have to be reviewed. I do not want a money-making racket for the Government, like the situation pertaining to car testing at the moment. I want to see the people who cause fatal accidents dealt with.

I would support anything that tackles people who drink and drive. Anybody who drinks and drives a car turns it into a lethal weapon. If a person takes out a gun and shoots somebody he or she will be charged with murder. If somebody drives a car while drunk and kills someone he too should be treated as a murderer. Because we have a drink culture, we tolerate drunks and sympathise with "the poor devil, the poor creature", but we do not sympathise with the cancer sufferer in the same way. It is time to stop being soft on our drink culture.

The Minister of State said there would be a pilot scheme involving local authorities. Many local authorities have been taken to court for the way they operate. When councils are doing roadworks they often do not put up proper signage to let people know that work is being done. Many people have been killed in road accidents due to the negligence of local authorities. They work on behalf of the State and they should be penalised when they do not do their job properly. Somebody in the local authority system should be held responsible for situations such as these. I refer to the Gallagher case, where a young girl was killed over Christmas two years ago. The family feels very upset and aggravated and has contacted the Department about this.

Local authorities are afraid to produce signage and the Minister of State must make an important decision on this. Thousands of visitors arrive in this country in the summertime and every year they cite signage as the greatest problem. Dublin provides an example of this as one sees almost no signage coming into the city although there is plenty in the centre of the city. Many complain that they cannot enter or exit the city because of poor signage. I managed to drive in Manchester and Liverpool, despite not being a great driver, because one could see clear signage. We have failed to implement such signage in this country and it is now time to examine this.

In the past fortnight I have referred four or five complaints to local authorities concerning tyres that have burst because of holes in the roads. If the local authorities have responsibility for the roads they should fill potholes within 24 hours of receiving a complaint. Otherwise, someone in the local authority should be charged. Why should we penalise those with cars who break the law when the local authority is breaking the law when it does not fill potholes?

[Mr. Ring.]

I refer to safety barriers without lighting that slow traffic and narrow the road. Many accidents occur because these are not lit by the National Roads Authority or the local authorities. We should also educate young people how to drive and this should be part of the curriculum in schools.

**Ms O. Mitchell:** The last Government attempt to ban hand-held mobile phones was in March 2002. The *Irish Independent* stated:

The use of hand-held mobile phones by drivers will be outlawed within 48 hours. Road safety Minister Bobby Molloy is to sign regulations this week, effective immediately.

It was not 48 hours, nor 48 days, nor 48 months. Last night, just as Fine Gael had a Bill prepared, the Minister produced a Bill like a rabbit from a hat that overcame all the problems encountered for the past four years. According to the Minister he was motivated by nothing other than the public interest and his Bill not only matched Fine Gael's Bill but bettered it. Apparently it was coincidental that this occurred in the same week but I do not believe the Minister, nor do I believe his press officer.

The Minister heard the Fine Gael Bill was being prepared and was embarrassed into action. This was what we wanted and if Fine Gael forced the hand of the Government on this life or death issue, it has achieved something. If Fine Gael has moved the Minister from the torpidity that infects the Government's road safety policy, it has achieved something.

If the Minister is serious and intends to legislate, he must be proactive on the provision of service areas on motorways. I raised this some weeks ago in the context of staggering levels of non-compliance of HGVs with EU driving safety laws. This figure for non-compliance is 82% but in fairness to truck drivers, we must provide a place for them to pull over to make telephone calls, wash or get something to eat. They must also rest as they are obliged to stop after four hours driving. We know how unwelcome trucks are, particularly large HGVs, in towns and villages. It is difficult to find legal parking for a car in towns, never mind trucks.

In response to Deputy Shortall, the Minister stated that he had changed policy and that future motorways will have service areas. Existing motorways and dual carriageways must have the service areas retrofitted. We must facilitate people obeying the law by allowing them to make telephone calls safely and take rest periods required by law.

Next Monday a further 31 offences will be subject to penalty points. When the Bill governing mobile phones is enacted, it will also include provision for penalty points. I have raised the absence of effective procedures to alert the Garda Síochána of disqualification of a driver.

There is no procedure in place to ensure disqualified drivers return their licences when requested. The Minister finally conceded that there was a problem but he has not fixed it.

A reply to a parliamentary question I submitted left me staggered. It stated the notification process has been strengthened and a copy of the disqualification letter is now sent by the Department of the Environment, Heritage and Local Government to the Garda Commissioner. I thought this reply was a joke. What will the Garda Commissioner do with all these letters besides allowing them to pile up on his desk? How does such a letter assist a young garda stopping a car in Ballinteer or Ballintubber and requesting a driving licence? If the licence remains in the hands of a person who is disqualified he or she can continue driving with impunity and there is no value to the introduction of penalty points. As we do not know how many years it will be before we have roadside technology and smart card licences it is only the failure to produce a licence that will alert the garda to the fact that the driver has been disqualified.

The procedure of local authorities requiring drivers to relinquish licences when they reach 12 penalty points is not working. Although local authorities may request the licence, there is no procedure in place for them to enforce this law nor is there any way for local authorities to notify the Garda Síochána if the licence has not been returned. Nobody knows who has been disqualified.

The Minister is indulging in his favourite occupation tomorrow, holding a press conference to announce the expansion of the penalty points scheme. He would be better served instructing the Garda Síochána on how to administer the system and allocating resources to do so. From Monday we can expect even more disqualified drivers on the roads because they will accumulate the penalty points more quickly. They will thumb their noses at gardaí attempting to implement this system.

The penalty points system has failed because it has not been enforced and this is another fiasco in the making. This will be another failed road safety procedure unless action is taken. This is another example of failure to co-operate on a cross-departmental and ministerial level. The Minister told me he will accept the Bill tonight, and I am pleased, although he will have a better one soon. That is fair enough if he wants to play that game, and if I were in his position I would play the same game, but I expect this legislation to be published by the beginning of the summer session, that is 24 April. I warn the Minister that I want this legislation to be published by that date and enacted by 31 May. I am being precise because if that is not done, the Fine Gael Bill will be pressed relentlessly. Fine Gael is determined that if it does nothing else in this session, it will effect this life-saving measure and it will be brought into law. I warn the Minister that until it

is brought into law, every time he turns around I will be a lemming on his shoulder. I am determined to keep at him until this Bill is brought into law.

Question put and agreed to.

**Road Traffic (Mobile Telephony) Bill 2006:  
Referral to Select Committee.**

**Ms O. Mitchell:** I move:

That the Bill be referred to the Select Committee on Transport, in accordance with Standing Order 112 and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

**Criminal Justice Bill 2004: Motion re Instruction  
to Committee (Resumed).**

The following motion was moved by the Minister for Justice, Equality and Law Reform on Tuesday, 28 March 2006:

That, notwithstanding anything in Standing Orders, it be an instruction to the Select Committee on Justice, Equality, Defence and Women's Rights that it has power to make provision in the Criminal Justice Bill 2004 in relation to:

- the Firearms Acts 1925 to 2000 including increasing fines and penalties generally for firearm offences, creating mandatory minimum sentences for certain offences, introduction of a gun amnesty and amendments governing the grant of firearm certificates;
- the Explosives Act 1875 to provide for new offences relating to fireworks and increased penalties;
- offences relating to organised crime including an offence of participating or contributing to any activity of a criminal organisation for the purpose of enhancing the ability of such an organisation to commit or facilitate a serious offence whether inside or outside the State, an offence of committing an offence for the benefit of a criminal organisation and an offence of conspiracy to commit a serious offence;
- the Misuse of Drugs Act 1977 in order to strengthen the existing sentencing provisions for drug trafficking offences, create a new offence of importation of drugs with a value of €13,000 or more, and a new offence of supplying drugs to prisons;
- a requirement in the interests of the common good, obliging persons con-

victed on indictment of certain drug trafficking offences to notify certain information to the Garda Síochána;

- sentencing including creating a statutory basis for suspended or partially suspended sentences, imposition of a fine and deferral of sentence, restriction on movement orders and electronic monitoring of offenders;
- civil proceedings in relation to anti-social behaviour by adults;
- the Children Act 2001 to provide for civil proceedings in relation to anti-social behaviour by children aged 12 or over and other juvenile justice matters, including amendments to facilitate the transfer of responsibility for the provision and operation of children detention schools from the Department of Education and Science to the Department of Justice, Equality and Law Reform;
- the establishment of a body to be known as the Criminal Law Codification Advisory Committee to advise on the drawing up of a criminal code and monitor its implementation;
- a new offence of possession of an article intended for use in connection with certain offences;
- section 19 of the Criminal Justice (Public Order) Act 1994 in order to expand the existing offence of assaulting or threatening to assault a peace officer to include medical personnel;
- the Criminal Justice (United Nations Convention against Torture) Act 2000 to clarify the meaning of "torture" as defined in that Act;
- the Courts (Supplemental Provisions) Act 1961 to clarify that a district court judge may exercise his or her powers in relation to his or her district anywhere in the State.

**Mr. G. Murphy:** If legislation and regulation could solve our crime problems we would soon have a crime-free society. The Minister constantly boasts about the amount of legislation he has introduced. Although much of it is welcome and may assist the Garda in combating serious crime, so far this does not seem to be the case. Serious crime is increasing, detection rates have decreased and most ordinary, hard-working citizens despair of the Government's ability to do its job. The Minister speaks much about his ability to solve the problem, confront vested interests and get the job done. As well as introducing a raft of legislation, he tries to manage a propaganda campaign depicting himself as the law and order

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man of the century. Since he and the Minister, Deputy O'Donoghue, are the only two people to have held the Ministry for Justice, Equality and Law Reform in this relatively young century, there may be hope for us as the century moves on.

For some years there has been a propaganda game and an effort to give the impression of progress despite the deteriorating situation. While I do not suggest that the propaganda campaign resembles that of another regime in the 1930s or 1940s, I worry that sometimes extreme right wing talk and curtailment of civil rights and liberties might have tones of similar right wing regimes of that period. Thankfully these regimes did not last and I am equally confident that the regime of the Ministers, Deputies O'Donoghue and McDowell, will soon end.

**Mr. Parlon:** The Deputy may dream on.

**Mr. G. Murphy:** It is almost 12 years since the zero tolerance campaign led by the Minister, Deputy O'Donoghue, began. The campaign made him Minister for Justice, Equality and Law Reform but did little for the concept of zero tolerance or crime reduction. During the five years of the O'Donoghue Ministry, the current Minister was a law officer to that Government and a member of the party that supported it. Yet nearly ten years after the O'Donoghue-McDowell regime, in the opening years of this century serious crime is on the increase and, as we are constantly told, detection rates are down.

What happened to the zero tolerance policy of the Fianna Fáil-Progressive Democrats administration over that ten-year period? Is the Government incapable of handling the task? Does it spend all its time drawing up laws instead of supporting the Garda in implementing the law? Did the Fianna Fáil-Progressive Democrats Government think for a minute that there might be a social dimension to the problem? Did anybody ask whether the division between rich and poor exacerbated under this Government had anything to do with the crime figures? Did poor housing and poor youth facilities in the more deprived areas contribute to the crime wave? Did the Government's failure to introduce a properly structured community Garda force with the ability to connect with the community and with young people contribute to the rising crime rate? Did the Government's failure over a nine or ten-year period to properly resource the Garda Síochána affect the crime rate?

In this rich, modern economy would it be too much to ask the Minister for Justice, Equality and Law Reform to provide a Garda radio network that works? Did anybody mention to the Minister that good communications are a key element in fighting crime, that a working computer system would be of enormous benefit to the Garda or that lay people could replace the 400 gardaí doing

clerical work in Garda stations so that an extra 400 gardaí could be on the streets?

We are not talking about today or yesterday. It is ten years since the Minister, Deputy O'Donoghue, started ranting and raving about zero tolerance. The Minister's party was part of a Government that lost sight of the objective in its first five years and there has been no noticeable improvement in the past four years. If talking and legislating would have solved the problem, with the Ministers, Deputies McDowell and O'Donoghue, we would be well on our way to a crime-free society.

We must deal with the original Bill and the new Bill that has been created by the addition of over 200 amendments. As I said when I originally contributed to this debate, one of the main pitfalls of criminal legislation is infringing civil liberties and human rights. That is my central concern with the Bill and its amendments. A section of the original Bill infringes constitutional rights. A person's home enjoys special status under the Constitution of Ireland, protected by Article 40.5, which states: "The dwelling of every citizen is inviolable and shall not be forcibly entered". A person's freedom is protected under the Constitution and under other EU and international accords. The extension of the period of custody from six to 24 hours is sailing close to the wind and may contravene these essential rights, including the right to freedom. The change in regulations that allows the Garda to issue search warrants to gardaí without any input from the Judiciary or lay personnel could have major implications in the longer term. Our legal system, if it is to function, depends on checks and balances. The Minister claims the measures included in the Garda Síochána Bill and which apply in respect of the Office of the Ombudsman and the inspectorate compensate for the dilution of civil liberties in the Criminal Justice Bill 2004.

Section 13 in Part 3 interferes with the right of a person to confront his or her accuser. The Human Rights Commission has serious concerns about this but the fact remains that events in recent court cases seem to justify some change in this area.

The taking of forensic samples and the establishment of a DNA database are open to potential abuse in the future. One wonders whether provisions in the Garda Síochána legislation address the infringement of civil liberties in many sections of the Criminal Justice Bill.

Section 29, which concerns on-the-spot fines for public order offences, seems reasonable. As I pointed out, however, the interpretation of an individual garda can pose a problem. It is a matter of interpretation whether the behaviour he or she witnesses constitutes a bit of fun or an offence. Will young people, in particular, find it easier to accept the judgment and punishment of the garda and a consequential record of some kind rather than claim their innocence? Even

judges differ substantially in their assessment of the seriousness of public order cases.

What role will the new Garda volunteer force play in implementing the provisions of section 29? Given that its members are to receive just 100 hours of training, will it become judge, jury and executioner when confronted with misbehaviour by young people? Any reasonable person would be concerned that civil liberties are being diminished, at the very least, by the implementation of these regulations, including those concerning anti-social behaviour orders.

There is no doubt that some young adults between the ages of 12 and 18 cause serious disruption to the lives of ordinary citizens in what seems to be a calculating and deliberate manner. The introduction of anti-social behaviour orders is one suggested way of dealing with this problem. Seeing that this Government has no intention of dealing with the root causes of misbehaviour in particular areas, it is left with no option but to introduce a new idea or propaganda to try to convince the public it is dealing with the issue.

Anti-social behaviour orders infringe upon the rights and civil liberties of young people. I understand why the Minister, having let matters deteriorate so far, feels these rights must be balanced to a certain extent against the rights of the ordinary citizen. It appears that anti-social behaviour orders, as they operate in England, are inconsistent with the European Convention on Human Rights and the UN Convention on the Rights of the Child. The major problem is that penal sentences are imposed for breaches of orders made in civil proceedings. This is done without the protection of due process and blurs the line between civil and criminal law, which is a dangerous precedent to set in any circumstances.

We must examine these apparent breaches of civil liberties on Committee Stage and try to introduce a system that does not automatically produce a conviction in a criminal court. The granting of an anti-social behaviour order should and, I hope, will be the final stage in a long process. This process, involving a warning, meetings, a contract, and the involvement of a Garda superintendent, social workers, teachers, perhaps a priest and, most importantly, parents, will, I hope, prevent all but the most serious cases resulting in the issuing of anti-social behaviour orders.

If the emphasis can be placed clearly on the social elements of a case rather than the law enforcement element, perhaps the anti-social behaviour order experiment will be as successful as the Garda diversion programme. Yet again, the inclusion of the Garda diversion programme in some amendments, irrespective of how successful the programme may be, introduces further potential for a breach of civil liberties. Until now, a young person would have had to have been involved in a criminal incident before being included in a diversion programme. Until now such a programme did not involve the imposition

of a record of any kind. Under the proposed amendments, a young person who is not involved in criminal activity but perceived to merit an anti-social behaviour order can be assigned to a diversion programme which could subsequently be used against him or her in a future court hearing. This breach of civil liberties and human rights must be considered on Committee Stage.

On the new sections dealing with organised crime, the new Part 7 is to be welcomed. Membership of a criminal organisation will be an offence. Provision will be made to deal with those committing an offence for the benefit of a criminal organisation or an offence of conspiracy to commit a serious offence. Organised gangland crime is one of the major new challenges facing law enforcement agencies. It may be necessary in future, as is evident from the Canadian model, to give gardaí added protection when dealing with new types of gangland warfare and organised crime.

There has been much debate about mandatory minimum sentencing. However, under the Bill, discretion is largely left to the judges. The advice on the separation of powers between the Oireachtas and the Judiciary, as referred to in the Constitution, seems to be that neither the Minister nor the Oireachtas has the power to dictate to the Judiciary. We should stop talking about mandatory minimum sentences if we cannot legislate for them conclusively. The use of such terminology is yet another effort to con the public into believing that the Minister is adopting a stricter approach to crime. Having said that, the new sections introduce some interesting clarifications and the introduction of a drug offenders register is welcome.

The new Part 10, dealing with sentencing, is largely to be welcomed. We welcome the arrangements for placing suspended sentences on a statutory basis for the first time and also welcome the change whereby, when both a fine and custodial sentence are proposed, the former may be imposed and the sentence deferred on condition that the person in question comply with the conditions laid down by the court. This seems to be a very sensible proposal and way to do business. It involves imposing the fine first and giving the person fined a chance to redeem his ways over a period before imposing the ultimate custodial sentence.

On Committee Stage we will examine more closely the restriction of movement orders and electronic tagging. These two approaches also have implications for civil liberties and freedom of movement.

Under miscellaneous matters, the new categories of offence against Army personnel, members of the civil defence, particularly staff in accident and emergency departments, members of the fire brigade and other care workers, will be treated as if a garda was assaulted.

While I am not sure what effect the Bill will have on crime rates, it is extremely important

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from the point of view of civil liberties and human rights. It is important we closely examine the issue of civil liberties and do not cod ourselves, as the Minister has done in recent years, by hoping the introduction of new legislation will solve our problems. The only way to solve our problems is through providing the proper resourcing and equipment for the Garda. We need a comprehensive community police force based in the community with a clear line of promotion up to and including assistant commissioner. These gardaí are doing an exceptional job for young people in communities. While the Bill contains some provisions that will help the Garda and clarify matters for members of the force, the fundamental way to solve our problem is by properly supporting the force.

**Mr. J. Brady:** I wish to share time with Deputy Cooper-Flynn.

**Acting Chairman:** Is that agreed? Agreed.

**Mr. J. Brady:** There have been major reductions in levels of crime in recent years. However, criminal gangs are still operating in our society, engaging mainly in drug-related activities. The Government and the people are not prepared to tolerate gangs, drug barons and other criminals. Since 1997 the Government has been tough in dealing with these issues. We have recruited more than 1,700 extra gardaí into the force and the taxpayers must pay for them every year. Almost €1 billion is spent in the justice area. We provided more than 1,200 extra prison places. We have enforced some of the toughest laws ever, to the extent that those involved in civil liberties groups have been dubious about them.

In spite of this, in the area of criminal law, among others, we continue to put laws on the Statute Book and provide the necessary resources to implement them. It is essential we continue to review, reform and examine the issues that lead to gangland crime. If it is a question of laws, resources and the dedication of the Garda, the Government must continue to build on its record. Over the past few years the Government has taken many of the criminals off our streets and out of circulation. Many of them are in jail serving long sentences.

However, we face a new and dangerous problem today. A new seemingly fearless breed of criminal is operating in modern Ireland. This new strain of criminal is vicious and extraordinarily ruthless. These people think they are above the law. The good and decent people of this country have had enough. We must take action, focus on the problem and create real and concrete solutions. The amendments to the Criminal Justice Bill are aimed at tackling the changing nature of criminality head on.

The Garda has never been better staffed or resourced. Under the Opposition's watch Garda

numbers fell by 67. Apart from providing the Garda with suitable resources it is vital the force is provided with every possible power to deal with these gangs. Members of the force risk life and limb every day. As elected representatives it is our duty to ensure the necessary legislation is in place to help them meet new and emerging challenges as best they can. The Criminal Justice Bill will do this with measures such as DNA profiling, increased powers of detention and the area of search warrants, among others. This area is essential in assisting the Garda to do its job.

Amendments to the Bill are also aimed at tackling gangland crime which has had such devastating consequences in recent months. All Members of the House have been shocked and appalled by recent events. The plan to include a gun amnesty is definitely a step in the right direction. A similar amnesty in Britain in 2003 saw more than 43,000 guns and other offensive weapons handed in by members of the public. These gangs have no regard for the safety of the public and have shown they are capable of mowing down anyone who gets in their way. These measures will be accompanied by the introduction firearms certificates. In future anyone who wants to own a gun will need to register with the Garda Commissioner.

The link between gangland crime and drugs is inextricable. The sale and importation of drugs is clearly fuelling gangland crime which has had devastating consequences in communities across the country. This Government introduced ten year mandatory sentencing for drug dealers. At the time the measure was opposed by Members of the Opposition who now claim the Government has not done enough to tackle crime. They vote against measures that will strengthen our Criminal Justice Bill, yet propose nothing new. When in Government they rejected proposals made by the late Eamon Leahy for dealing with criminal assets and subsequently copied practically the entire contents into the Bill. If this is not a childish attempt to score political points I do not know what is.

Under the Bill, the ten year mandatory minimum sentence for drug trafficking, possession of drugs for sale and supply will be strengthened. A new offence of importing drugs having a value in excess of €13,000 will be created and will also carry a minimum ten-year sentence. Despite what the Opposition would have people believe the Government is tough on crime and tough on criminals.

As I said before the Bill is intended to address problems in a changing Ireland. Anti-social behaviour orders represent a vital measure needed to deal with thugs who are terrorising housing estates, destroying public property, parks, green areas and local amenities. Contrary to claims by the Green Party that ASBOs are eroding our civil liberties the Minister for Justice, Equality and Law Reform has given his assurances that anti-social behaviour orders will only

be used as a measure of last resort and will not be issued without the authority of a garda of superintendent rank or higher. What is being planned here is significantly different from what is being used in Britain. I am confident that ASBOs have the support of the people on the ground and will be an effective weapon in helping communities who feel imprisoned in their homes.

In recent months Fine Gael has made numerous statements on anti-social behaviour and crime. However, if the party was really serious about tackling these issues it would support Government proposals to introduce anti-social behaviour orders and other anti-crime measures in the Dáil. Its only proposals of late have been to ban hoodies and to legalise brothels. These are just cheap attempts by Deputy Noonan and his party to grab headlines.

**Mr. J. O’Keeffe:** Rubbish.

**Mr. J. Brady:** Perhaps Fine Gael is reluctant to support the Government’s stance because it is more interested in ensuring that it does not upset some of its new pals in the Labour Party, who cannot seem to agree among themselves on the issue, and in the Green Party, who are strongly opposed to anti-social behaviour orders, than it is in dealing with the issues which are blighting communities across the country.

The proposed amendments to the Criminal Justice Bill 2004 represent a fair and balanced response to this country’s pressing and concerning social problems. There is a minority of parents who blame gardaí, teachers, the clergy, the Government and politicians of all parties rather than themselves for the misbehaviour of their children. When I am driving through some towns between 10 p.m. and midnight, when it is too late for children to be outdoors, it grieves me to see ten, 11 or 12 year old youngsters roaming the streets. I often ask myself where their parents, who do not seem to be taking any responsibility for them, are. I thank God that such parents are in a minority, but their failures are leading to serious problems like anti-social behaviour. Elderly people in towns and villages and in the countryside are being terrorised. A law should be introduced to ensure that the parents of children who engage in such activities are fined or imprisoned if they are not fit and capable of looking after their youngsters. It is unfortunate that I must say that. I thank God that the people who act in such an irresponsible manner constitute no more than a minority.

**Ms Cooper-Flynn:** I am glad to have an opportunity to speak on the Criminal Justice Bill 2004. I support the amendments which have been proposed by the Minister for Justice, Equality and Law Reform. Everyone is hugely shocked that firearms seem to be so easily available in society. Recent horrific events involving firearms have

caused alarm among the public. I welcome the Minister’s decision to introduce a mandatory minimum sentence of between five and ten years for certain firearms offences. It is an indication of the Minister’s willingness to deal with what has become an intolerable situation in a tough manner.

I also welcome the proposed introduction of a firearms amnesty, although we will have to wait to see whether it will be successful in encouraging people to hand in their firearms. It is important to assure people, as the Minister has done in the Bill, that the firearms in question will be forensically tested and that action will be taken if it is found that they have been used in serious crimes. I accept that every crime involving a firearm is serious. It is important to give such assurances in the context of the introduction of this amnesty.

People who hold licensed firearms have been quite sloppy in their storage of them over the years. That phenomenon is not just found in rural Ireland but it is not uncommon there. I am familiar with instances of shotguns being stored in unlocked cupboards, propped up against walls and left hanging around houses. Some people have a careless attitude to serious weapons. Many cases of this nature have been highlighted by the media in recent times. I do not want to get into the detail of the Pdraig Nally case in my constituency, but lessons about rural policing can be learned from it. Many elderly people and people living on their own, especially in rural areas, feel insecure. They do not think the Garda is providing an adequate rural policing service. In many cases, they keep licensed firearms for their own security and to protect them in their homes.

It important that we should learn the lessons of the Nally case. When live bench warrants are issued for the arrest of certain individuals, they should be followed up. We need to improve the rural policing service, for example by ensuring that more gardaí live in the communities they police. I am aware of cases in my constituency of gardaí living in towns 20 miles from the localities they serve. For such gardaí to drop out to those localities for a while before returning home is not enough to reassure elderly people and people who live on their own that they are safe.

I would like to speak about the existing mandatory sentencing provisions in respect of drugs offences. The Department of Justice, Equality and Law Reform’s research into the use of the mandatory ten-year sentence has found that an average sentence of between six and eight years was imposed over the course of 55 cases which were brought before the courts. The wider community has been given the impression that mandatory sentencing does not work. I understand that the relevant legislation allows mitigating circumstances to be considered, thereby reducing the length of the sentences imposed in some cases.

I welcome the Minister’s attempt at a balancing act in this legislation. He is trying to act tough in



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respect of existing offences by ensuring that the mandatory ten-year sentence is implemented. Having said that, the mandatory sentencing provisions in the existing legislation mean that when people are caught, they are pleading guilty and saving a great deal of court time. The provisions also mean that many convictions are being successfully secured, which might not ordinarily happen if every case were fought in the courts.

Some positive developments have resulted from the existing legislation, but we are right to take an extra step to strengthen it further. Given that drugs are so freely available and there is so much gang warfare involving drugs, we need to reassure people that we are taking action. While these provisions have a preventative effect when people are caught, we want to deter people from getting involved in such crimes in the first instance. If it becomes clear that people are getting sentences of ten years or more in the courts, others might become convinced that they should not get involved in this way of life.

I welcome the Minister's proposal to introduce a drug offenders' register, which will be an important element of the Garda's attempts to keep tabs on offenders in this area. It will mean that offenders will be unable to move around the country to operate freely in different localities, which is a problem not just in cities but also in rural communities. Drugs have infiltrated every aspect of our society. It is important that we send a strong message that anyone who is getting involved in drugs offences will be punished in the severest way possible.

I think there is a great deal of public support for the introduction of anti-social behaviour orders. I am concerned about some aspects of the orders because I am not sure they will answer all our concerns. It is clear that people in our communities are fed up of anti-social behaviour. The residents of a housing estate in my home town of Castlebar contact the Garda daily to complain about the consistent harassment they suffer at the hands of a small number of people. Fire crackers have been thrown in doors, loud parties have been held, people have been harassed and fear has been instilled in the local community. When members of the Garda drive into the estate, the residents retreat behind their locked doors because they are scared to be seen to speak to gardaí in case they attract the attention of the individuals in question. They know that if they become the subject of further harassment, there will be a great deal of nuisance in their lives.

The introduction of anti-social behaviour orders is important. I am concerned that the definition of the orders in the Bill will give the Garda quite wide discretion in the use of the orders. Many people are concerned, having heard recent evidence from the Morris tribunal, that the Garda should use its discretion properly. We do not want vulnerable people who live in difficult circumstances always to bear the brunt of the

orders. Many people who cause problems with their anti-social behaviour do not come from the low income sections of society. In many cases, they come from the high income end of society. The use of anti-social behaviour orders and civil orders through the courts should be an important and effective deterrent for people from all social classes. I look forward to seeing how these orders will work in practice.

The introduction of anti-social behaviour orders is an indication that the Minister is getting serious about dealing with problems caused by behaviour that not might constitute a criminal offence, but it is causing great upset among people in every part of the country. I live in a town of 15,000 people in the west. I assure the Minister that the problem of anti-social behaviour is as serious in that town as it is in some cities. I am afraid that much of the behaviour in question results from a lack of facilities for young people.

It is important for the Minister to introduce anti-social behaviour orders, but it is also important for him and his Cabinet colleagues with various responsibilities in other Departments to put in place facilities for young people so that they do not have to hang around on the streets. The only thing that 14 and 15 year olds in my home town can do is walk the streets and hang out around takeaways until all hours of the morning. Unfortunately, when there are gangs of young people in that situation, invariably trouble breaks out. I recall discussing with the local Garda why there were not more gardaí on the beat. It was explained to me that on any particular rota there might be 13 gardaí. There might be one monitoring the switchboard, one driving the patrol car, one out sick, another on long-term sick leave. It added up so that there were only two people available to walk the streets and deal with crime. I know this is something of which the Minister is well aware, given the proposed introduction of the Garda reserve. A Garda reserve might well be able to fulfil some of the functions currently being carried out by gardaí who would be much better deployed in looking after the people in our communities. A shop window might be broken and a garda cannot be found for half an hour. However, a car parked illegally on the street for five minutes will get a ticket. It may be a cynical attitude, but that is the way matters lie. When a crime is perpetrated against a person there is nobody to be found, yet sometimes one can get caught for a minor offence such as parking illegally within the shortest possible time.

The Minister introduced other amendments dealing with superintendents being able to grant search warrants. I am not sure I am entirely comfortable with that. Obviously there is evidence available to the Minister whereby it may be impossible to get a member of the Judiciary to hear a case outside hours in the middle of the night. It is important to have a system in place to provide a check on what is being done. As

regards the granting of a search warrant, it would be preferable for that to be done by bringing matters into court and I have some concerns in that regard. The amendments the Minister proposes are broadly welcome and we can only know in the fullness of time how they turn out in practice.

**Dr. Upton:** I welcome the opportunity to speak on this motion this evening. With the Ceann Comhairle's permission, I want to share time with Deputy Penrose.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Dr. Upton:** The Minister asked the House, as he introduced the Criminal Justice Bill for its Second Reading in February 2005, to accept the bona fides of his motivation in seeking to introduce a Bill substantively different on its Second Reading to what first came before the House. Now a year later we are being asked to approve a measure which will force a committee of this House to consider legislation that bears even less resemblance to the Bill which received a First Reading here. Having already introduced substantial amendments to the legislation, the Minister now has to ask the House to vote on driving a coach and four through Standing Orders. He finds himself in this anomalous situation because he wants to introduce more than 171 pages of new amendments to the Bill, as initiated.

The Minister is setting a precedent for the future that will be welcomed by anyone seeking to undermine democracy. In the words of the Irish Human Rights Commission: "bringing forward substantial amendments of this scale at the Committee Stage of the legislative process inhibits the proper consideration of the issues by the Oireachtas, as the *effect* of introducing substantive changes in this way is to circumvent the earlier legislative stages".

There may well be other measures that, with a little bit of tweaking, deserve to be passed into law by this House. However, there are no measures in this Bill whose necessity could not be foreseen when the original scheme of the legislation was approved by Government in 2003. If this motion is passed, we shall never have the opportunity to properly debate the issues involved. I question whether the Minister has fully thought through the implications of introducing such elephantine amendments to this Bill upon future generations of legislators in this House. Such legislators may be more interested than the Minister is in circumventing inhibitions on the freedom of the House to introduce undemocratic and anti-human rights legislation. I also question whether, given the long germination period of this legislation, he has properly considered the wide ranging human rights implications of the content he seeks to introduce into this Bill at this stage.

The Irish Human Rights Commission has stated the following general point of principle as regards criminal justice legislation: "Any legislative proposals to increase the powers of the Garda should be subject to careful scrutiny in order to ensure that the correct balance is struck between, on the one hand, the rights of everyone in society to have a police service capable of effectively detecting and prosecuting crime and, on the other hand, the rights of the individual to the enjoyment of the full range of his or her human rights and freedoms."

One of the chief safeguards the Minister has cited as an assurance that the correct balance is being struck between the right of people to have an appropriately empowered police force, on the one hand, and the right of individuals to the whole range of their human rights, on the other, is the Garda Ombudsman Commission. Yet the Garda Ombudsman Commission is not yet tested. How do we know it will work in its present form when confronted with existing forms of Garda misbehaviour? For instance, if the Minister has his way, a garda will be able to take a swab of DNA from the inside of a person's mouth without his or her consent. If the person keeps the mouth closed, then the garda will be able to use reasonable force to open it and swab him or her. Merely by keeping the mouth shut, in such circumstances, a person would be guilty of the offence of obstructing a garda in taking a DNA swab. I cannot say that I am against the principle of forcible DNA swabbing of suspects in all cases. Nor can I say that the Criminal Justice Bill 2004, where it refers to this, gets the balance wrong. Since I have not had sight of the Bill, that would be premature. Yet the Minister insists on introducing vast amounts of new powers into legislation without allowing for proper consultation to take place.

**Mr. McDowell:** That is in the original Bill.

**Dr. Upton:** That is all right. One of the main criticisms of this Government has been levelled, in particular, as regards the inadequate resourcing of Garda powers already in existence. This is primarily responsible for the increasing intensity in violent crime since this Government has been in power. One of the main reasons for my interest in the detail of the legislation is some of the events in my constituency. In the recent past there have been a number of gangland crimes. People have died in these, others have been seriously injured and whole communities have been intimidated. The perpetrators of these crimes seem to act with impunity, with scant regard for the safety of innocent bystanders. Yet these criminals seem to be able to escape the rigours of the law. Most of this type of crime is linked to drug dealing. The scourge of drugs will have to be tackled with much more resources and commitment. It is not right that decent ordinary people are living literally in fear of their lives on

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a daily basis, simply because of their bad luck in having found themselves in a particular street or that they are unfortunate to be housed in an environment where law and order is held in disdain by a few, to the cost of the majority. There is also the stigma involved for the people living in such communities. This is something they raise every time they mention the problem, that is, that the name of their community is linked to this type of crime. In so far as they are concerned it stigmatises the whole area and community, and clearly, they do not want to be named. It is very annoying for them and embarrassing and they feel they are victims as well.

I acknowledge the genuine hard work and commitment of the Garda in my area. However, the numbers simply do not back up the need to enforce the law. Ordinary people want to see gardaí walking their roads, patrolling their streets and being available to them. Over and over I listen to constituents who are living in fear. They contact me and my colleagues and ask us to make representations on their behalf, always seeking the assurance that their names will not be given to the Garda, for fear of reprisals — in case their names get into the public arena, somehow. Where is the justice for those people, who are usually old, frail and afraid, when they are forced to live sometimes like hermits, locking their doors like Fort Knox and refusing to go outside for fear of harassment?

I welcome the proposal as regards the guns amnesty. However, I doubt that many hardened criminals will voluntarily hand over their weapons. They seem to be totally immune to any level of fear. I ask that the penalties for those who do not comply be compatible with the crimes committed. One of the reasons for anarchy on our streets in some parts of the city of Dublin is that facilities for keeping young people out of trouble are simply not being provided. Most importantly the question must be put as to what resources and supports are provided to young people to stop them from getting involved in drugs and crime in the first place. The lack of commitment to sporting facilities at local level, for example, is a scandal. In areas where diversion is most needed, the availability of playing fields and youth centres is most conspicuous by its absence.

Most low level anti-social activity takes place in the evenings and when it is dark. The level of intimidation that can affect elderly people is often ignored or is treated as being relatively unimportant. I hear very little about the provision of services that will take these young people off the streets at that time of night. Is there no imagination that would allow youth services and sports facilities to be open late at night and for youth workers to get involved in an active diversion programme to bring young people under control, in a positive way, when they are most likely to cause trouble? The provision of such facilities will

take resources, imagination and commitment. I ask the Minister why there is so little imagination in addressing these types of problems so as to nip them in the bud. Such an approach would protect communities from the ravages of drug abuse, drug dealing, and drug trafficking at a later stage.

The former mayor of New York, Rudolph Giuliani, was credited with cleaning up the city by tackling low level crime and clearing that up before it escalated into a major social and justice problem. Perhaps there are some lessons to be learned from his approach that would have a positive long-term effect for all. In 1994 he took a fairly simple approach. He stated that the drug problem must be fought at every level and by every legal means so that children would not grow up with drug dealers as role models. That is a serious issue which must be confronted in parts of the city of Dublin where it is most regrettable that drug dealers have attained the status of folk heroes for impressionable young people.

I am concerned about rushing through this legislation without the opportunity for the House to debate the implications of the raft of amendments. There is always the danger that by fast-forwarding this important legislation the fine detail will be compromised. I accept there is a need for the legislation but I would be much happier if standard parliamentary practice had been observed in regard to it. The point was made by other speakers that if one small detail is found to be unconstitutional, the entire Bill will be found to be unconstitutional. On issues as important as those defined in this Bill it is appropriate to ensure there are no loopholes that can be challenged.

When the proposed legislation and its many amendments are addressed on Committee Stage the fundamental question that will underpin the success of the legislation is whether the resources will be provided to enforce the law. It will not be enough to point to strong legislation, we will be back to square one without the resources to back it up.

**Mr. Penrose:** The Labour Party is not opposed to the motion before the House that basically authorises the committee to consider amendments that were not covered by the text of the original Bill as published in 2004. We will not therefore be voting against the motion tonight. Neither, however, will we vote in favour of the motion lest it be seen as approval of the extraordinary legislative incompetence of the Minister.

Let us remind ourselves that the amendments as circulated by the Minister, almost two years after the Bill was printed and more than a year after the commencement of the Second Stage debate, run to almost six times the length of the original text of the Bill. If it was a once off, one might be prepared to forgive the Minister but this is but one example of a consistent pattern of legislative incompetence on his part.

Yesterday, before the debate on this motion commenced, the Minister was issued with the parliamentary equivalent of a yellow card by the Ceann Comhairle. This warning was unprecedented in my experience in the House and I hope the Minister will heed it. When the Committee Stage debate proper begins we will have to consider each of the amendments proposed by the Minister and judge them on their own merits. We will also table amendments, as is our right and obligation to ensure that the legislation is scrutinised so that when it goes through this House it is the best legislation to deal with the many problems that are causing great angst and grief in the community and to ensure it is immune from challenge on the grounds of unconstitutionality. I know the Minister is concerned about that also.

The changes to the Bill include significant new elements, anti-social behaviour orders, firearms offences and a firearms amnesty, which I genuinely hope works. I heard Paul Williams speak recently on the radio on this matter and he is not hopeful, but in so far as it is a new attempt to address a problem, it may well advance matters and should be tried. I see nothing wrong in that. The legislation proposes to introduce drug trafficking courts, tagging, electronic identification and amnesties. These are all significant measures. Together with the health services, this is a pressing issue for communities. There is a genuine fear and a real and justified concern about escalating crime levels, especially serious crime. A day does not go by without the national media covering the latest ratcheting up of serious crime which causes great distress and anxiety in communities.

In our rush to introduce legislation that will help to curtail this problem and deal with the serious crimes that are being perpetrated I hope we do not throw out the baby with the bath water. As the Minister is aware, I have some involvement with the criminal justice system. I do not advocate any particular view from that perspective, but 25 years ago Mr. Justice Barra O'Briain recommended that all interviews of suspects in custody should be video-recorded. That is a simple thing and I accept the Minister has made progress, but such a system is still absent in some of the larger Garda stations. The judges' rules and custody regulations exist for good reason. I will not spell this out to the Minister as he knows more about them than I.

I believe it is intended to do away with the system whereby a garda types out statements. One of the things that always worried me is that the statements that emanated from ordinary individuals looked more like the work of Shakespeare than the individuals to whom they were credited. This matter always caused me grave concern. Videotaping is the way to deal with this issue and to safeguard both the garda in the interview room and the rights of the person being interrogated.

Rights exist and we cannot just throw them out altogether. We cannot become a totalitarian state no matter what way we look at it. The Minister should ensure that audio-visual equipment is made available in interview rooms throughout the country. Another benefit of its introduction is that this would save Garda time, to which the Minister referred. This approach would protect everybody, particularly in view of matters which have emerged in evidence before the Morris tribunal. We must be careful in the way this issue is handled. I know the Minister would see this approach as an essential safeguard. That is one way to ensure the matter is properly addressed.

The Minister has indicated that other measures covering the indexation of fines and a DNA database will follow. Restorative justice is a worthy and laudable principle but it appears to get lost in the whole system. At the end of the day, whatever approach we take, the first issue is effective policing. The Garda is stretched to the limits of its capacity and abilities. There is no doubt about that. The Minister has stated that Garda numbers are increasing and I do not wish to get into a row over that, but they must increase given the increase in the population.

In my constituency there are large populated areas such as Kinnegad, Rochfortbridge, Tyrrellspass and Kilbeggan on the N6, yet there is not one 24-hour Garda station between Lucan and Mullingar or Lucan and Athlone. The Minister might ask why it is necessary to have one. The N4 and the N6 are two of the principal motorways across the country and many small shops along these routes have been subject to robberies. Such crimes are a significant blow to the proprietors and cause trauma and stress for them. In many cases these crimes go undetected.

Sometimes the Minister participates on the "Today with Pat Kenny" show. If he listened to him today he would have heard a reference to Ballymahon, which is not in my constituency but will be if I am re-elected. It is only down the road from me. An incredible number of robberies have taken place there. A great deal of trauma was evident in the accounts of the local people who were interviewed. A garage owner was driven around in a car for three quarters of an hour. The Garda is doing its best. The garda serving Ballymahon has to come from Athlone and it takes 20 minutes to get there no matter how fast he drives. Garda drivers are very skilled at their job.

It is a question of visibility in terms of policing. When we were growing up the local garda was always visible. It was not a case that one was terrified but we were afraid and if we had it in our heads to do something we quickly disabused ourselves of the notion. Under the old system the gardaí were there to make sure people attended school and so on. They knew everybody on the ground because they lived in the local community and had contact with it. If something strange happened it was relayed to them and they were quickly able to effect arrests or to administer

[Mr. Penrose.]

warnings to ensure people did not stray from the right path. It would be unfair not to say that parents also have responsibilities. I am a parent and I cannot expect the State or everyone else to do something for me and I cannot expect them to rear my children. I have to do something myself. As a parent I cannot allow children to walk around the streets at 10 p.m., 11 p.m. or midnight, unrestricted and uncontrolled and not worry about where they are. The first responsibility of parents is to ensure they know where their children are and that some form of time bar is applied. When I was growing up, if you were told to be home at 8 p.m., you returned at that time. This may be old-world but we must participate as parents and as a community in this job.

I am in this House to be constructive rather than critical regarding this legislation. Resources for the Garda Síochána are very important as is garda visibility and community policing. Many elderly people are terrified. My grandmother lived to be 97 years of age. She lived in great peace and happiness because an uncle of mine in his 60s lived with her. Many elderly people live on their own and they become the subject of unwarranted threats and intimidation such as people putting things through their letterboxes. The intimidation of an elderly person is the lowest form of cowardice.

I am not in favour of mandatory sentencing although I am in favour of it in the case of murder. Being a lawyer, the Minister will know it is very easy to blame the judges but no two criminal cases are ever the same. The individual who committed the crime or the circumstances are different in each case. I am not a strong proponent of mandatory sentencing but I will support this measure because it is worthwhile. People are too ready to blame the Judiciary. Judges have a duty under the Constitution to administer the law.

My biggest complaint to the Minister is that he emasculated the missing persons helpline service. I appeal to him to give €100,000 to that service. He has argued that the Garda Síochána can undertake that service but this is not the case. It is a vital service. Deputy Nolan has people in his constituency who are concerned about it as are people in my constituency. Gardaí cannot provide this service; it requires a trained person to give on the spot help. I plead with the Minister to restore that service and a good organisation is prepared to take it on board. A total of 5,000 people are missing. The latest figures available show that in 2004, category A missing persons amounted to 2,600. I appeal to the Minister to reconsider that decision.

**Mr. Andrews:** I wish to share time with Deputy Nolan.

Fine Gael has spent Private Members' time in the past two days discussing mobile phone usage in cars. This was a terrible waste of time. Many things happen in cars which can be dangerous,

such as people applying make up, scolding children and changing the CD, yet the House has spent three hours talking about mobile phones as if they were the only dangerous things. I cannot understand why Fine Gael has wasted so much time on this issue. I wonder whether it was absolutely necessary for the Government to support their proposal.

**Mr. J. O'Keefe:** Why did the Government not propose this measure?

**Mr. Andrews:** The Government supported the proposal. Fine Gael could have made the proposal in many other ways. I am amazed. What happened to the single original proposal which Fine Gael put before the House under the crime heading? They patched up some cut and paste proposal about crime a couple of years ago that was more or less the Criminal Justice Bill with their own heading on it. Fine Gael's one original idea came last November when they gave a knee-jerk reaction to the Nally case. What happened to their plan to introduce a Private Members' Bill to amend the Non-Fatal Offences Against the Person Act? It has disappeared and been forgotten about.

**Mr. J. O'Keefe:** It is not forgotten.

**Mr. Andrews:** The reason it has been forgotten is because it was a knee-jerk reaction. It was alarmist—

**Mr. J. O'Keefe:** The Deputy will eat his words shortly.

**Mr. Andrews:** —and was forgotten about straight away. If that suggestion had been introduced to force the prosecution to prove a person's use of force was unreasonable, it would have been a charter for finishing off the punter who is coming up one's driveway because he would be the only person who could give evidence against you. It was a hare-brained, crack-pot idea and I am glad Fine Gael has forgotten about it and their inaction is typical, unfortunately.

I welcome the amendments proposed by the Minister. I welcome the gun amnesty and I congratulate my colleague, Deputy Curran, who made representations to the Minister on this issue over a number of months. I also welcome the drug offenders' register, the extension of offences regarding membership and association with criminal gangs.

I add my voice of concern to that of Deputy Penrose on the subject of mandatory sentencing. Many speakers have spoken in favour of the measure without realising the effect it would have. I have been unable to identify any data on this issue but I admit I am not perfect at research. I could not find any data to show that mandatory sentencing is an effective deterrent. Currently a

trial judge can decide whether a guilty plea should result in a reduction in a sentence, whether there is some hope of rehabilitation of the offender, or whether the offender has gone to some lengths to remedy the situation. He can use all those issues in mitigation. The trial judge may also consider circumstances that may aggravate the sentence and cause it to be increased. Deputy Penrose is correct in stating that no two cases are the same. I would be very reluctant to propose mandatory sentencing.

The Law Reform Commission reported ten years' ago that it would be a retrograde step. Information on the effect of sentencing is required, such as information on the effect of a custodial sentence on the rehabilitation of an offender, the rate of recidivism and whether mandatory sentencing serves as a deterrent. I doubt if the criminal gangs will watch "Oireachtas Report" tonight and say, "I had better hand up my guns because they are making mandatory sentencing a bit tougher".

The purpose of sentencing has many dimensions such as punishment and public safety but mandatory sentencing seems to be directed towards a view that the trial judges are failing in their work. I do not share that view. If it was the case that they were failing in their work with regard to drug trafficking, it would be logical to presume they were failing in their duty in other areas of equal public importance and concern. Why therefore would mandatory sentencing not be extended to other areas of the law? Why not introduce it for crimes such as car hijacking because of the reckless driving which causes so many road deaths? Why is it not used in the case of abuse of public office by a politician, a garda or a planning official if we abhor what is going on? The reason is that we are not in knee-jerk reaction mode with respect to these issues. It is dangerous to react in this manner.

The deferral of sentence in the District Court following a fine is a good proposal. The purpose of this provision is to encourage an offender not to re-offend and to monitor behaviour over a period which is what the probation service is supposed to do. We need to go further again and examine the question of rehabilitation. I have raised this issue with the Minister on a number of occasions. It is necessary to consider whether a convicted offender who has shown good behaviour should be able to expunge his or her criminal record. This proposal would be limited to shorter custodial sentences with a period of good behaviour being correspondingly shorter. This would not apply to later court proceedings. The offence could be raised in a court. It would not apply to cases relating to visas but would apply to matters of employment and insurance. We are fooling ourselves if we think sentencing and punishment are the only elements of criminal justice. We must actively consider the question of what is happening to those being released from prisons and what we will do to encourage them not to re-

offend. If one tenth of the time we spend discussing punishment and retribution, and all the issues Members raise in the House about people not being safe in their homes or cowering behind their curtains, was spent considering what we will do with offenders following their release, we would go a long way towards making society safer.

**Mr. Healy:** We could give them decent health services, housing and education beforehand.

**Mr. Andrews:** There is much evidence to suggest that those in socially deprived circumstances have a worse crime record. However, Deputy Healy can be quite sure that 90% of people in such areas have no inclination to crime.

**Mr. Healy:** It is 95%.

**Mr. Andrews:** It is reckless of those like Deputy Healy to make excuses for people to commit crimes.

**Mr. Healy:** I make excuses for no-one.

**Mr. Andrews:** Let us forget about that issue. It is a total red herring, as Deputy Healy well knows.

Some of the comment on anti-social behaviour orders is misdirected as there is no agreement as to what constitutes anti-social behaviour. "Prime Time" confused the issue by showing footage of people using shotguns in housing estates. That is not anti-social behaviour; it is simple criminal behaviour which has no connection with anti-social behaviour.

The issue has been politicised and an inflated sense of vulnerability in the home has been created. We are all responsible for this if we claim in the House that people are afraid in their homes, that the streets are not safe or that people are dodging from doorway to doorway on O'Connell Street to avoid the bullets. This is the kind of language that feeds an irrational social panic that is not matched by reality. As the Minister rightly stated in his contribution, the incidence of crime has reduced in the past five years. Unfortunately, this reduction is not matched by a reduction in the level of exaggeration heard in the Chamber.

I have reservations about ASBOs for children, although I have not considered the detail of yesterday's contribution from the Minister of State, Deputy Brian Lenihan. We need to bring in the Children's Act. As for the issues to which Deputy Healy refers, local authorities experience results where they are proactive with estate management, as my local authority is in Loughlinstown and Shanganagh. Great results have been experienced where estate management has been in a proper partnership with local authorities and communities. Such results will be improved

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further under the Garda Síochána Act sections dealing with local policing committees.

While we have the Garda Síochána Act, we need to consider the issue of rural policing for many reasons. I am not from a rural constituency but, given the anecdotal evidence, I know rural Garda stations are virtually a law unto themselves, especially the one-man shows, where many gardaí have other jobs. This area needs to be tackled.

I continue to have serious reservations about the admissibility of witness statements, a point I made on Second Stage. I support the motion.

**Mr. Nolan:** I commend the Minister on tabling the amendments. Like previous speakers, I also spoke on Second Stage of the Bill. Most Deputies speaking in this debate acknowledged the difficulties they experience in their various constituencies, given the significant increase in criminal activity and anti-social behaviour in towns and rural areas such as my own area.

**Mr. Healy:** The previous speaker said the opposite.

**Mr. Nolan:** It is of great concern to us all. The House enacts a Finance Act and Social Welfare Act every year. Given the changing nature of criminal activity and anti-social behaviour, we could consider an annual update of legislation dealing with criminal activity.

For the observer, it seems criminals with access to huge amounts of money can employ the best legal brains. In some cases, it seems they can drive a coach and four through legislation. I hope this will not be the case with the Bill under discussion and that it will be enacted without constitutional challenges. If so, at least we, as legislators, will have done our bit to ensure that the public can live in comfort and peace in their homes. The disregard for the rule of law is of concern. I know I reflect the views of many vulnerable people in our society, particularly the old, young families and single parents in communities where anti-social activity takes place.

There is much forward thinking and enthusiastic management at local level. I refer to Carlow in particular where there is good local authority management in Carlow County Council and Carlow Town Council which work closely with the vocational education committee, teachers, schools and the Garda. However, a difficulty arises in that there does not seem to be continuity at the level of senior Garda management. Carlow has had four superintendents in the past four or five years. It is difficult to bring a team together to try to tackle social problems in a large town like Carlow when one of the pillars of that team moves on every 18 months to two years. This does nothing for cohesion and should be addressed. I realise that the problem is not unique to Carlow but arises throughout rural Ireland.

**Mr. Healy:** Absolutely.

**Mr. Nolan:** The nature of the Garda force is that individuals are on a promotional trail and I do not want to be seen to interfere or suggest there is anything wrong with that. However, we must be mindful, as must senior Garda management, of the significant and important role played by superintendents and senior gardaí in a county or town.

Much of the debate has focused on the increase in gun crime and the number of shooting incidents in recent months. There has been a serious proliferation in the use of guns and I welcome the Minister's amendment to introduce mandatory sentencing for the use of guns. Something must be done. Unfortunately, it took the death of a journalist ten years ago for us to tackle the drug barons of the mid-1990s. Many of them are behind bars but their places have been taken by accomplices. When one is brought before the courts and put away, perhaps ten are ready to take his place.

I am glad the Bill makes a distinction between children of 12 to 18 years and adults. I support the Minister and the Minister of State, Deputy Brian Lenihan, who is bringing forward ideas in the area of anti-social behaviour orders.

The legislation in 1999 which provided for a minimum ten year sentence on conviction for possession of drugs for sale and supply was positive at the time. It provided some grounds where the court could decide if it considered a sentence of less than ten years was applicable. The new proposals the Minister will bring forward will clarify that position. I do not want to criticise the judges but recent cases were highlighted in which, to the lay person, the sentencing policy of some of the courts seems very lenient.

Many problems in society can be and are detected at an early stage, particularly in schools. The support given to primary and secondary schools is positive. I am advised by professionals in the education sector that they can at a very early stage identify students who have the capacity to cause problems for society at a later stage. It is extraordinary that at a time of almost full employment we see such individuals aged 16, 17 or 18 roaming the streets. It is important that parents accept responsibility for them. I was pleased to read of a recent court case where a parent was convicted for the poor school attendance record of a child. Such example is important. Parents have a major responsibility for the actions of their children of school-going age.

A previous speaker raised the issue that in some communities drug dealers with their obvious wealth including high powered expensive cars, who live the good life and have no visible means of income apart from trading drugs, are seen to a certain extent as role models. That is unfortunate.

This legislation is necessary. I hope it has the support of Members on all sides of the House.

Unless we are seen to bring forward legislation that will tackle the difficulties we are encountering, we will reach a stage where, if we are not careful, they will escalate to a level where they will be too much for us to manage.

**Dr. Cowley:** I wish to share time with Deputies Healy and Boyle.

**An Ceann Comhairle:** That is agreed.

**Dr. Cowley:** I am pleased to speak on this Bill. An MRBI survey on crime and law enforcement in March 2006 commissioned by the Department of Justice, Equality and Law Reform shows that people are much more concerned about crime than they used to be. At the top of the list is drug abuse at 68%, followed by violent crime at 57%, juvenile and teenage crime at 50%, disorderly conduct in public at 43% and so on with burglary, car crime and graffiti appearing towards the bottom of the list. People have a fear of lawlessness and of crime. Every community is ravished by drugs. There is not a community that does not have some type of a drug problem, although some people may not want to believe that.

In my area the presence of a local garda has made a big difference to people's behaviour. Rural areas have been relatively crime free in the order of things compared to the large built up areas. If people could be encouraged to remain in rural areas where there is a strong sense of community we would have a better chance in dealing with this issue. People drift to cities. In cities where there are built up housing estates and a lack of services and facilities more people appear to become involved in crime.

This issue goes back to a sense of community and a sense of belonging. In our area where everybody knows the local garda there is considerably more respect for the garda and the work he does. The local garda plays a large part in crime prevention and that element is lacking in urban centres. There is a loss of a sense of community in cities. People are more anonymous and often they do not know their next door neighbour. The opposite is the case in rural areas.

There is a drift of gardaí to urban areas and more gardaí are being moved from rural areas and brought to large centres, perhaps to make up for a lack of manpower. The populations of cities have increased, yet the garda numbers have not increased as they should have. Some 2,000 additional gardaí were promised and they need to be deployed. It is up to the Minister as to whether that will happen. He said it will happen in the near future. We hope it does because there has been an erosion of the Garda presence in rural areas.

Increasingly more gardaí are not living in their own areas. It would be useful if in future there was not a compulsion but an incentive to encourage gardaí to stay in rural areas. Garda stations

are as much a part of a rural community as any other institution, be it a school or doctor's surgery. They are all part of the essential infrastructure that knits a rural area and community together. If there is a loss of service, there will be a loss of population. Who would want to stay in an area where there is no protection from marauding criminals or where there is no school or teachers? All the services down the line are a part of the essential infrastructure of a community.

I wish to briefly diverge from the Bill and raise a point concerning a naturalisation application, which is the responsibility of the Minister. I am aware of the case of a doctor who is a plastic surgeon and who has been living here since she was a young girl, was educated here and has contributed greatly to our economy and is currently contributing to our health service. She cannot leave this country which she now regards as her home without ensuring that she has a visa on her return. This poses a great difficulty for her. She applied for naturalisation in September 2005 and it will be September 2007 before her file is considered. Will the Minister respond to this case? This person is contributing greatly to our country and her father is also a consultant in one of our hospitals and an Irish citizen. All her family are citizens with the exception of herself. It seems ridiculous that she has to wait two years for her application to be dealt with. I do not know what has happened in this case and perhaps the Minister might be able to deal with it.

Returning to the Bill, I can understand the rationale for it as regards the basic idea of where evidence is submitted that it could be withdrawn at some other stage. I welcome that aspect of it. I also welcome the controls on fireworks as I have seen too many people with very bad injuries to their hands and with fingers having been blown off. It is essential that the Bill address all these areas.

There are many other items on which I could speak about but I am conscious of the time constraint. The introduction of ASBOs is not a good idea and it would compound the 10 o'clock problem. They do not address the core issue which is lack of community support for families and individuals. In the event of their being civil proceedings the burden of proof is different and applies the balance of probabilities principle rather than the principle of being beyond reasonable doubt. That would result in penalising people who need a different type of help. I had cause to visit the Rosspoint Five during their 94 days in detention. I saw many young people in that jail who had no education and they asked Micheál Ó Seighin, who was a teacher, to teach them how to read and write. There are many others like them.

**Mr. Healy:** As many other speakers have said, the Bill was introduced in 2004 and it is now 2006. It was introduced initially in a shortened form



[Mr. Healy.]

having regard to the number of amendments to it. The manner in which this Bill has been brought before the House and changed out of all recognition is unfair to Members. It is also unusual, as is the procedure that we now are adopting.

I take this opportunity to make a few points on this entire area. Last week the Minister wrote to us all pointing out the strength of the Garda Síochána. He took the opportunity to refer to the record of the rainbow coalition. I have no difficulty with that. The figures show that during the course of the rainbow coalition, Garda numbers fell. I accept that that was the case. It obviously should not have been the case and it was not acceptable.

For a number of years I, Clonmel Borough Council, South Tipperary County Council and the Clonmel RAPID organisation have been asking the Minister to provide community gardaí in Clonmel and south Tipperary and at all stages he has refused to do so. No gardaí are dedicated to community policing in south Tipperary. The Minister has been asked to provide those gardaí on numerous occasions and he has failed to do so.

In the large town of Clonmel there are approximately 41 gardaí. Tralee, a comparable town, has 75 gardaí. At any one time in Clonmel there are a maximum of eight gardaí on duty, at least one of whom is in the station. One can understand that the manning levels are ridiculously low and need to be increased substantially. To add insult to injury, in the town of Fethard, which is also covered by the Clonmel area, up to two years ago there were three gardaí but when one of those gardaí retired on health grounds, she was never replaced and there is now one third less cover in that area. When the Minister refers to the record of other parties, he should also look at his own record in this area of resourcing the Garda and the manning levels in many towns and cities.

In County Tipperary there are only two garda dedicated to drug work. Everybody knows that people in every village and crossroads in every town in this country have access to illegal drugs. The level of Garda manning in this area, which is as low as two for the entire county of Tipperary which has a population of 120,000, is a matter which should be addressed immediately.

I concur with a point Deputy Nolan made about senior garda manning levels. As in Deputy Nolan's constituency, in my constituency there has been what can only be described as a revolving door of senior gardaí over recent years. There have been no long-standing senior appointments in the past three years in Clonmel. We have had three or four superintendents in that time and that simply does not help the situation.

I agree with much of what has been said about anti-social behaviour. Community gardaí, working with young people and communities, can go a long way towards solving that problem. As I stated to Deputy Andrews, there are small numbers of people involved in anti-social behav-

our and much can be done by dealing with them on the basis of community gardaí liaising with the people concerned, with their parents and with the communities.

Obviously, there must be punishment and sentences. No doubt there must be severe sentences for serious crimes. While we must use the stick, we also must use the carrot. It is important that human services are funded by this Government. Unfortunately, since this Government came into power it has de-prioritised human services. There are 50,000 families on local authority housing waiting lists, there is a chaotic health service and the largest class sizes in education in Europe. The cycle of crime will continue unless money is not put into those services and we get reasonable and proper services for ordinary people. One can put the gang leaders in jail but they will be replaced by others and the cycle of crime will continue. One must use both the stick and the carrot. Unfortunately, this Government has de-prioritised the human services and if that is not reversed, it will lead to untold difficulty in the future.

**Mr. Boyle:** This motion is a political nicety. The Minister for Justice, Equality and Law Reform would be procedurally quite in order to take this raft of amendments to committee even though it is far out of proportion with the Bill as originally published. It has only been the criticism of the Opposition benches that has brought this motion to the floor. Even the time spent debating this motion over the past two days is out of proportion with the amount of time this House spent debating the Bill on Second Stage. On those grounds we might even anticipate what will follow the Committee Stage in that the Minister has given no guarantee on the number of amendments that will come before this House when the committee returns the Bill to this Chamber. On the mathematical applicator that we could apply between the publication of the Bill and the Committee Stage, we expect a three volume tome to come back on Report and Final Stages because this is the nature and the habit of legislating with this Minister.

In the short time available, I will concentrate on one aspect of the plethora of amendments that the Minister has put before the House, a section that I find most objectionable. Although I am only ankle high to the Minister in terms of achievement, I have 20 years' experience of youth work. That was spent providing diversionary programmes funded pathetically by successive Governments to date. The funding for the youth affairs section in the Department of Education and Science is 0.3% of the budget of that Department. When one's tools are pool tables, table tennis tables and decks of cards, one can see what the State really thinks of diversionary tactics and programmes to provide young people with a safe and comfortable environment in which to socialise and develop properly. That is the reality of

this Government's programme. While it is a reality it has inherited from previous Governments, this Government has been in power for nine years and has done nothing to increase exponentially the amount of funding available in that area.

My objection arises from the Minister's attempt in these amendments to change the age of criminal responsibility, which is a direct repudiation of a provision of the Children Act 2001. The Minister did not explain in his opening speech to the debate on this motion why he felt the need to do so but he has stated in public, where most of his policy announcements seem to be made, that he felt that the age of criminal responsibility of 12 was wrong. He further stated that there would be chaos if this section of the Act to which I refer was commenced. The Act to which he refers was presumably passed on the say so of the law officer of that Government, the then Attorney General who is now Minister for Justice, Equality and Law Reform. The Minister might like to explain why he, as Attorney General, approved to the Government a provision in a law which he subsequently believe to be wrong and which the Government is now inclined to change.

The Children's Rights Alliance, an umbrella organisation representing 80 non-governmental organisations, has questioned the usefulness of bringing children as young as ten into the criminal justice system. It also points out that it directly undermines the excellent work carried out by the Garda diversion and juvenile liaison programmes. This reflects not merely a lack of joined-up thinking on the part of Government but the devising of policies as repelling magnets. It makes no sense.

The UN standard of minimum rules for the administration of juvenile justice states: "The beginning of that age shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity". The Minister may think that a great advertisement for the health and education policies of this Government but the reality is that ten year old children in most developed countries are not considered to have legal responsibility. However, for reasons best known to himself, he has decided this should be an essential element of the Bill. He may, in his normal way, suggest that mine is an even more lily livered liberal approach than he expects of the Green Party but alternatives exist in terms of diversionary programmes for young people, programmes which he and the Government of which he is part have failed to put into practice. This Government must be indicted for passing the Children Act 2001 but failing to implement its provisions. This may partly have been due to the Minister's problems with a number of provisions contained in the Act.

This issue can be linked to the Government's re-jigging of anti-social behaviour orders. The Minister of State and the Department of Education and Science with special responsibility for

children indicated a specific form of ASBO for 12 to 18 year olds, a concession which I believe he had to wring from the Minister. Many on the Government benches are uncomfortable with the idea of ASBOs which truly represent cartoon justice. This ticking boxes legislation is intended to give the impression that action is being taken when that is not the case. ASBOs will not be used as a last resort but, as is the case in the United Kingdom, as a means to soften the impact of crime detection and prosecution figures.

The Minister and the Government are engaging in nothing more than headline type legislation, which ill serves this House, the quality of legislation we produce and ultimately will end up producing a justice system that fails to meet the needs of citizens intimidated by criminal behaviour or to help those we seek to divert from such behaviour.

**Mr. Naughten:** The Minister can bring through all the legislation he may care to but unless he commits resources to reform the existing structures, we will waste our time producing hot air.

Deputy Andrews claimed that the majority of gardaí in one-man rural stations have other jobs. He is correct that they do other jobs but this is because they have been redeployed to urban centres and are not available to rural communities. Many rural Garda stations exist in name only, although the Minister's colleague with responsibility for the Office of Public Works has in the past valued many of them. Often, they are closed but for a couple of hours each month, as people realise when they try to renew their gun licences.

My local station in Clonard has been physically closed and is completely dilapidated, yet the Department of Justice, Equality and Law Reform is not prepared to invest any resources in it. Recently, I tried for three weeks to contact a local Garda station by telephone but it did not even have an answering machine. If it had been a residential station, I could have met the garda assigned to it. The Minister should encourage gardaí to reside in rural Garda stations rather than allow them to be closed by stealth.

The Nally case, in which four bench warrants were outstanding, would not have arisen if sufficient resources had been allocated to the Garda Síochána. That is but one example of bench warrants which are not being enforced because people know they will get away with it.

The Minister, during his term in office, could have addressed the civilianisation of the Garda Síochána. More than 556 gardaí are assigned to desk jobs. In the original report of 2001, a garda was described as running the tuck shop in Templemore training college. That is an unacceptable situation which should no longer be tolerated.

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I thank all the Deputies who

[Mr. McDowell.]

contributed to this debate over the past two days. People may say that only a handful had a chance to air their views but more than 50 — excluding Deputy Naughten, who had only a few minutes at the end — had an opportunity to contribute.

The process which led to the tabling of these amendments has been one of the most transparent in the history of criminal justice legislation. Nearly all these amendments were canvassed by me on Second Stage. I put them before a committee of the House last September, on which occasion I discussed their principle. I also put them before the Human Rights Commission and received the views of that body. They have been available on a website in the Department for God knows how long. Every one of these propositions has been the subject of extensive public debate. The notion that they are coming from nowhere and that I am producing them like rabbits from a hat is simply untrue. While it took longer than I would have wished to bring these amendments before the House, they clearly have been canvassed and debated. The length of time between Second Stage and this motion to amplify the ambit of the committee sessions has been extraordinary by any standard. Second Stage debate took place over a period of six months.

I admire Opposition Deputies because I spent most of my time in politics on the Opposition benches, but they are not consistent in their arguments.

**Mr. J. O’Keeffe:** The Minister may be here sooner than he thinks.

**Mr. Naughten:** Please God.

**Mr. McDowell:** Far from being rushed through, the legislation is travelling at a snail’s pace. I am then asked why I am going so slowly. I have sympathy with that question because the amendments have taken longer than I originally estimated. However, I remind the House that when the legislation on the Garda Síochána was being debated and the heads of this Bill were published, I said I would only proceed with those two measures in parallel because significant amplification of Garda powers is involved.

I also remind the House and, in particular, Deputies from the Green Party that the report on which the original Bill was based suggested that 48 hours’ detention should be available for all cases in which a sentence of longer than ten years could be imposed. That would have covered the average mugging which, as a robbery, carries the maximum penalty of a life sentence. In fact, I cut back on some of the recommendations contained in the report of the expert group chaired by the late Eamonn Leahy SC. It is not as if I have gone mad with police powers, and I have cut back some of the powers sought.

When the Oireachtas Committee on Justice, Equality, Defence and Women’s Rights sits,

every Member is entitled to attend and have his or her say. Nobody is being kept out from even the most minute consideration of these issues. Everybody is entitled to attend and put in their tuppence worth. It is not restricted to members of the committee. If anybody has a particular interest in any part of the issue, he or she is welcome to come along to those sessions. It is my intention to be available as much as possible, to sit long hours and consider every possible amendment. I will consider not just Government amendments but Opposition amendments to this legislation.

There has been some comment on the drugs issue, and I will discuss the drugs legislation as some points should be made. In 1999, this House passed legislation with the purpose of bringing to the Judiciary the clear view of the Oireachtas in legislative form that substantial and wholesale drug trafficking must attract substantial sentences. This was the aim of the House at that time, and it decided to do it while at the same time respecting the independence of the Judiciary and the constitutional requirement that the Judiciary should never be tied to carrying out an action which was manifestly unjust.

Some years ago it could be said that only 4% of cases in which more than the threshold of drugs were present produced a sentence of more than ten years. Some people therefore argued that in 96% of cases, the minimum sentence was being undershot by the Judiciary in its sentencing policies. That situation has changed since Members across the House, including people such as Deputy Gregory, reminded the Judiciary that the law had been passed. I am now told that the percentage of cases where a sentence of more than ten years is imposed is over 20%. People are listening, and I am grateful to the Judiciary for listening to what has been stated in this House.

I wish the process would go further. It is my intention to tender amendments to counterbalance the legitimate tendency to temper every consideration of justice by mercy. It should be remembered that a mercy to an individual before the court in terms of sentence is not a mercy to the community. If people believe they can have €300,000 of cocaine on their person for transportation from one place to another in this State and that they will only get a three or four year sentence if caught in this context, the “Mr. Bigs” will never be apprehended or exposed. It will always be the case that those engaged in the drugs trade, which is so corrosive of Irish society, will find the rewards to significantly outweigh the risks.

It has been stated that no two cases are the same in the eyes of the Judiciary. Deputy Andrews and others have made that case, which is true. It could equally be said that most funerals are more or less similar, and the drugs trade is death to addicts and people who get in the way of drug and gangland criminals. Therefore, the effects on society of one person carrying €300,000 of cocaine compared with another person carry-

ing the same amount of cocaine are more or less the same. Whereas the individuals involved may never be the same, the effects on society are.

I have the greatest respect for the Judiciary. As a barrister of many years, many in the Judiciary are personal friends of mine. This House is serious about drug and gun crime, and it is not jumping on some opportunistic bandwagon. It is not getting into a "hang them and flog them" mode. It is simply indicating to the Judiciary that it cannot be the case that these matters are dealt with other than with the greatest severity. This is because the effects on society are so corrosive and destructive of ordinary people's constitutional rights.

Deputy Eamon Ryan queried whether my approach to criminal justice is liberal, and I believe it is. I have a slightly different emphasis than he does, however. I do not believe that human rights under the Constitution are focused mainly on those who are accused of crime alone. The State's obligation under the Constitution is to vindicate the rights of every citizen, the vast majority of whom do not infringe the law and never stand in any dock, but who have the right to have their life, property, good name and bodily integrity vindicated by law.

I do not believe it illiberal in any way to stand up for everyone's rights and to hold the balance of justice evenly between those accused of crime on one hand and those who are victims of crime on the other. I do not accept the proposition that liberal credentials are judged only by how those who are accused of crime are dealt with on a political spectrum. It is also connected to whether one is willing to protect the rights of the great majority of citizens, who are also party to the great social contract of the Constitution and who have human rights that deserve to be vindicated in full.

A point has been made by Deputy Andrews about expunging criminal sentences after a period of time. That is a matter I intend to return to. Like the Deputy, I am conscious that there are people who are dogged for the whole of their lives by convictions which can seriously impair the right to participate fully as citizens in our society. I met an individual who attended one of my clinics who had been convicted of an offence involving dishonesty. He had many restless nights because he had concealed the conviction from his employer, even though the offence was 20 years previously. He had realised that in theory he could be dismissed instantly because he had kept knowledge of the conviction from his employer, although he was then in a position of trust. We should be capable of allowing a person in such a position to wipe the slate clean in some shape or form.

**Mr. J. O'Keefe:** Does it happen in other countries?

**Mr. McDowell:** It does and I do not see why we should not have a method of doing that here also.

Points were made about the ASBO issue. I will not enter into that debate now, but I believe the range of measures being brought forward by the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Brian Lenihan, and me in this legislation are fully consistent with the Children Act and fully consistent with diversion. The regime for ASBOs in Ireland will be radically different from that in the United Kingdom.

The age of criminal responsibility will be 12. As the Minister of State, Deputy Brian Lenihan, stated yesterday, with offences committed by a person under age 14, the consent of the Director of Public Prosecution will be required. A few cases in any civilised society of murder, manslaughter and rape may be carried out by an 11 year old and to say that the State can do nothing about this, with the child back in school on Monday morning as if nothing had happened, would scandalise public opinion.

**Mr. J. O'Keefe:** Has there been any such case?

**Mr. McDowell:** There have been many in Britain.

**Mr. J. O'Keefe:** Not here.

**Mr. McDowell:** There have been a few cases of sexual offences involving minors. A solid citizen could wake up one morning to realise that the young boy who had raped his or her daughter was going back to school that day and there would be a conference, or that a person who pushed his or her child under a train or into a canal was back at school, or that a person had bullied and tortured a person. If our law was such that these people would be given a mere slap on the wrist and told to get on with the rest of their lives, public opinion would be outraged. What the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Brian Lenihan, is doing is entirely reasonable.

The resolution before the House today is part of the procedures laid down by the House. It is not an attempt to trample on the rights of the House but part of the Standing Order system which the House has provided for itself. This debate has witnessed more than 50 Deputies over two days add their voices to what was said on Second Stage. I have done my level best to create a sense of public awareness of where I am bringing this Bill. I believe it has the support of the great majority of Deputies in the House, as do the great majority of the amendments. Whereas they will merit a full debate and benefit from close scrutiny they will, by the time the House rises for the summer, be an important part of the law of this State.

Question put.

### Deputies: Vótáil.

**An Ceann Comhairle:** Will the Deputies claiming a division please rise?

*Deputies Cowley, Crowe, Ferris, Ó Snodaigh, Ó Caoláin, F. McGrath and C. Murphy rose.*

**An Ceann Comhairle:** As fewer than ten Members have risen I declare the question carried. In accordance with Standing Order 68 the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Question declared carried.

**An Ceann Comhairle:** Yesterday at the outset of the debate I welcomed the fact that the motion to instruct the committee was tabled and debated on the basis that it allows the principle of the new amendments to be discussed in a debate similar to that on Second Stage. The debate that took place reinforces the view that whenever the scope of a Bill is to be significantly broadened, the House should be given the opportunity to have a debate similar to a debate on Second Stage as a matter of course.

In future it may not always be the case that a motion to instruct would be sufficient to capture adequately all new principles proposed in the new amendments and a new Bill may be warranted. The Chair will be examining future motions to instruct, including those that may be put forward as notwithstanding anything in Standing Orders motions, with a view to ensuring the House would always have the opportunity to debate the principle underlying significant changes to a Bill, whether by way of a motion to instruct or in a new Bill as the case may be. This would ultimately be of benefit to the House generally and I trust the Members will see it in this light.

### Adjournment Debate.

#### Hospital Services.

**Mr. Naughten:** Last Monday the Health Service Executive announced that it will commence a review of service configuration at Portiuncula Hospital, Ballinasloe, and the County Hospital, Roscommon. The press statement included the comment that the review would maximise the range and volume of surgery and other services in each of the two hospitals and stated that better collaboration would ensue between University College Hospital Galway and Galway Regional Hospital. In light of the Tánaiste's statement that the Hanly report is Government policy and Professor Drumm's endorsement of the report, I am concerned that the review is a roundabout way of implementing the Hanly report.

While the Hanly proposals have been implemented in the United Kingdom, one cannot compare that jurisdiction with Ireland. In terms of population density Ireland is a more rural country than the United Kingdom and, if implemented, the Hanly report would lead to the downgrading of the County Hospital, Roscommon, and Portiuncula Hospital, Ballinasloe.

The County Hospital has the fewest consultants, sixth fewest doctors and fourth fewest nurses of the 38 acute hospitals in Ireland. In conjunction with the review of hospital beds at Portiuncula Hospital and the County Hospital, such figures cause concern. Examining hospital beds in the two hospitals from 2002 to 2004 shows a reduction from 212 to 206 beds at Portiuncula Hospital and a decrease of one public bed at the County Hospital.

After nine years in Government the Tánaiste admitted we have a national emergency in accident and emergency units. The downgrading of the state-of-the-art accident and emergency facilities at County Hospital, Roscommon, and Portiuncula Hospital, Ballinasloe, would aggravate the situation, especially at University College Hospital Galway.

Research shows 30% of patients suffering major trauma die because they do not receive satisfactory care within one hour. I am concerned that this review will consider the relocation of services from either hospital to University College Hospital Galway or the downgrading of services at the two hospitals. We do not have much confidence in the HSE or the Government.

This week a decision was taken to locate the new ambulance base for west Roscommon in Knock, County Mayo. The lack of ambulance coverage in the region has caused a crisis, with 28% of ambulance call outs not been responded to within 26 minutes. This choice of location is unacceptable and I seek clarity from the Minister on this matter and on plans for County Hospital, Roscommon, and Portiuncula Hospital, Ballinasloe. The local community served by these hospitals should be consulted on this matter.

New services, such as telemedicine, should be considered. I suggest a pilot scheme at County Hospital, Roscommon, and Portiuncula Hospital, Ballinasloe, for the development of telemedicine to bring services to the community rather than withdrawing them.

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I am taking this adjournment debate on behalf of my colleague the Tánaiste and Minister for Health and Children, Deputy Harney.

Operational responsibility for the management and delivery of health and personal social services are now the responsibility of the Health Service Executive, HSE. This includes responsibility for the provision of services and the development of services at Roscommon County Hospital and

Portiuncula Hospital, Ballinasloe. The Health Service Executive has announced that it is to undertake a review of service configuration at the two hospitals. The objective of the review is to ensure that the most appropriate arrangements are put in place for the future deployment of consultant staff, particularly in the specialties of medicine, surgery, anaesthesia and emergency medicine, that is accident and emergency. The two hospitals are already closely linked and many consultant appointments are shared between them. The review aims to maximise the range and volume of surgery and other services in each of the two hospitals by developing greater collaboration between them and with Galway University Hospital as the regional specialist centre in the interest of increasing access for patients in Roscommon, east Galway and the west midlands to the highest quality services locally. The review will be carried out in close consultation with staff in the hospitals concerned and is expected to finalise its recommendations by mid-2006.

The Deputy will be aware of the recent developments that have taken place in Roscommon County Hospital, for example, the opening of a new accident and emergency department and a new medical assessment unit. The new developments include a wide range of facilities which will benefit the patients attending for treatment. The provision of a CT scanner for the hospital is also at an advanced stage and is included in the 2006 capital programme. The HSE plans to increase the range of day surgery and outpatient services provided in the hospital and to optimize the use of the hospital's new accident and emergency department and medical assessment unit.

Portiuncula Hospital is constantly seeking to improve services for its patients and some important developments are already under way, for example the upgrading of the special care baby unit and the equipping of the new sterile supplies department. Upgrading of the existing accident and emergency department is expected to commence construction later this year. Preparation is under way for a comprehensive general upgrading of the hospital to start with a refurbishment of the ward areas.

Our plan for health is to build up hospital services in every region of the country. We want the people of the west of Ireland and of every other region to have full confidence in their health care services, in their hospitals, GPs and continuing and long-term care. The Government is committed to the continued development of services at these hospitals. Roscommon County Hospital already has an ambulance base. We have provided for developments at the hospitals in the past and the Government is committed to continuing the investment in services. Roscommon County Hospital and Portiuncula Hospital will continue to play their part in providing quality services for the people in the region.

### Messages from Seanad.

**An Leas-Cheann Comhairle:** Seanad Éireann has passed the Finance Bill 2006, without recommendation, and the Employees (Provision of Information and Consultation) Bill 2005, without amendment.

### Message from Select Committee.

**An Leas-Cheann Comhairle:** The Select Committee on Health and Children has concluded its consideration of the Revised Estimates for Public Services for the year ending 31 December 2006, Vote 41.

### Adjournment Debate (Resumed).

**Mr. Walsh:** I have a question for the Minister of State at the Department of Finance, Deputy Parlon, for debate on the Adjournment, but I do not see him here.

**Mr. T. O'Malley:** I am to take it.

**Mr. Walsh:** The relevant Minister of State was in the Chamber a few minutes ago. I have been pursuing this matter for the past three years and it is appalling disrespect to this House and to the Leas-Cheann Comhairle that the Minister would not bother to come in and take the question. In view of that appalling lack of interest and respect on the part of the Minister of State, I will not pursue this topic tonight but want to resubmit it for next week.

**An Leas-Cheann Comhairle:** The Chair will contact the Deputy.

### Social Welfare Benefits.

**Dr. Upton:** One of my constituents, a young lady, was in receipt of a blind pension in this country until she went to study in Edinburgh University. She has problems with glaucoma and cataracts and has undergone a cornea transplant. As she failed to get into the course she wanted to do in this country, she enrolled in college in Edinburgh last September. Her blind pension has been stopped as she was told she is no longer resident in this country. However, she spends all her holidays here, including from late May to late September, and must also travel home at regular intervals for her appointments in Temple Street hospital. She is struggling to create the basis for her future financial independence.

The Minister will cite section 249(1)(b) of the Social Welfare Consolidation Act and its provision that "except where regulations otherwise provide, a person shall be disqualified from receiving any benefit for any period during which that person is absent from the State". The Department's leaflet, SW76, on the blind pension states that, *inter alia*, to qualify a potential recipient must "live in the State". It goes on to state: "if you are leaving the State you should tell the

[Dr. Upton.]

Department [and] when you return here to live you should re-apply immediately". I cite these interpretations of section 249(1)(b) of the Act in the Department's publications to draw attention to the fact that the meaning of "absent from the State" is ambiguous.

The Department considers the meaning of "absent from the State" to be identical to "living in another state", as is clear from the quotation I just cited. The person in question is "habitually resident" in Ireland under any European Court of Justice approved meaning of that term. However, because she is in Scotland reading for a degree she could not get in Ireland, she is habitually resident here, yet disqualified from receiving her blind pension. EU law justifies any deviation from the principle regardless of where one stays or resides in the EU on the basis that "payment of these benefits will be suspended if you transfer your residence to another state which will then grant you the corresponding benefit, even if you have never worked there". There is, however, no corresponding benefit which that person might receive in Scotland because she is not resident there, she is a student.

Section 22(1) of the Social Welfare Act 1995, which inserts a new section 211(2), gave the Minister the power to make regulations enabling the payment of any benefit or assistance to any person who is absent from the State. I call on the Minister to make such regulations or to help find an alternative to the blind pension, for example, a scholarship from the Department of Education which might give her the difference between what she is due under the blind pension while she is absent from the State and what she is entitled to when she is present in the state, while here during the university vacation. While she is here she has to undergo tests and attend medical appointments so she is home in Ireland at different intervals throughout the year. If the Department interprets section 249(1)(a) of the Social Welfare Consolidation Act 2005 without any margin of appreciation, it is clear that she is entitled to her blind pension for every second she is not absent from the State either during university vacations or to attend medical appointments.

I call on the Minister to restore blind pension for the whole year for this person and if that cannot be done, to help her obtain equivalent money from some other Government source, to commit to facilitating her blind pension payments for every minute she is in the State and not, as has been done, to cut her off totally from the only source of financial independence this courageous young woman has while she battles against the odds to complete her university education and secure her future financial independence.

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I am taking this Adjournment debate on behalf of my colleague the Minister for Social and Family Affairs,

Deputy Brennan. To qualify for a blind pension from my Department, a claimant must satisfy a number of conditions. She or he must be aged 18 years of age or over and must be so blind that she or he either cannot perform any work for which eyesight is essential or cannot continue in his or her ordinary occupation. In addition, the claimant must satisfy a means test and must reside in the State while in receipt of the pension. However, if a person in this State receives a blind pension and he or she goes to reside in Northern Ireland, there is provision in legislation, section 249(7) of the Social Welfare (Consolidation) Act 2005, to allow the Department to continue to pay the blind pension for up to five years or until he or she receives an equivalent payment from the appropriate authority of Northern Ireland. This provision has been in our legislation for many years. It applies only to recipients of blind pension and old age non-contributory pensions.

The person concerned applied to my Department for a blind pension in September 2005. Her circumstances were investigated by a social welfare inspector who subsequently  
11 o'clock reported that she was a student at a third level college in Scotland where she was undertaking a four-year degree course. It was noted that she returns to the family home in Ireland during holiday periods and that she had to attend an eye specialist in Dublin every six weeks. Following careful examination of her case, a deciding officer of my Department determined that her application for pension had to be disallowed on the basis that she was not residing in the State on a full-time basis. She was notified of this decision by my Department and of her right of appeal against it to the independent social welfare appeals office. If the person's circumstances change, she may reapply for the blind person's pension at any time. Under social welfare legislation decisions on claims are made by deciding officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

### **Taxi Regulations.**

**Mr. Deenihan:** The Commission for Taxi Regulation published "Driving Forward: Action Plan 2006-2007" on Tuesday, 7 March. I welcome its publication and, as a regular user of the taxi service in this city, I agree with many of its recommendations. Nevertheless, it should be regarded as a consultation document rather than the final proposal and the implementation of any of its provisions should be deferred for at least six months. I say this because of the apparent lack of widespread consultation with all elements of the taxi industry nationwide.

I attended a meeting of the Tralee Taxi Association on Monday, 13 March. The association is a very responsible body. Just before Christmas, its representatives met the Minister of State at the Department of Justice, Equality and Law Reform

regarding anti-social behaviour in Tralee. The association strikes me as the only body doing anything about anti-social behaviour in Tralee. It tries to work with the local gardaí and local council and is genuinely concerned about anti-social behaviour in the town. I was very impressed with the association's presentation to the Minister of State and I therefore take its views and concerns very seriously.

I will reflect the mood of the meeting. The delegates were astounded by the complete lack of thought and consideration for the taxi industry in Tralee and generally in rural Ireland. While the delegates accepted that certain aspects of the document were positive and a step in the right direction, such as the reference to the appointment of the NCT centres to administer the SPSV licences on the commission's behalf, they strongly believed that most aspects of the document are unworkable in a rural environment. They took issue with vehicle licensing, for example. Up to now, the licensing of a vehicle to operate as a taxi, hackney or limousine has been carried out by the relevant local authority on production of the appropriate documentation. The licensing numbers are local numbers with distinctive lettering and the area of operation is displayed clearly on all signs. Under the new proposals, the commission plans to introduce a new national licensing system. In accordance with these proposals, each SPSV licence holder will be issued with a new five-digit national number in respect of each licence granted or renewed. This will, in effect, eliminate the recognised and familiar SPSV licence numbers. The new proposals make no provision to inform the public on areas of operation, either in respect of the interior or exterior of the vehicle. The new proposals will make local taxis difficult to distinguish in the eyes of the public.

The association also takes issue with the national taxi meter area. At present, there are 36 designated taxi meter areas country-wide and areas of operation are clearly defined by the local authorities. In the case of Tralee, for example, a designated three-mile radius from the town centre constitutes the taxi meter area. The benefits of this system are such that drivers are clearly aware of their area of operation and policing of this system is easier. The commission proposes to declare the whole country a taxi meter area in September 2006 and this will eliminate the existing 36 designated taxi meter areas. The commission proposes to restrict taxis plying for hire in the area for which their licences are endorsed. This means SPSV drivers' licences endorsed in County Kerry will be permitted to operate freely within the county boundaries.

**An Leas-Cheann Comhairle:** The Deputy should conclude.

**Mr. Deenihan:** Furthermore, drivers who engage in the proposed skill development prog-

ramme in other counties or cities will also be permitted to ply for hire in these areas. This, in the opinion of Tralee Taxi Association, is a recipe for chaos and bedlam. Enforcement and policing of this process will surely be impossible and will certainly create another headache for an already overworked police force.

**An Leas-Cheann Comhairle:** The Deputy should conclude.

**Mr. Deenihan:** From September, taxis will be freely and legally allowed to operate in busy and more lucrative areas, as they wish. This will spawn hostility and suspicion among operators and cause a reduction in the level of service provided in quieter rural areas. It will definitely lead to confusion and a decline in public confidence in the entire taxi service.

**An Leas-Cheann Comhairle:** I call the Minister of State to reply.

**Mr. Deenihan:** Finally, could I—

**An Leas-Cheann Comhairle:** The Deputy has exceeded the time allowed.

**Mr. Deenihan:** Could I just finish tonight? One Member left this House tonight because the Minister who was supposed to reply to the issue he was to raise was not present. I have stayed in the House and I at least deserve the courtesy of being allowed to finish.

**An Leas-Cheann Comhairle:** The Standing Order only allows the Deputy five minutes and he has now spoken for six.

**Mr. Deenihan:** Absolutely. I have been allowed to finish in the past by the Ceann Comhairle. It is 11.10 p.m.

**An Leas-Cheann Comhairle:** We must abide by Standing Orders. The Deputy should—

**Mr. Deenihan:** I should at least be allowed to conclude speaking on this very important issue.

**An Leas-Cheann Comhairle:** It is not possible to conclude if one exceeds the five minutes allowed. We cannot make a new rule for the Deputy and have others for other Members. I call the Minister of State.

**Mr. Deenihan:** I now see why Deputy Walsh left the House.

**An Leas-Cheann Comhairle:** The Deputy is out of order.

**Mr. Deenihan:** It is becoming a total farce and I will make that complaint directly to the office of the Ceann Comhairle.



**An Leas-Cheann Comhairle:** The Chair cannot make a special rule for the Deputy. The Deputy must do what all other Deputies do, that is, speak within the five minutes allowed.

**Mr. Deenihan:** I have been here in the past and the Chair was flexible.

**An Leas-Cheann Comhairle:** I gave the Deputy an extra minute.

**Mr. T. O'Malley:** I am replying to this matter on behalf of the Minister for Transport, Deputy Cullen and I thank Deputy Deenihan for raising it.

The Commission for Taxi Regulation was established under the Taxi Regulation Act 2003, with effect from 1 September 2004, and it is the independent body responsible for the development and maintenance of a new statutory framework for the control and operation of small public service vehicles, taxis, hackneys and limousines, and their drivers, under the 2003 Act. The commission is an independent regulator.

In 2005 the commission initiated a broad consultation process and a national review to assess the extent and quality of services currently provided by small public service vehicles and to examine existing quality and safety regulations regarding small public service vehicles and their drivers. The review was undertaken on behalf of the commission by Goodbody Economic Consultants and the Dublin Institute of Technology and it included consultation with relevant stakeholders and significant data collection and analysis. The commission advertised in the national press inviting written submissions by 7 March 2005 and, as part of the national public consultation, arranged a number of public meetings in Cork, Clonmel, Sligo and Dublin, which meetings took place in late February and early March 2005.

Face-to-face meetings were held with a range of stakeholders and it is understood that some 130 submissions were received in response to the public consultation process. There was also input from the Advisory Council to the Commission for Taxi Regulation, which was established under the Taxi Regulation Act 2003 to advise the Commission for Taxi Regulation and the Minister for Transport, as appropriate, on issues relevant to small public service vehicles and their drivers. The council consists of a chairperson and 17 ordinary members, representing the taxi, hackney and limousine industry, local authorities, the Garda Síochána, consumer, disability, tourism and business interests and other relevant sectors, as required under the Act.

On completion of the process outlined, in June 2005 the commission published Consultation Paper No. 2, Roadmap — Towards a new national code of regulation for taxis, hackneys

and limousines in Ireland, which set out the areas where it was considered that change is required, along with the commission's proposed solutions. Again advertisements were placed in the national press in July 2005 inviting submissions on the roadmap by 26 September 2005. Given that the commission has also taken over the power to declare or alter taximeter areas and to fix maximum taxi fares from local authorities, it published a further Consultation Paper No. 3 — Taximeter Areas and Taxi Fares in October 2005 and invited submissions by 19 December 2005, again with national press advertisements in November 2005.

The commission has indicated that it is satisfied that it has carried out a widespread research and consultation process in advance of formulating the proposals for change contained in the Action Plan 2006-2007, Driving Forward, which was published on 7 March 2006. It sees the action plan and its reforms as the culmination of a process that has seen widespread consultation with the industry, customers, a variety of experts and the advisory council to the Commission for Taxi Regulation. I understand the commission received more than 500 submissions as part of the various consultation processes.

The new regulations, administrative structures, initiatives and services to be provided by the commission, as outlined in the action plan, will be put in place on a phased basis commencing this year. I understand that the Commission will launch a major awareness programme in September to ensure that consumers and service providers alike are fully informed of the new reforms.

While the new national vehicle licensing system will be phased in commencing in April 2006, the majority of the changes announced recently, such as the introduction of a national taximeter area and national taxi fare structure, will not commence until September 2006 or later. The commission has indicated that where proposed changes have implications in terms of cost or investment for service providers, especially regarding vehicle standards, appropriate lead-in times for the various actions will be given, as outlined in the action plan. I understand that a further consultation process will be undertaken by the commission regarding vehicle standards.

The commission has expressed the view that implementation of the proposed changes will bring about improved levels of service for customers which in turn will lead to an increase in the use of small public service vehicles, including taxis, and greater opportunities for service providers. I share this belief and look forward to an enhanced and improved regulatory regime into the future to the benefit of service users and providers alike.

The Dáil adjourned at 11.15 p.m. until 10.30 a.m. on Thursday, 30 March 2006.

## 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 4, inclusive, answered orally.*

*Questions Nos. 5 to 27, inclusive, resubmitted.*

*Questions Nos. 28 to 35, inclusive, answered orally.*

### Sugar Industry.

36. **Mr. Neville** asked the Minister for Agriculture and Food the steps she is taking to protect sugar beet growers; and if she will make a statement on the matter. [12035/06]

**Minister for Agriculture and Food (Mary Coughlan):** Greencore recently announced its decision to discontinue sugar production. This was a commercial decision by the company having regard to the current situation on the sugar market and the agreement on reform of the EU sugar regime. The agreement on reform of the EU sugar regime provides for compensation to beet growers of up to 64% of the reduction in the minimum price for beet. This compensation, which will be incorporated in the existing single payment scheme, is worth approximately €123 million to Irish beet growers over the next seven years.

The agreement also provides for compensation by way of a restructuring scheme in the event of a decision to cease sugar production. Under this scheme, a restructuring fund becomes available for the economic, social and environmental costs of restructuring of the sugar industry, including factory closure and renunciation of quota. In Ireland's case, this would be worth up to €145 million. The fund is subject to the submission of a detailed restructuring plan for the industry following consultations between the processor and the beet growers. The agreement provides that at least 10% of the restructuring fund shall be reserved for sugar beet growers and machinery contractors. That proportion may be increased by member states after consultation of interested parties provided that an economically sound balance between the elements of the restructuring plan is ensured.

The reform agreement also provides for the introduction of aid for diversification measures in the event that sugar beet production completely ceases. This aid, worth almost €44 million to Irish growers, would be drawn down in the framework of a national restructuring programme to be elaborated when the Commission's implementing regulation has been adopted.

### Animal Welfare.

37. **Mr. Cuffe** asked the Minister for Agriculture and Food when a report will be issued by her Department on the case of animal health problems such as high mortality, stunted growth and low milk production on the farm of a person ( details supplied ) in County Kilkenny; and if she will give this matter every priority and assistance in view of the huge financial loss being suffered primarily by the person concerned. [12176/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department, along with other agencies and this person's private veterinary practitioners, has been carrying out investigations in relation to the situation on the farm of the person named. As the problem on the farm is a complex one, the approach has been to investigate as many factors as possible in a methodical, scientific way so that the most appropriate course of action can be pursued to try to identify the underlying cause. In so far as my Department is concerned the following have taken place: feed and water intake studies conducted by my Department's regional veterinary laboratory, Kilkenny and Teagasc; elective post mortem investigations on a number of animals from the farm and numerous tests on live animals on the farm; and funding of aspects of a herd health programme.

It had been suggested that one of the possible causes of the problems might relate to exposure of the cattle to fluorine. The Department has examined this aspect and carried out elective and general post mortem examinations on a number of animals from the farm. The findings of the post mortems, coupled with results from live animals have not provided any evidence to date, that the problems reported on the farm are related to fluoride exposure. The detailed report of this work will be available in the near future.

It was also agreed that a herd health programme should be developed by private veterinary practitioners of the person concerned supported by my Department to deal with endemic diseases in calves and mastitis in cows. This is being pursued. In addition, further investigations are continuing, involving a number of agencies, in relation to epidemiological, ecological and environment aspects.

No specific source of the problems on the farm has been identified by the range of investigations undertaken to date despite the commitment of considerable resources both in terms of expertise and finance from the Department and other agencies. However, significant infectious diseases have been identified which may contribute to the problem. These are being addressed under the herd health programme. I am conscious of the particular difficulties that the situation is presenting for the person concerned and my Department will continue to give priority and assistance to the ongoing investigations in conjunction with the other agencies concerned.

38. **Mr. J. O’Keeffe** asked the Minister for Agriculture and Food the number of animal welfare officers here; the funding provided by her Department to the ISPCA; and if she will make a statement on the matter. [12004/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department has certain statutory responsibility for the welfare and protection of farmed animals. The legislation governing this is the Protection of Animals Kept for Farming Purposes Act 1984 and the European Communities (Protection of Animals Kept for Farming Purposes) Regulations 2000. In addition there is specific legislation in relation to pigs, calves and laying hens.

Welfare cases which come to notice are dealt with, generally, by officers based in my Department’s district veterinary offices. These officers deal with the implementation of animal welfare legislation as well as having responsibilities in a wide number of other areas related to animal health, disease control, etc. Funding is available to deal with emergency care, feeding, transport, etc., of welfare compromised farm animals. I am satisfied that the resources available within my Department are sufficient to deal with such cases and to provide a high standard of animal welfare.

In 2004 the Farm Animal Welfare Advisory Council, FAWAC, developed an early warning-intervention system, EWS, for dealing with animal welfare cases involving my Department, Irish Farmers’ Association and the Irish Society for the Prevention of Cruelty of Animals. The objective of the system is to provide a framework within which farm animal welfare problems can be identified before they become critical or overwhelming. The new system allows for concerned individuals to approach their local IFA representatives, their local SPCA or my Department in the knowledge that the matter will thereafter be dealt with in the most effective, timely and sensitive manner.

In addition to the foregoing, my Department makes *ex gratia* payments annually to organisations, including the ISPCA, involved in the direct delivery of animal care and welfare services to assist in their ongoing work. To date we have provided a total of €5.97 million to such bodies, €1.2 million of which was paid to 86 organisations in December last to assist them during 2006. A provision of €1.1 million for this purpose is included in my Department’s Estimates for 2006 and applications will be invited later this year for payments in respect of 2007. Payments to the ISPCA have been in respect of both headquarters level and branches of the organisation in several counties.

The main statutes governing cruelty to animals in this country are the Protection of Animals Acts 1911 and 1965. Responsibility for pursuing complaints under that legislation rests with the Garda Síochána which may, on receipt of a complaint, investigate and bring a prosecution against any

person alleged to have committed an act of cruelty against an animal. Officers of my Department are regularly involved in assisting the gardaí in such cases.

#### Farm Waste Management.

39. **Mr. G. Murphy** asked the Minister for Agriculture and Food the grant aid which will be made available to small farmers to manage rain-water under the nitrates action plan; and if she will make a statement on the matter. [12057/06]

**Minister for Agriculture and Food (Mary Coughlan):** The revised farm waste management scheme to enable farmers meet the additional requirements of the nitrates directive was launched by my Department on 24 March 2006. Under the scheme, a standard grant aid is available at a rate of 60% for both animal housing and slurry storage, with 70% being available in the four zone C counties. The maximum eligible investment has also been increased from €75,000 to €120,000 per holding. Further top-up grants are also available for young farmers in certain cases.

The technical specifications for such buildings operated by my Department for the purposes of the scheme require the installation of adequate arrangements for the separation of clean and dirty water as part of the conditions of any new investment. In addition, I have added the installation of guttering on existing buildings as a further new eligible item in the terms of the revised scheme.

#### Grant Payments.

40. **Mr. Kehoe** asked the Minister for Agriculture and Food the reason for the delay in issuing the single farm payment to farmers; and if she will make a statement on the matter. [12045/06]

**Minister for Agriculture and Food (Mary Coughlan):** One of my main objectives since assuming office as Minister for Agriculture and Food was to ensure the efficient implementation of the decoupled single payment scheme — the most significant change to agricultural support since our accession to the European Community.

This huge task was successfully implemented when over €1 billion in single payments issued to 118,500 farmers last December, meeting the target we had set ourselves of making the payments on the first possible date. This was a major undertaking and the outcome, after painstaking preparatory work in establishing individual entitlements, was, by any standards, a major achievement.

Under EU legislation, member states may commence payment under the single payment scheme on 1 December of the year of application, with payments being fully processed by the following 30 June. My priority in 2005, the first year of this new scheme, was to maximise the number of pay-

ments to eligible applicants by the earliest date possible of 1 December and I am satisfied that this was achieved. Since then, it has been my absolute priority to ensure that the issues that are holding up the remaining cases are resolved with the applicants concerned and that payments are made without undue delay. To this end, I have arranged that payments issue on a very regular basis, as soon as the problems with the outstanding cases are resolved.

In common with the coupled schemes, which the single payment scheme replaced, delays in processing can be caused by many factors, including incomplete application forms, errors on applications and discrepancies highlighted following computer validation, which must be resolved via correspondence with the applicant.

The ongoing objective of my Department is to make payments to all of those farmers, who have yet to receive their payment or are entitled to a supplementary payment as soon as their cases are cleared for payment. Every effort is being made by my Department to resolve the outstanding cases but many of these are extremely complex and, in other cases, my Department is still awaiting documentation and applications for the transfer of entitlements before payment can be made. A number of payment runs continue to be made each week as the more complicated files are cleared.

I should add that the changeover to the single payment was undertaken while work continued on winding up the coupled schemes. The successful introduction of the single payment scheme in Ireland in 2005 is testimony to the efforts of all concerned. It is my intention that this success will be built on into the future. At present, total payments amount to €1,140 million involving 98% of farmers who hold entitlements and applied for the single payment scheme. Payments continue to issue to farmers as their applications are processed to completion in accordance with the EU legislation governing the single payment scheme.

#### EU Directives.

41. **Mr. McGinley** asked the Minister for Agriculture and Food the status of the nitrates directive; and if she will make a statement on the matter. [12032/06]

**Minister for Agriculture and Food (Mary Coughlan):** The implementation of the nitrates directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. In December, the Minister made regulations giving legal effect to Ireland's national action programme under the nitrates directive. These regulations were finalised following difficult negotiations between the European Commission and officials of the Department of the Environment, Heritage and Local Government and the Department of Agriculture and Food.

In January, the Minister for the Environment, Heritage and Local Government announced a short *de facto* deferral of part 3 of the regulations, which covers nutrient management. This was to allow Teagasc to submit revised advice in relation to phosphorus limits. A detailed Teagasc submission, covering phosphorus as well as other aspects of the regulations, was received earlier this month. Officials of the two Departments have been examining it and a copy of the Teagasc advice has been provided to the European Commission. Officials of the two Departments and representatives from Teagasc met the Commission on 22 March where the Teagasc experts were given the opportunity to present the revised scientific advice and to clarify certain aspects. The Commission did not offer any definitive conclusions on the new advice at last week's meeting. The Commission will continue to study the Teagasc advice and to assist this process Teagasc has now made available copies of various background research work.

The Commission's agreement will be required for any amendments that may be proposed to the regulations and I am satisfied that the Commission is open to arguments that are scientifically robust. However, it is important that the matter is brought to a quick conclusion so that negotiations on a derogation, which is vital to a large number of more intensive farmers, can proceed.

42. **Mr. Ring** asked the Minister for Agriculture and Food the status of the application for a derogation to the nitrates directive; and if she will make a statement on the matter. [12037/06]

**Minister for Agriculture and Food (Mary Coughlan):** In December, the Minister for the Environment, Heritage and Local Government made regulations giving legal effect to Ireland's national action programme under the nitrates directive. These regulations were finalised following difficult negotiations between the European Commission and officials of the Department of the Environment, Heritage and Local Government and the Department of Agriculture and Food. In those discussions, the two Departments made use of the advice provided by Teagasc. The Minister for the Environment, Heritage and Local Government has, however, agreed, with the consent of the European Commission, to a short *de facto* deferral of the part of the regulations that deals with nutrient management. This was to allow Teagasc to submit revised advice in relation to phosphorus limits which could form a basis for proposals to the Commission for changes in the regulations.

A central issue arising from the nitrates directive is the need to secure a derogation which will allow certain farmers to operate, under appropriate conditions and controls, up to a level of 250 kgs of organic nitrogen per hectare. The proposal was given an initial presentation to the

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EU nitrates committee in December and further scientific data have been supplied to the Commission following bilateral discussions. The proposal will need to be discussed again at future meetings of the nitrates committee before approval can be obtained.

Securing this derogation is vital, for the most productive dairy farmers in particular. However, the further examination of the matter by the EU nitrates committee is not expected to proceed until the regulations have been finalised. For that reason I am working with the Minister for the Environment, Heritage and Local Government to bring matters to a quick conclusion so that Ireland can meet its obligations under the nitrates directive while also safeguarding the future of commercial farming in Ireland and the interests of Irish farmers in general.

### Export Refunds.

43. **Mr. Perry** asked the Minister for Agriculture and Food the impact which the abolition of pre-financing of export refunds would have on the Irish food industry; and if she will make a statement on the matter. [12018/06]

**Minister for Agriculture and Food (Mary Coughlan):** Irish beef exports in 2005 stood at 487,000 tonnes. All of these exports went to the UK and continental Europe except for 35,000 tonnes that went to third countries, mainly Russia. While the beef industry has in recent years become less reliant on third countries, these markets are important for specific cuts at particular times of the year. Third country beef exports attract export refunds.

At the Council of Agriculture Ministers on 20 March Commissioner Fischer Boel announced her intention of abolishing pre-financing of export refunds on the basis of criticisms levelled at the system in a 2003 report of the Court of Auditors. The report stated that controls were complex and not evenly applied across member states. The pre-financing regime allows for payment of refunds at the time the beef is put under customs control and for the meat to remain in storage for up to four months. The regime is of benefit to exporters in that it assists them with cash flow but also provides time for the exporter to build up an exportable quantity of stock and to find a suitable market.

At the Council of Ministers I strongly opposed the removal of pre-financing arguing that its abolition was not justified. Pre-financing is currently being used by most of our exporters of beef to third countries and is an important part of their operation. The system was streamlined in 2003 and the controls are now working well.

An internal impact study by the Commission shows that the main advantage of the scheme was in the administration of beef exports rather than the financial element. The Commission propose new

beef control measures to replace the present scheme and I and my Department will examine the proposals to ensure as far as possible that whatever is put in place by the Commission to replace the existing system best suits the needs of the Irish beef sector.

### Animal Welfare.

44. **Mr. Ring** asked the Minister for Agriculture and Food further to Parliamentary Question No. 124 of 4 October 2005, the steps she intends to take in that regard; and if she will make a statement on the matter. [12059/06]

105. **Mr. O'Dowd** asked the Minister for Agriculture and Food further to Parliamentary Question No. 162 of 23 June, 2005, the steps she intends to take on the issue; and if she will make a statement on the matter. [12060/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 44 and 105 together.

In reply to Parliamentary Question No. 124 of 4 October 2005, I outlined in detail the unusual circumstances surrounding this case. Consequently, I do not propose to repeat all of the detail. The background to the incident is that the case involved the slaughter on-farm by the herdowner of 4,000 pigs over a five-day period following the discovery by Department veterinary inspectors of quantities of Carbadox on the farm and an admission by the herdowner that he had spread the substance on the floors of pig pens. The movement of any animals from this herd, except under specific licence from the Department, had also been prohibited by the Department in the period preceding slaughter in order to protect public health. Notwithstanding this, some pigs were moved to slaughter plants and products from some of these did enter the food chain. Carbadox is a carcinogen, cancer-causing substance, which is banned by the EU and deemed to be unsafe at any level. Prosecutions have since been issued against the herdowner, alleging a range of offences relating to the use of this feed additive and other matters, including the illegal movement of pigs from the farm. The herdowner has issued proceedings against the Department under two headings.

The circumstances in this case were highly unusual. On-farm slaughter of animals in any number is an exception rather than the rule and occurs only in extreme circumstances — for example, FMD outbreak in Cooley — where it is not possible to move the animals to a dedicated slaughter plant or where there are compelling reasons, such as fear of disease spread, for not attempting to do so. In this particular case, the herdowner had himself decided to slaughter his animals on farm and the Department considered at the time that it could not legally have forced him to have the operation conducted in a slaugh-

ter plant. I understand the matter will be before the courts in the near future.

### Grant Payments.

45. **Dr. Devins** asked the Minister for Agriculture and Food her views on the grant assistance available in the bio-energy and agrienvironment areas under the research stimulus fund. [12209/06]

**Minister for Agriculture and Food (Mary Coughlan):** The areas of bio-energy and agrienvironment are of particular interest due to the environmental advantages of biofuels, the increasing cost of fossil fuels, the opportunity farmers now have to explore alternative farm enterprises and the current requirements on farmers to farm in an environmentally friendly way. In view of this the call for proposals under the research stimulus fund programme in 2005 and the new round of research proposals for funding under the 2006 research stimulus fund programme, which I recently announced, includes both of these areas.

Under the 2005 research stimulus fund programme 12 research projects were recently awarded grant assistance totalling €4.5 million. The research projects selected for funding cover a broad range of areas including agrienvironment, non-food crops and agrifood economics and will involve inter-institutional collaboration. Three of the projects selected for funding relate to research projects involving biofuels and energy crops and received total grant assistance of some €0.9 million. Five of the projects selected relate to the agrienvironment area and were awarded total grant assistance of €2.6 million.

The new round of research proposals for funding under the 2006 research stimulus fund programme, which was advertised recently in the national press, includes also the theme areas of animal and plant biosciences in addition to the non-food uses of agricultural land and agrienvironment. The research will support sustainable agricultural production in its broad sense, particularly development and use of knowledge in the biosciences in order to exploit new and emerging opportunities that support competitiveness and the sustainable use of natural resources.

The projects now being funded and the grant assistance to be made available under the 2006 programme should produce benefits not only for producers but also for the wider community. They will also contribute to improved collaboration between various research institutions and to the establishment of critical mass in certain research areas.

### Food Industry.

46. **Dr. Devins** asked the Minister for Agriculture and Food her key priorities under the recently announced action plan for the agrifood sector. [12210/06]

**Minister for Agriculture and Food (Mary Coughlan):** The action plan is the response to the report of the Agri-Vision 2015 committee, which was chaired by Mr. Alan Dukes and contained some of most senior figures in the sector including leaders of the farm and industry organisations. It also takes account of the material from a wide variety of other reports and sources such as the enterprise strategy group.

This plan is based on a well-founded belief that the Irish agrifood sector, including our farmers, and our food and drink manufacturers, can compete with the best in the world when that objective is pursued with sufficient focus, determination and skill. The plan sets out a new vision for the future of the sector in the light of new changes impacting on it such as the change to a decoupled payments regime, a more liberalised trade policy, changes in lifestyle, the clear emergence of technology and research and development as significant market drivers and major changes in the structures of farming and retailing.

The Agri-Vision 2015 action plan was produced by my Department to map out the actions needed to ensure the success of the Irish agrifood sector into the future. The drivers of its success are competitiveness, innovation and consumer-focused marketing. The following are the key points. Competitiveness — the agrifood sector exports the majority of what it produces. To survive and grow it must be highly competitive on EU and international markets. Competitiveness is not optional for such an export-oriented sector. It is the primary objective on which this plan is based. Innovation — the modern food industry is a highly sophisticated knowledge based sector in which technological progress and product innovation is unremitting. Consumer focus — meeting consumer demands on product, presentation and price is critical to continuing success.

Our vision for success is focused on the objective of ensuring that the Irish agrifood sector compares to the best in the EU and in the world in terms of knowledge base, competitiveness, innovation and marketing. Actions are required under each of these headings. There are 166 such actions and I will refer to a few of them.

Overwhelmingly the future of the sector will be decided by its capacity to meet the demands of modern European consumers. Consumers require guarantees on food safety. Irish State agencies provide world class, effective food safety systems backed up by robust traceability systems. Food safety standards are the responsibility of everybody in the food chain, private and public. There is now an increased focus by consumers on food quality, nutritional value and ethical production and we must move our production systems to meet that demand. Among the practical steps to be taken is to ensure that consumers will have country of origin information on beef products and, as soon as possible, on other meat products and the revamping and relaunch of the school milk scheme.

[Mary Coughlan.]

The food industry currently only spends 0.3% of sales on research and development. This will have to change. The food industry is a high-tech sector now and we will have to recognise this change in our investment patterns. The State is doing its part both through the direct research effort of Teagasc and the universities and through our competitive research funding programmes. These programmes have stimulated collaboration and inter-institutional partnerships and have resulting in recognised centres of excellence and many new product and process developments. These developments must be further strengthened and the expertise gained rapidly disseminated to underpin a competitive and profitable Irish agrifood sector.

Some of the practical actions under this heading include the prioritisation of Exchequer funding for research and development in the National Development Plan 2007-2013. I have already shown my intent in this area by increasing research and development funding this year.

Competitiveness is literally a life and death issue for our food firms and ultimately for the commercial future of our farms and for farm income. For this reason, this is by far the longest chapter of this plan covering over 93 specific actions. I will refer to a few of them. One of the most important is the substantial change in the milk quota system that will commence in 2007. Arrangements are being made to introduce an open-market system of transferring quotas designed to facilitate consolidation of holdings, increase efficiency and contribute to more competitive milk production. This is a very important development for our commercial dairy farmers. There are also many actions in the plan to be taken in the other areas such as small-scale enterprises, horticulture and the organic sector, forestry, renewable energy and rural development.

This plan sets out our positive vision for the future of the sector. It underlines the fact that delivering safe, high-quality, nutritious food, produced in a sustainable manner, to well-informed consumers in high-value markets is the optimum road for the future of the Irish food industry, and therefore for our farmers.

It sets out the 166 actions that are being, or will be, taken to fulfil this vision. The huge range of activities outlined make it clear that the State and the taxpayer are doing their bit. It is vitally important that all the private interests in the sector also play their part. I am convinced that they will and I look forward to the establishment of the Agri-Vision forum, announced in chapter 7 of this plan, where we will bring all the relevant interests together and focus them on the achievement of our common aim.

#### **Avian Influenza.**

47. **Mr. O'Dowd** asked the Minister for Agri-

culture and Food the status of her Department's efforts to detect and combat avian influenza; and if she will make a statement on the matter. [9501/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department has in place a comprehensive and robust range of measures with a particular emphasis on maintaining high vigilance of the wild bird population, with the aid of ornithological organisations and has increased avian influenza surveillance.

In view of the role played by wild birds in spreading the avian flu virus, my Department's focus is on the early detection of any introduction of the disease in wild birds, minimising the risk of any subsequent transmission to the commercial poultry flock in the event of such a transmission and the efficient management of the outbreak.

Specifically, I made three statutory instruments earlier this month transposing three separate European Commission decisions allowing for additional precautionary measures to be taken in advance of any case as well as providing for the measures to be taken in response to a case in wild birds or an outbreak in poultry.

In deciding on the control measures to be taken, my Department is informed by the most up-to-date expert scientific and veterinary advice available. In particular, regard is being had to the spread of the virus and the increasing number of cases throughout the European Union, which increased the risk of introduction of the virus into Ireland. My Department is also taking account of the advice of the World Organisation for Animal Health, OIE, the Food and Agriculture Organisation of the United Nations, FAO, the World Health Organisation, WHO, and the EU Commission. I have personally participated in a number of discussions at the Agriculture Council and, earlier this month, discussed the issue with my French counterpart, following an outbreak in a domestic poultry flock in France.

In view of this increased risk and in accordance with my Department's avian flu contingency plan, I established an expert advisory group to provide me with ongoing advice in relation to avian control measures. This group is chaired by Professor Michael Monaghan of the faculty of veterinary medicine at UCD and includes members with veterinary, medical and ornithological expertise from within and outside my Department. The group has convened two meetings and has examined the situation in relation to the introduction of avian influenza into Ireland in the context of recent developments both in the EU and third countries. On both occasions, the group reviewed the current control measures put in place by my Department and has declared its confidence in their adequacy.

To date a range of EU and national measures has been put in place and others are under active consideration, including a possible requirement for the compulsory housing of domestic poultry,

as has been done in a number of other European countries. The latter is provided for in EU, and now domestic, legislation in certain defined circumstances and I will have no hesitation in introducing such a requirement here as soon as I think it is appropriate. The expert group has concluded that the circumstances do not yet exist in which this would be warranted.

My Department also introduced and is maintaining a register of poultry flock owners and owners of other birds and it is now a statutory requirement that all poultry flock owners register with my Department. All those registered have been issued with biosecurity advice to limit the risk of introduction of avian influenza onto their holdings. The register will be of vital importance to my Department in identifying the precise locations of neighbouring flocks to any disease outbreak and will be of enormous assistance in ensuring that the necessary control procedures are fully in place.

In addition, my Department has extended the helpline facility which we have been operating since last autumn. The helpline will be a useful tool in early detection as people report dead birds. My Department placed an advice notice in all national papers last week giving advice to the public on what should usefully be reported to the helpline. I want to express my appreciation to those concerned members of the public who, conscious of the threat posed by avian flu, have been contacting the helpline in such large numbers.

At this stage, I am satisfied that the measures in place are appropriate to the current level of risk but the situation is clearly evolving and is being kept under review with a view to introducing such additional precautionary measures as are required. My Department is and has been continuing to review and modify its contingency arrangements in order to ensure the early detection and speedy eradication of avian influenza.

#### **Direct Sales.**

48. **Mr. Sargent** asked the Minister for Agriculture and Food if she will liaise with the Department of the Environment and Local Government to put in place a strategy to allow farmers engage in direct sales of vegetables and dairy products, etc., on the basis of 60% minimum own produce and 40% maximum bought in produce. [12172/06]

**Minister for Agriculture and Food (Mary Coughlan):** A growth opportunity exists in direct sales and the farmers markets concept presents opportunities for producers to sell directly to consumers. There are over 100 such markets operating throughout the country at present. An Bord Bia, the statutory food promotion agency, provides a range of support services for farmers markets including advice and mentoring assistance and has also published a comprehensive

information guide on the running and operation of these markets.

It is not clear to me precisely what the Deputy is suggesting in terms of developing a strategy for direct sales in liaison with my colleague Deputy Roche, the Minister for the Environment, Heritage and Local Government. Direct on-farm sales would of course have to comply with a wide range of legal and regulatory consent codes as apply in the retail sector.

#### **Export Refunds.**

49. **Mr. McGinley** asked the Minister for Agriculture and Food the steps she is taking to retain pre-financing of export refunds; and if she will make a statement on the matter. [12015/06]

**Minister for Agriculture and Food (Mary Coughlan):** Irish beef exports in 2005 stood at 487,000 tonnes. All of these exports went to the UK and continental Europe except for 35,000 tonnes that went to third countries, mainly Russia. While the beef industry has in recent years become less reliant on third countries, these markets are important for specific cuts at particular times of the year. Third country beef exports attract export refunds.

At the Council of Agriculture Ministers on 20 March, Commissioner Fischer Boel announced her intention of abolishing pre-financing of export refunds on the basis of criticisms levelled at the system in a 2003 report of the Court of Auditors. The report stated that controls were complex and not evenly applied across member states. The pre-financing regime allows for payment of refunds at the time the beef is put under customs control and for the meat to remain in storage for up to four months. The regime is of benefit to exporters in that it assists them with cash flow but also provides time for the exporter to build up an exportable quantity of stock and to find a suitable market.

At the Council of Ministers, I strongly opposed the removal of pre-financing arguing that its abolition was not justified. Pre-financing is currently being used by most of our exporters of beef to third countries and is an important part of their operation. The system was streamlined in 2003 and the controls are now working well.

An internal impact study by the Commission shows that the main advantage of the scheme was in the administration of beef exports rather than the financial element. The Commission propose new beef control measures to replace the present scheme and I and my Department will be examining the proposals to ensure as far as possible that whatever is put in place by the Commission to replace the existing system best suits the needs of the Irish beef sector.

#### **Gender Equality.**

50. **Mr. Penrose** asked the Minister for Agriculture and Food the steps she has taken, within



[Mr. Penrose.]

the context of her responsibilities in respect of agricultural households, to implement Ireland's commitments under the 1995 Beijing Platform for Action to improve the lot of rural living women here. [12232/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Beijing Declaration and Platform for Action signalled a commitment on the part of governments to international norms in gender equality, to the elimination of discrimination against women and to the removal of obstacles to equality for women. Ireland accepted the Beijing platform without reservations. A national women's strategy is currently being prepared and my Department is represented on the inter-departmental working group tasked with its preparation. In leading the development of Irish agriculture, my objectives include the retention of the maximum number of farm families and policies pursued by my Department are geared towards achieving these objectives.

In so far as my Department's approach is concerned the schemes and services administered by it are administered in a gender-neutral fashion. Subject to the relevant eligibility criteria, it is open to women involved in farming and in rural life to avail of the full range of services operated by my Department and other agencies.

The advisory committee's report on the role of Women in Agriculture, published in September 2000, contained 36 recommendations in total, covering a very broad range of policy and operational areas. These areas were — statistical evaluation of women farmers; employment, training and information technology; representation; social inclusion, and personal finance-economic and legal issues. The advisory committee's central concerns related to broader issues affecting women in rural communities more generally and the recommendations have been addressed by the relevant Departments or agencies concerned.

#### **Farm Waste Management.**

51. **Mr. P. Power** asked the Minister for Agriculture and Food her views on progress on the introduction of the new farm waste management scheme to assist farmers meet the requirements of the nitrates directive. [12199/06]

**Minister for Agriculture and Food (Mary Coughlan):** Following receipt of the required EU state aid approval, the revised farm waste management scheme to assist farmers meet the additional requirements of the nitrates directive was launched by my Department on 24 March 2006. Application forms, together with the accompanying terms and conditions, are available from the local agricultural environment and structures, AES, offices of my Department and are also available from my Department's website.

I am pleased that the negotiations with the EU Commission in relation to this scheme have now

come to a satisfactory conclusion and I would like to pay particular tribute to Commissioner Fischer Boel for her assistance in this regard. I would also like to express my thanks to the various representative bodies for their assistance in drafting the terms of the new scheme.

I remind farmers that, as the current EU rural development round closes at the end of this year, applications can only be accepted under the revised scheme up to the end of 2006. In view of this short time-frame, I have decided that applications can be accepted by my Department as soon as any required planning permission has been applied for to the relevant local authority. I urge farmers to take the necessary steps to ensure that participation in the scheme is not made impossible by the late submission of completed applications.

#### **Export Refunds.**

52. **Mr. Deenihan** asked the Minister for Agriculture and Food the way in which she plans to secure the current pre-payment procedure for export refunds; and if she will make a statement on the matter. [12016/06]

**Minister for Agriculture and Food (Mary Coughlan):** Irish beef exports in 2005 stood at 487,000 tonnes. All of these exports went to the UK and continental Europe except for 35,000 tonnes that went to third countries, mainly Russia. While the beef industry has in recent years become less reliant on third countries, these markets are important for specific cuts at particular times of the year. Third country beef exports attract export refunds.

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scheme and I and my Department will examine the proposals to ensure as far as possible that whatever is put in place by the Commission to replace the existing system best suits the needs of the Irish beef sector.

#### EU Directives.

53. **Mr. Gogarty** asked the Minister for Agriculture and Food the means she has or will put in place to encourage cultivation of crops in rotations which have a high nitrogen uptake such as stubble turnips, winter rye, Westerwolds ryegrass, mustard, phacelia, forage rape and so on to assist with compliance of the nitrates directive. [12177/06]

**Minister for Agriculture and Food (Mary Coughlan):** The cultivation of crops in rotations which have a high nitrogen uptake is good environmental and agronomic practice. However, decisions on the cultivation of crops and the specific rotation adopted on any holding are entirely a matter for the occupier of the holding who may avail of professional advice from his or her agricultural advisor if needed. It is the responsibility of the occupier of a holding to ensure compliance with the provisions of the nitrates regulations in relation to that holding.

54. **Mr. Stanton** asked the Minister for Agriculture and Food the progress her Department is making, in consultation with the Department of Environment, Heritage and Local Government, in considering the advice received from Teagasc in relation to phosphorous and nitrogen limits with regard to the derogation of part three of the nitrates directive; when it is expected the negotiations with the Commission to be resumed in relation to derogation; and if she will make a statement on the matter. [12182/06]

**Minister for Agriculture and Food (Mary Coughlan):** The implementation of the nitrates directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. In January, the Minister for the Environment, Heritage and Local Government announced a short *de facto* deferral of part 3 of the nitrates regulations, which covers nutrient management. This was to allow Teagasc to submit revised advice in relation to phosphorus limits.

A detailed Teagasc submission, covering phosphorus as well as other aspects of the regulations, was received earlier this month. Officials of the two Departments have been examining it and a copy of the Teagasc advice was provided to the European Commission. Officials of the two Departments and representatives from Teagasc met the Commission on 22 March and Teagasc has now made available copies of various background research papers to assist the Commission in considering the new advice.

The Commission's agreement will be required for any amendments that may be proposed to the regulations and I am satisfied that the Commission is open to arguments that are scientifically robust. However, it is important that the matter is brought to a quick conclusion so that negotiations on a derogation, which is vital to a large number of more intensive farmers, can proceed.

#### Food Industry.

55. **Mr. Curran** asked the Minister for Agriculture and Food if she will comment on her initiative to promote local and regional food economies. [12202/06]

**Minister for Agriculture and Food (Mary Coughlan):** I am firmly of the view that there is great potential for development of local and regional food economies, which is why I have established a regional food fora initiative involving my Department, An Bord Bia and the other food development agencies. The first forum was held in Donegal in late 2005 on the theme "Market Focus for small food enterprises". Speakers shared experiences on regional food development with food enterprises from Counties Donegal, Sligo and Leitrim. State agencies and service providers were on hand to assist producers and food enterprises interested in growing their business and food products from the north west were showcased to highlight the importance of food to the region's economy. I also launched the North West Food and Drink Trade Directory, a timely guide and reference source for small food business in the north west.

It is planned to hold the next food forum in the north east in June and as with the earlier event cross-Border attendance will be welcomed. This will offer small food entrepreneurs good opportunities to showcase products, build business linkages and obtain advice on what development agencies have to offer. By working closely with farmers, small food producers and local agencies we can successfully promote food enterprise and innovation to develop unique products reflecting the strengths of each region.

In order to promote regional produce at a wider level Bord Bia together with Invest Northern Ireland will host an International Speciality Food Forum on 11 May at the Royal Hospital, Kilmainham, Dublin on the theme 'Regional and Local Foods — An Opportunity for Growth'. The objective of the event is to support and develop sales of Irish small business and speciality food companies on the core markets of Ireland and the UK. Up to 80 Irish speciality and premium food and drink producers will showcase their products to around 150 trade buyers attending from Ireland and the UK. This will represent the largest showcase of speciality Irish food and drink companies under one roof in 2006 and will provide a valuable framework for net-

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working with innovative regional and local companies.

Varied routes to market are central to the development of small food businesses and the record growth of farmers markets is testament to this. Building on the outstanding success of the Farmleigh Food Market, Bord Bia and the Office of Public Works have drawn up a programme of one-day seasonal food markets on five OPW heritage sites with the objectives of enhancing public awareness of heritage sites and of fostering closer ties with the local farming, business and community interests. The heritage sites selected are: Fota House and Gardens, Cork — February; JFK Arboretum, Wexford — May; Castletown House, Kildare — July; Newmills, Letterkenny — Donegal, September; Emo Court, Laois — December.

During 2006 Bord Bia will undertake research on the opportunities for Irish speciality and local foods in Great Britain, in particular the motives of speciality food consumers, to assist and orient small food companies interested in that market. Bord Bia will also undertake research into the authentic ingredients which form part of Ireland's food tradition and which could raise awareness of local and regional foods and so assist producers with production diversification.

The output of the Irish artisan and speciality food sectors grew 10% in 2005 to reach €475 million. This strong performance demonstrates the opportunities that exist for the right products. There are further growth prospects for these sectors nationally and in the United Kingdom where the market is forecast to reach €7.5 billion over three years making the initiative to promote local and regional food economies very timely.

### **Sugar Industry.**

56. **Mr. Broughan** asked the Minister for Agriculture and Food her plans for the distribution of the compensation package arising from the demise of the sugar beet industry here; and if she will make a statement on the matter. [12233/06]

69. **Mr. Kenny** asked the Minister for Agriculture and Food the procedures to be employed to distribute the sugar compensation package; and if she will make a statement on the matter. [12012/06]

114. **Mr. P. Breen** asked the Minister for Agriculture and Food the procedure she intends to employ when distributing the compensation envelope to those within the sugar industry who now face substantial losses; and if she will make a statement on the matter. [12009/06]

128. **Mr. Coveney** asked the Minister for Agriculture and Food the steps she took to retain the processing of sugar beet for the 2006 season; her plans for the future utilisation of the lands and

the distribution of the compensation package; and if she will make a statement on the matter. [12010/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 56, 69, 114 and 128 together.

The agreement on reform of the EU sugar regime which comes into effect on 1 July 2006 provides for a restructuring fund in respect of the economic, social and environmental costs of restructuring of the sugar industry, involving factory closure and renunciation of quota. In Ireland's case, this fund would be worth up to €145 million. The agreement provides that at least 10% of the restructuring fund shall be reserved for sugar beet growers and machinery contractors. That proportion may be increased by member states after consultation of interested parties provided that an economically sound balance between the elements of the restructuring plan is ensured.

Throughout the negotiations on reform of the EU sugar regime, my primary objective was to seek to have the Commission's proposals modified so as to ensure the continuation of an efficient sugar processing sector in Ireland. I had several meetings with the Commissioner in that regard and Ireland played an active role in a group of 11 member states which had common cause in seeking to modify the proposals. The group remained steadfast in its opposition to the reform proposals from the time they were first mooted in July 2004 right up to the final Council meeting in November 2005. When it became evident at the Council meeting that there was not sufficient political support to adapt the proposals to the extent necessary, I focused my efforts on securing a compensation package worth €310 million for Irish stakeholders. I also succeeded in having the reform arrangements phased-in in a manner that opened up the possibility of sugar processing being continued in Ireland for a further two campaigns. Unfortunately, the recent deterioration in the market situation was obviously a decisive factor for Greencore and on 15 March the company announced its decision to cease sugar production.

Where restructuring takes place in the first year of the new regime, following consultations between the processor and the beet growers an application for restructuring aid, including a detailed restructuring plan for the industry, must be made by 31 July 2006 and a decision on the granting of the aid must be made by the member state by 30 September 2006. Where aid is awarded in respect of restructuring in the first year, payment will be made in two instalments, the first instalment of 40% in June 2007 and 60% in February 2008. Depending on the financial resources available the EU Commission may decide to split the final payment into two payments.

The EU Commission is working on detailed rules for the implementation of the restructuring scheme. It is anticipated that the relevant Commission regulation will be adopted in May. This regulation will also cover the diversification funds, worth almost €44 million to Irish growers, to be drawn down in the framework of a national restructuring programme.

#### WTO Talks.

57. **Mr. Noonan** asked the Minister for Agriculture and Food the status of the World Trade Organisation talks; and if she will make a statement on the matter. [12039/06]

**Minister for Agriculture and Food (Mary Coughlan):** The ministerial conference in Hong Kong in December 2005 made significant progress towards concluding an agreement on the current World Trade Organisation negotiations. The conference reached agreement on a number of issues, the end-date for export subsidies in particular, and set clear deadlines for the completion of the negotiations. A deadline of end of April 2006 was set for the completion of the modalities of the new agreement and a further deadline of end of July 2006 was set for completion of the detailed member country schedules. Intensive negotiations have been underway since Hong Kong and these are continuing with a view to meeting the end of April deadline.

I am continuing to play an active role in these negotiations and I am pursuing a balanced outcome between all sectors of the negotiations and across the different elements of the agriculture negotiations. My overriding objective remains to ensure that the final agreement on agriculture will not require a further reform of the Common Agriculture Policy.

#### Food Industry.

58. **Mr. Durkan** asked the Minister for Agriculture and Food her plans for the future expansion and development of the food producing sector; and if she will make a statement on the matter. [12220/06]

**Minister for Agriculture and Food (Mary Coughlan):** The mission of my Department is to lead the sustainable development of a competitive, consumer focused agrifood sector and to contribute to a vibrant rural economy and society.

Last week I launched a comprehensive action plan for the future of the agrifood sector. The plan sets out a new vision for the future of the sector in the light of new changes impacting on it such as the change to a decoupled payments regime, a more liberalised trade policy, changes in lifestyle, the clear emergence of technology and research and development as significant market drivers and major changes in the structures of farming and retailing. The plan focuses on three key requirements for success in the light

of these challenges: competitiveness, innovation and consumer-focused marketing. There are also many actions to be taken in the other areas such as small-scale enterprises, horticulture and the organic sector, forestry, renewable energy and rural development.

The plan contains 166 specific actions under a series of headings to be implemented in the near future with the objective of ensuring that the Irish agrifood sector compares to the best in the EU and in the world in terms of knowledge base, competitiveness, innovation and marketing. The action plan also provides for the establishment of two high level groups, one comprised CEOs of the food agencies to ensure and implement a fully consolidated approach towards the development of the food sector as a whole and a food industry committee, comprising senior executives of the industry which will identify issues impeding the development of the sector. Both groups will be chaired at ministerial level.

In the area of building the knowledge base and innovation, increased Exchequer funding for research and development will be prioritised in the National Development Plan 2007-2013, which will build on the increased funding for research and development allocated this year. The importance of competitiveness for such an export-oriented sector is stressed throughout the plan and is the primary objective on which the plan is based. In the modern high-tech food industry, technological progress and product innovation are unremitting and vital to the future of the sector. Meeting consumer demands on product, presentation and price are also absolutely critical to continuing success.

The action plan sets out our positive vision for the future of the agrifood sector. It underlines the fact that delivering safe, high-quality, nutritious food, produced in a sustainable manner, to well-informed consumers in high-value markets is the optimum road for the future of the Irish food industry and, therefore, for our farmers. My Department will be to the fore in delivering on the actions set out in the plan and with the co-operation and support from state agencies and the private sector I am convinced that our mission can be achieved.

#### Animal Welfare.

59. **Mr. Broughan** asked the Minister for Agriculture and Food the action her Department takes to ensure Irish entities conform to European standards on enforceability, animal health and welfare and consumer protection; the amount which is spent each year ensuring such compliance; the number of people who are engaged in investigating degrees of compliance with EU law in these areas; the deficiencies she is aware of in the compliance rates with such standards; and the deficiencies she is aware of in the manner of Ireland's enforcement of such EU laws. [12229/06]

**Minister for Agriculture and Food (Mary Coughlan):** I assume the Deputy is referring to the controls enforced by my Department in relation to the wide range of animal health and welfare legislation for which my Department has responsibility and for which it is the competent authority in this country and to our involvement in food safety legislation in conjunction with the Food Safety Authority of Ireland. About half of the Department's total staff are engaged directly or indirectly in the regulatory work in these areas. This involves staff costs of approximately €100 million and €35 million in ancillary costs.

The staff involved include administrative, veterinary and technical staff in the various head-quarter locations of the Department as well as throughout all of the Department's local offices and in many other locations in which my Department maintains a presence, for example, slaughter plants, Border inspection posts and laboratories. Those working in the local offices are also involved to a very significant degree at farm-level, an essential component of the work.

I am satisfied that the staff of my Department who are involved in these areas of work ensure a very high level of compliance with the various requirements provided for in the legislation and this is regularly borne out by the results of the various missions undertaken by the Food and Veterinary Office of the European Commission which for the most part reflect very favourably on my Department's performance. In any circumstances in which shortcomings are identified, they are immediately addressed and remedial measures implemented as a matter of urgency.

#### Export Refunds.

60. **Mr. McCormack** asked the Minister for Agriculture and Food her position regarding the abolition of export credit refunds by the EU; and if she will make a statement on the matter. [12058/06]

**Minister for Agriculture and Food (Mary Coughlan):** The framework agreement for the current WTO round which was concluded in Geneva in August 2004 commits member countries, including the EU, to negotiate detailed rules, including an end-date for the parallel elimination of all forms of export subsidies and for the introduction of disciplines on export measures with equivalent effect. The framework agreement covers export refunds, export credits, the trade-distorting practices of state trading enterprises and food aid practices which are not in conformity with disciplines to be introduced.

At the WTO Hong Kong ministerial conference in December 2005, agreement was reached on an end date of 2013 for all forms of export subsidy. The EU's acceptance of this end date was conditional on the application of equivalent disciplines on all forms of export subsidy. The parallel elimination of all export subsidies

should ensure equal competition on the world market for all exporters. I am committed to ensure that full parallel elimination of all forms of export subsidy is delivered by our negotiating partners and that, in so far as EU export refunds are concerned, the most flexible phasing-out arrangements are achieved.

#### Departmental Funding.

61. **Mr. Carty** asked the Minister for Agriculture and Food her views on the themes of the latest round of research projects to be grant aided under the food institutional research measure. [12206/06]

**Minister for Agriculture and Food (Mary Coughlan):** FIRM, the food institutional research measure, is a public good food research programme funded under the National Development Plan 2000-2006. Calls for proposals have issued periodically since 2000 and a total of €63 million in funding has been awarded for 137 projects under a variety of research themes.

I am convinced that high quality food research, which creates new knowledge and capacity, is of huge importance to the continued development of the agri-food sector. In early February, my Department issued a call through the national press inviting a new round of research proposals from institutions under the five themes of food and health; food quality and manufacturing; food safety and security of the food chain; food, the consumer and the food supply chain; and new uses for food and drink by-products. The themes have been selected to highlight strategic areas of opportunity for the food sector as well as consumer and food safety needs.

The areas covered by these themes are as follows. Food and health includes functional foods, product reformulation for enhanced health, nutrigenomics and food surveillance. Food quality and manufacturing refers to new innovative products, novel technologies for food processing and process control, food ingredients, as well as food composition, structure and sensorial properties, food waste management and new or innovative food products, including new uses for dairy fats. Proposals may incorporate meat, beverages, dairy products, prepared consumer foods.

Food safety and security of the food chain aims to build on research in the areas of microbiological and epidemiological research on food pathogens, chemical residues and contaminants in food products, novel processes and ingredients for control of pathogens in food and improved detection methods for food pathogens. Proposals are also invited on risk analysis, risk communication and risk management. Food, the consumer and the food supply chain includes consumer studies to support the development of the Irish food sector and studies aimed at food supply chain efficiency and traceability. New uses for food and drink by-products is left open to encourage new ideas.

The call is addressed to institutions that can demonstrate the necessary research capabilities, including universities, institutes of technology and Teagasc food centres. Proposals involving collaboration between research institutions are encouraged. Research work already funded under FIRM has led to the creation of a number of highly qualified research teams and the formation of recognised centres of excellence. The capability and critical mass that has been developed, together with the associated knowledge base, represents a major resource for industry and well as being instrumental in the development of a number of food products benefiting consumers.

Following the issue of the recent call my Department undertook five briefing sessions for researchers — two each in Dublin and Cork and one in Galway — to assist them in formulating their project proposals. The closing date for receipt of proposals is this coming Friday, 31 March. The proposals will be evaluated by external independent expert panels and then considered by the food institutional research committee, which comprises representatives of the private and public sectors. I look forward to a vibrant and innovative response to the call.

#### **Forestry Industry.**

62. **Mr. Cassidy** asked the Minister for Agriculture and Food her views on the value of the forestry sector to the economy here; and the number of jobs involved in the sector. [12198/06]

**Minister for Agriculture and Food (Mary Coughlan):** The forestry sector provides a high value input to the national economy, and makes a significant contribution to the economic well being of rural communities. It is estimated that the forestry sector contributes some €698 million annually to the economy. In addition, the value of the non-timber benefits of Irish forests has been estimated as being of the order of at least €88 million annually, in respect of recreation, carbon-storage and biodiversity. In recent years over 14,000 private plantations have been established, the vast majority of these by farmers. In 2005, a total of €58.1 million in forestry premiums was paid out to forest owners. The level of employment generated through forestry in Ireland is of the order of 16,000 people, not including forest owners.

#### **Farm Waste Management.**

63. **Mr. Boyle** asked the Minister for Agriculture and Food the way in which she expects the new scheme of investment aid for waste management to proceed; and the advice she has for farmers endeavouring to apply for aid. [12174/06]

98. **Mr. P. Breen** asked the Minister for Agriculture and Food if she has satisfied herself with

the allocation of funding available to meet the farm waste management grant scheme; and if she will make a statement on the matter. [12029/06]

100. **Mr. Connaughton** asked the Minister for Agriculture and Food when the new grant scheme will be available for farm waste management; and if she will make a statement on the matter. [12028/06]

112. **Mr. Boyle** asked the Minister for Agriculture and Food if she will honour fully the commitment to increase the standard costings for suitably qualified young farmers who qualify for a top-up as agreed in the charter of rights for farmers. [12173/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 63, 98, 100 and 112 together.

Following receipt of the required EU approval, the revised farm waste management scheme was launched by my Department on 24 March 2006. Application forms, together with the accompanying terms and conditions, are available from the local agricultural environment and structures, AES, offices of my Department and are also available on my Department's website. The principal changes to the scheme include — an increase in the standard grant-rate from 40% to 60%, with 70% being available in the four zone C counties; an extension of the scheme for the first time to sectors such as horses, deer, goats, pigs and poultry, and mushroom compost; the removal of any minimum income requirements from farming from the scheme; and an increase in the maximum eligible investment from €75,000 to €120,000 per holding.

As the scheme closes for applications at the end of 2006, I have also arranged that applications will be accepted by Department as soon as any required planning permission has been applied for to the relevant local authority. I urge farmers to make use of this opportunity to participate in the scheme by ensuring that their application forms are received in good time.

Some €43 million is available in this year's Estimates for the scheme and I am satisfied that sufficient funding will be made available for the duration of the scheme to finance the likely demand. The standard costings for the scheme are currently under review and the commitments contained in the revised charter of rights for farmers will be fully adhered to.

#### **Grant Payments.**

64. **Mr. English** asked the Minister for Agriculture and Food when payments will be made under the national reserve; and if she will make a statement on the matter. [12024/06]

73. **Mr. Hayes** asked the Minister for Agriculture and Food the number of farmers awaiting

[Mr. Hayes.]

payment under the national reserve; and if she will make a statement on the matter. [12023/06]

80. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason for the delay in issuing the single farm payment under the national reserve; and if she will make a statement on the matter. [12019/06]

118. **Mr. Perry** asked the Minister for Agriculture and Food the reason for the delay in issuing entitlements under the national reserve; and if she will make a statement on the matter. [12021/06]

120. **Mr. Allen** asked the Minister for Agriculture and Food when the national reserve will be allocated; and if she will make a statement on the matter. [12020/06]

123. **Mr. Noonan** asked the Minister for Agriculture and Food her plans for the allocation of entitlements under the national reserve; when she intends to issue the entitlement; and if she will make a statement on the matter. [12040/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 64, 73, 80, 118, 120 and 123 together.

The position is that 17,500 farmers submitted applications to the national reserve but when account is taken of the number of farmers who applied under two or more categories over 23,000 files have to be processed. While much work has been done in processing the vast majority of the applications, none of the applications have yet been processed to finality with national reserve allocations attributed. Some 11% of the applications received are still under query with the farmers concerned as my Department has sought additional information in support of their applications. Processing of all applications is continuing and the intention is to make allocations to successful applicants within the next two weeks. I will make a formal announcement, in due course, setting out the various criteria for allocating entitlements.

#### **Rural Environment Protection Scheme.**

65. **Mr. Glennon** asked the Minister for Agriculture and Food her views on the prospects of REP scheme three in 2006 and on progress in the REP scheme four consultation process. [12207/06]

**Minister for Agriculture and Food (Mary Coughlan):** REPS 3 has been a major success and participation has broken previous records. Spending on REPS grew from €208 million in 2004 to €283 million in 2005, and provision has been made in the 2006 Estimates for a further increase to €323 million this year. The increased allocation for 2006 reflects the fact that I expect that there

will be further significant growth in participation levels this year.

My Department received 80 written submissions as part of the REPS 4 consultative process. All those who made submissions were invited to an open forum which was held on 2 February at which they had a further opportunity to take part in the consultative process along with officials of my Department and the European Commission. The consultative process has been very informative and produced many ideas which can be incorporated in REPS 4 to the benefit of the scheme and the environment generally. My officials are currently in the process of drafting proposals on REPS 4, which will be incorporated in Ireland's draft rural development plan for the period 2007-13.

#### **Avian Influenza.**

66. **Mr. Gilmore** asked the Minister for Agriculture and Food her Department's strategy in dealing with the threat of avian flu among the wild bird population. [9584/06]

86. **Ms Burton** asked the Minister for Agriculture and Food if she has satisfied herself with the preparations in place for the protection of the country from avian flu; the position regarding recent international developments in this area; and if she will make a statement on the matter. [12235/06]

116. **Mr. Allen** asked the Minister for Agriculture and Food the steps she is taking to prevent an outbreak of avian flu here; and if she will make a statement on the matter. [12044/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 66, 86 and 116 together.

In view of the role played by wild birds in spreading the avian flu virus, my Department's focus is on the early detection of any introduction of the disease in wild birds, minimising the risk of any subsequent transmission to the commercial poultry flock and in the event of such a transmission, the efficient management of the outbreak.

To those ends, my Department has in place a comprehensive and robust range of measures with a particular emphasis on maintaining high vigilance of the wild bird population with the aid of ornithological organisations and has increased avian influenza surveillance.

In the event of a discovery of H5N1 in a wild bird in Ireland, my Department will immediately implement the provisions laid down in European Commission Decision 2006/115/EC as recently transposed into Irish law by Statutory Instrument 125 of 2006 — European Communities (Protection Measures in relation to Avian Influenza in Wild Birds) Regulations 2006.

In order to minimise the risk of an outbreak of avian flu in Ireland and, thereafter, to ensure speedy control and eradication, my Department is informed by the most up-to-date expert scientific and veterinary advice available. In particular, regard is being had to the spread of the virus and the increasing number of outbreaks throughout the European Union, which increased the risk of introduction of the virus into Ireland. My Department is also taking account of the advice of the World Organisation for Animal Health, OIE, the Food and Agriculture Organisation of the United Nations, FAO, the World Health Organisation, WHO, and the EU Commission. I have participated in a number of discussions at the Agriculture Council and, earlier this month, discussed the issue with my French counterpart.

In view of this increased risk and as provided for in my Department's avian influenza contingency plan, I set up an expert group to provide ongoing advice in relation to control measures. This group is chaired by Professor Michael Monaghan of the faculty of veterinary medicine at UCD and includes members with veterinary, medical and ornithological expertise from within and outside my Department. The group has had two meetings to date and has examined the situation in relation to the introduction of avian influenza into Ireland in the context of recent developments both in the EU and third countries. The group has, on both occasions, reviewed the current control measures put in place by my Department and has confirmed its confidence in their adequacy.

To date a range of EU and national measures has been put in place and others are under active consideration, including a requirement for the compulsory housing of domestic poultry, as has been done in some other European countries closer to the recent outbreaks. The latter is provided for in EU legislation in certain defined circumstances and I will have no hesitation in introducing such a requirement here as soon as I think it is appropriate. The expert group has concluded that the circumstances do not yet exist on which this would be warranted.

My Department also introduced and is maintaining a register of poultry flockowners and owners of other birds and it is now a statutory requirement that all poultry flockowners register with my Department. The register will be of vital importance to my Department in identifying the precise locations of neighbouring flocks to any disease outbreak and will be of enormous assistance in ensuring that the necessary control procedures are fully in place.

The register is also very useful in ensuring that advice can be provided directly to poultry flockowners and my Department has already issued an advice booklet on biosecurity measures to all registered poultry flockowners and has drawn their specific attention to the need to use treated water where the water supply is being

drawn from a surface water reservoir to which wild birds might also have access.

At this stage, I am satisfied that the measures in place are appropriate to the current level of risk but the situation is clearly evolving and is being kept under review with a view to introducing such additional precautionary measures as are required. My Department has been and is continuing to review and modify its contingency arrangements in order to ensure early detection and combat of avian influenza and that all reasonable precautions are taken to prepare for a possible outbreak of avian influenza in Ireland.

#### Grant Payments.

67. **Mr. P. McGrath** asked the Minister for Agriculture and Food when all farmers will be issued with their single farm payment; and if she will make a statement on the matter. [12030/06]

83. **Mr. Hogan** asked the Minister for Agriculture and Food the number of farmers awaiting payment under the single farm payment; and if she will make a statement on the matter. [12022/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 67 and 83 together.

One of my main objectives since assuming office as Minister for Agriculture and Food was to ensure the efficient implementation of the decoupled single payment scheme — the most significant change to agricultural support since our accession to the European Community.

This huge task was successfully implemented when over €1 billion in single payments issued to 118,500 farmers last December meeting the target we had set ourselves of making the payments on the first possible date. This was a major undertaking and the outcome, after painstaking preparatory work in establishing individual entitlements, was, by any standards, a major achievement.

Under EU legislation, member states may commence payment under the single payment scheme on 1 December of the year of application, with payments being fully processed by the following 30 June. My priority in 2005, the first year of this new scheme, was to maximize the number of payments to eligible applicants by the earliest date possible of 1 December and I am satisfied that this was achieved. Since then, it has been my absolute priority to ensure that the issues that are holding up the remaining cases are resolved with the applicants concerned and that payments are made without undue delay. To this end, I have arranged that payments issue on a very regular basis, as soon as the problems with the outstanding cases are resolved.

In common with the coupled schemes, which the single payment scheme replaced, delays in processing can be caused by many factors, includ-



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ing incomplete application forms, errors on applications and discrepancies highlighted following computer validation, which must be resolved via correspondence with the applicant. In many cases, payment could not be made because applicants did not submit an application to transfer the single payment entitlements, with lands, by way of inheritance, gift, lease or purchase. Many of these applications were only received after my Department made direct contact with the farmers in question, during recent weeks, and some have yet to be submitted.

The ongoing objective of my Department is to make payments to all of those farmers who have yet to receive their payment or are entitled to a supplementary payment, as soon as their cases are cleared for payment. Every effort is being made by my Department to resolve the outstanding cases but many of these are extremely complex and, in other cases, my Department is still awaiting documentation before payment can be made. A number of payment runs continue to be made each week as the more complicated files are cleared.

I should add that the changeover to the single payment was undertaken while work continued on winding up the coupled schemes. The successful introduction of the single payment scheme in Ireland in 2005 is testimony to the efforts of all concerned. It is my intention that this success will be built on into the future.

At present, total payments amount to €1,140 million involving 98% of farmers who hold entitlements and applied for the single payment scheme. In excess of 2,000 SPS applications are still awaiting clearance for payment. Payments are continuing to issue to farmers as their applications are processed to completion, in accordance with the EU legislation governing the single payment scheme.

#### **Dairy Industry.**

68. **Mr. Neville** asked the Minister for Agriculture and Food the discussions she has had at EU level to protect dairy supports; and if she will make a statement on the matter. [12034/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Irish dairy industry continues to contribute very substantially to the national economy, with an annual output value of €2.3 billion. Irish dairy exports performed exceptionally well in 2005 amounting to €1.82 billion. This is a very positive performance given the downward adjustments to market management supports brought about by the implementation of the Luxembourg agreement on the reform of the CAP.

Throughout 2005, the EU Commission moved aggressively to reduce internal aids and export subsidies to the new intervention price levels, which caused a high degree of volatility on the dairy market. I strongly resisted these moves and

pressed the Commissioner at the Council of Ministers to redirect policy and restore market stability. With the support of other Ministers, the market for the remainder of 2005 stabilised and market competitiveness was restored.

I am firmly of the view that the market management measures cannot be used in a crude manner but must be deployed carefully and sensitively. Earlier this year I highlighted to the Commission the need to maintain the competitive position of EU butter on third country markets and I was very pleased to see increases in export refunds for butter. I have no doubt that the Irish dairy sector will take advantage of these positive developments.

As we move towards the further agreed intervention price reductions next July I will continue to emphasise the need for stability on the market. Indeed, I have frequently discussed this matter with the Commissioner bilaterally and she is fully aware of my view that market stability is essential to allow the dairy industry time to adjust to the current market realities and adapt their business strategies accordingly.

*Question No. 69 answered with Question No. 56.*

#### **Vaccination Programme.**

70. **Mr. G. Mitchell** asked the Minister for Agriculture and Food her plans to introduce a bovine vaccination programme for tuberculosis; and if she will make a statement on the matter. [12006/06]

**Minister for Agriculture and Food (Mary Coughlan):** Vaccination of bovines for tuberculosis is not allowed in EU member states and accordingly I have no proposals to introduce such vaccination as part of the tuberculosis eradication scheme here. However, my Department is currently seeking to develop a vaccine for badgers. It accepted that the availability of such a vaccine is a prerequisite if eradication of tuberculosis from the cattle population is to be achieved. In view of this, drawing on the latest national and international developments in immunology and molecular biology, a badger vaccine research group based at the department of large animal clinical studies, veterinary college, University College Dublin, in conjunction with colleagues in the department of zoology, University College Cork and Trinity College, Dublin is progressing an ambitious programme to develop a vaccine to protect badgers from tuberculosis.

The objective is to secure an orally delivered preparation of BCG vaccine for use in badgers that will result in lower TB levels in that species. With this in mind, a large scale field trial of BCG in badgers is planned to test the efficacy of the vaccine, as testing carried out to date under experimental conditions have shown encouraging results. However, any vaccine will not be avail-

able for wider use in the immediate future and the existing strategy will remain in place for some time.

### EU Directives.

71. **Mr. English** asked the Minister for Agriculture and Food her role to date on the implementation of the nitrates action plan; and if she will make a statement on the matter. [12027/06]

**Minister for Agriculture and Food (Mary Coughlan):** The implementation of the nitrates directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. My own Department has worked closely with the Department of the Environment, Heritage and Local Government throughout the lengthy consultation process leading to the development of the nitrates action programme and the regulations.

In December, the Minister for the Environment, Heritage and Local Government made Regulations giving legal effect to Ireland's national action programme under the nitrates directive. These regulations were finalised following difficult negotiations between the European Commission and officials of the Department of the Environment, Heritage and Local Government and the Department of Agriculture and Food.

In January, the Minister for the Environment, Heritage and Local Government announced a short *de facto* deferral of part 3 of the regulations, which covers nutrient management. This was to allow Teagasc to submit revised advice in relation to phosphorus limits.

A detailed Teagasc submission, covering phosphorus as well as other aspects of the regulations, was received earlier this month. Officials of the two Departments have been examining it and a copy of the Teagasc advice has been provided to the European Commission. Officials of the two Departments and representatives from Teagasc met the Commission on 22 March and Teagasc has now made available copies of various background research papers to assist the Commission in considering the new advice.

The Commission's agreement will be required for any amendments that may be proposed to the regulations and I am satisfied that the Commission is open to arguments that are scientifically robust. However, it is important that the matter is brought to a quick conclusion so that negotiations on a derogation, which is vital to a large number of more intensive farmers, can proceed.

### Food Labelling.

72. **Mr. Sargent** asked the Minister for Agriculture and Food the action she is taking to end the fraudulent and dangerous practise of agricultural produce being imported and labelled in restaurants or in processing as Irish products in view

of an FSAI report being known to her Department for over a year now. [12171/06]

**Minister for Agriculture and Food (Mary Coughlan):** The report to which the Deputy refers was an internal report of the FSAI on an audit to determine compliance with labelling and traceability requirements. The FSAI undertook this audit to determine whether food business operators in the fish, beef and poultry industries have in place a system of product traceability and recall. The FSAI copied to my Department the findings in the report that relate specifically to premises that come within its remit. The veterinary inspectorate in my Department examined each of the issues identified in the report and all of them have been addressed to the satisfaction of the FSAI.

As regards imports the position is that imported meat and meat products must be sourced from establishments that are approved and must bear a EU approved health mark. Exporting establishments must have: standards equivalent to the requirements for EU export establishments; effective control systems and supervision by the competent authorities; traceability-labelling in accordance with the systems approved by the EU's Food and Veterinary Office, FVO, and accepted and notified to the EU member states.

The FVO carries out inspections to ensure that only establishments that meet hygiene and health standards equivalent to those operating within the EU are approved. Where the FVO considers that public health requirements are not being met, an establishment may be removed from the EU approved list. If outbreaks of animal diseases occur in a third country approval to export to the EU is suspended for the infected regions of the country, or the whole country, as appropriate, until the disease risk has been eliminated. There are safeguard measures in operation suspending export of beef from regions of Brazil and Argentina where outbreaks of foot and mouth disease have occurred. Safeguard measures controlling the import of poultry and poultry products have also been adopted in respect of outbreaks of avian influenza in third countries.

Imported meat and meat products must be accompanied by the appropriate commercial documentation showing country and approval number of the establishment of production and a health certificate conforming to the models set down in EU legislation.

While there is free movement for trade within the EU all consignments from third countries must first be landed at a border inspection post, BIP, approved by the FVO and there must undergo documentary, identity and physical checks. These latter are carried out at frequencies laid down in EU law. In Ireland BIPs approved for the processing of imports of meat are located at Dublin Port and Shannon Airport. The FVO carries out monitoring and inspection of each

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member state's BIPs to ensure the conditions for import of animal products into Europe, provided under the harmonized legislation, are being correctly applied.

Once it has been established that imported meat and meat product has met all 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. Imports failing to comply with these veterinary control checks may be detained for further examination. If non-compliance is established they are returned to the exporting country or destroyed.

As regards labelling, an enabling provision to allow for the extension of existing comprehensive beef labelling regulations to include a requirement for information on the country of origin of beef to be provided to the consumer at the point of choice, by establishments in the retail, restaurant and catering sectors, including food business operators, has recently been enacted by way of amendment to section 54 of the 1947 Health Act through the Irish Medicines Board (Miscellaneous Provisions) Bill. This will be commenced by a commencement order in the near future.

My Department is well advanced in drafting the consequential beef regulations which will be required and is currently in consultation with the Department of Health and Children and the Food Safety Authority of Ireland on the details including enforcement. While the regulations will then have to be submitted for EU approval, it is hoped that this process will not delay the making of the final regulations. In the meantime, the representative bodies for hotels, restaurants and pubs have agreed to recommend to their members to provide the information on a voluntary basis.

*Question No. 73 answered with Question No. 64.*

#### **Food Agency Co-operation Council.**

74. **Mr. Bruton** asked the Minister for Agriculture and Food the number of meetings of the Food Agency Co-Operation Council in 2004 and 2005; and if she will make a statement on the matter. [12052/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Food Agency Co-operation Council has met on 20 occasions since its inception in 2000. During 2004 and 2005 priority was given instead to meetings of the food development agencies directly concerned with the food programme components of the National Development Plan 2000-2006. Two such meetings took place in 2004 and one in 2005 to assess progress on the plan in preparation for meetings of the NDP monitoring committees.

In recent months, my Department has been examining the role and format of the Food Agency Co-Operation Council and the manner in which the various food agencies can most effectively co-operate to develop the agri-food industry, in the light of the more market orientated CAP framework, the 2015 Agri-Vision report and the enterprise strategy report. Arising from the review, I recently announced plans to establish a high level group of CEOs of food agencies, chaired at ministerial level, to ensure and implement a fully consolidated approach towards the development of the food sector as a whole. The inaugural meeting of this CEOs' group will be held at an early date.

A number of other initiatives are planned at regional level, which will see the various agencies engage and co-operate with my Department to develop the food industry. The first of these initiatives, the North West Food Forum — Market Focus for Small Food Enterprises — took place in Killybegs last November. At the forum, significant time was allocated for the agencies to network with the industry's stakeholders and to showcase the services available to assist food company development in the region. Similar events focused in other regions as well as other initiatives involving inter-agency co-operation to promote the development of the food industry at all levels are being planned for 2006, including the North East Food Forum which will take place on 12 June in Carrickmacross, County Monaghan.

#### **Genetically Modified Organisms.**

75. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food if she will give a report on the incident of illegally imported Syngenta BT 10 GM maize, 2,500 tonnes of which was stored in a shed at a County Louth port; the action that was taken to deal with this incident; and the related action that has been taken since by her Department to protect Irish agriculture from contamination by genetically modified organisms. [12181/06]

**Minister for Agriculture and Food (Mary Coughlan):** In May 2005 a consignment of 2,500 tonne of maize gluten, which tested positive for the presence of the unauthorised GM event BT10, was imported into Ireland. My Department had received prior notification from the importer, while the material was in transit, that samples of the feed material had tested positive, in a US laboratory, for the presence of the unauthorised GM event.

The material was immediately impounded under the supervision of authorised officers of my Department on its arrival at Greenore port and held in a secured store located at the port pending arrangements being made by the importer for its re-dispatch and destruction.

In December 2005 the importer, having received the approval of my Department, exported the material to Holland for incineration. All the necessary cleaning of equipment and stores was carried out in accordance with the required procedures.

#### Live Exports.

76. **Mr. Glennon** asked the Minister for Agriculture and Food her views on progress on the recommencement of live sheep exports to the continent. [12208/06]

**Minister for Agriculture and Food (Mary Coughlan):** Trade in sheep between member states of the European Union is subject to the provisions of Council Directive 91/68/EEC, as amended, which provides reinforced controls on the movement of sheep and goats. Until very recently, these controls provided, as a minimum requirement, that breeding and fattening sheep had to be certified by an official veterinarian as having been continuously resident on a holding for at least 30 days prior to export and that no sheep or goats had been introduced on to the holding in the 21 days prior to export. Slaughter sheep had also to be certified as having been continuously resident on the holding of origin for at least 21 days prior to export and were also subject to a standstill period of 21 days prior to dispatch during which no sheep or goats have been introduced on to the holding of origin.

These controls were introduced in the aftermath of the foot and mouth outbreak in 2001 and came into effect on 1 July 2004. Having been aware of the difficulties that these certification requirements caused, I instructed my Department to raise the matter with the European Commission in an effort to arrive at a certification procedure that best meets the concerns of farmers and exporters while, at the same time, protecting animal health.

I am pleased that, in response to our approach, the European Commission submitted proposals to amend these certification requirements to allow the official veterinarian to issue certification based on a written declaration by the farmer or on an examination of the flock register and movement documents. The proposals providing for these new arrangements were agreed to unanimously by the standing committee on the food chain and animal health on 11 November 2005 and came into force on 15 February 2006. I am confident that they will resolve most of the outstanding difficulties in relation to residency-standstill certification for exports of sheep to France and the United Kingdom. While I am happy to facilitate live sheep exports in any way I can, I would point out that securing outlets and the supply and availability of transport for the carriage of livestock is of course a commercial matter not within the remit of my Department.

#### Milk Quota.

77. **Mr. M. Brady** asked the Minister for Agriculture and Food her plans for the future operation of the milk quota system here. [12211/06]

87. **Mr. Deasy** asked the Minister for Agriculture and Food her plans for the allocation of milk quota; and if she will make a statement on the matter. [12041/06]

90. **Mr. Timmins** asked the Minister for Agriculture and Food her proposals on the allocation of milk quota; and if she will make a statement on the matter. [12046/06]

113. **Mr. Rabbitte** asked the Minister for Agriculture and Food her plans for the transfer of the milk quota; and if she will make a statement on the matter. [12234/06]

121. **Mr. Hogan** asked the Minister for Agriculture and Food her plans for the reform of milk quota; and if she will make a statement on the matter. [12042/06]

133. **Mr. Deenihan** asked the Minister for Agriculture and Food her plans to revise the allocation of milk quota; and if she will make a statement on the matter. [12050/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 77, 87, 90, 113, 121 and 133 together.

I recently announced my intention to move to a more open market system for transferring milk quota which will come into effect on 1 April 2007. I made this decision because the current restructuring model will not meet the future needs of the industry and a more effective response is required in order to meet future competitive pressures.

This is crucial given the growing competition faced by the sector both internally in the EU and on international markets. These competitive pressures will increase as we move towards the conclusion of a new WTO agreement. I want to ensure the Irish dairy sector is well prepared for these challenges while also having the capacity to secure its share of global growth in demand for dairy products.

In making my announcement, I made it clear that the new system would continue to operate at co-op level and that it could be organised through an exchange system, through direct sales between individuals, between brokers-agents or through the marts. Quota could be sold with or without land and leased with land, with a variety of partnership options being allowed.

My Department has commenced its initial consultation process and when this is completed in the next few weeks, I will consider how best to proceed with a view to having the detailed arrangements in place at the earliest possible date. In announcing my intention to reform the

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existing system a full year in advance of the effective date of implementation, I was anxious to provide adequate time to consider all the relevant issues and also to alert farmers that new arrangements were under consideration.

### Seed Potato Sector.

78. **Mr. Carty** asked the Minister for Agriculture and Food her views on the assistance available to the seed potato sector; and her plans for the sector. [12205/06]

**Minister for Agriculture and Food (Mary Coughlan):** In August 2005 I announced a grant aid programme for the development of the seed potato sector. The programme, which comes under the national development plan, funds capital investment projects for specialised seed production in 2005-2006. A grant package of 35% applies under the scheme.

The main objective of the scheme is to improve the marketing infrastructure of the seed potato sector by providing grant assistance to producers towards the capital costs of equipment and facilities for the production, storage and marketing of seed potatoes. My main aim is to develop a competitive seed sector with strong links with ware growers to ensure that the €100 million potato industry continues to grow to its full potential.

To date 18 applications have been received and 14 approvals for grant aid under this scheme have been issued amounting to €767,000. There is provision of €1 million for this scheme in 2006.

### Bio-Energy Crops.

79. **Mr. McCormack** asked the Minister for Agriculture and Food the steps she is taking to develop the biofuel sector; the discussions she has had with the Department of Communications, Marine and Natural Resources; and if she will make a statement on the matter. [12055/06]

117. **Mr. Stanton** asked the Minister for Agriculture and Food the progress she has made in promoting the production of bioenergy crops as a viable alternative for beet growers following the announcement of the closure of the sugar plant in Mallow; and if she will make a statement on the matter. [12183/06]

134. **Ms O'Sullivan** asked the Minister for Agriculture and Food the action the Government will take to ensure demand for energy crops increases by which percentage each year over the next five years. [12225/06]

226. **Mr. Durkan** asked the Minister for Agriculture and Food the incentives directly or through the EU which are available for bio-fuel production with particular reference to the need to replace the farm income of sugar beet growers;

and if she will make a statement on the matter. [12488/06]

236. **Mr. Stanton** asked the Minister for Agriculture and Food her views on the fact that almost half of the cars in Brazil are flexi-fuel cars, which allow owners to switch fuel between ethanol and petrol; her plans to develop bio-energy crops here and assist beet farmers to continue to grow beet for use as a bio-energy crop; and if she will make a statement on the matter. [2488/06]

237. **Mr. Stanton** asked the Minister for Agriculture and Food her reason for failing to promote bio-energy crops as an alternative for beet growers here in view the success of the bio-energy ethanol crop industry as an alternative for the sugar crop in Brazil which devotes over 50 per cent of its crop to bio-energy production; the action she intends to take to assist the development of the bio-energy crops here; and if she will make a statement on the matter. [12564/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 79, 117, 134, 226, 236 and 237 together.

Interest in the growing of energy crops is dependent on the demand for biofuels, the promotion of which is primarily the responsibility of the Minister for Communications, Marine and Natural Resources. Nonetheless the development of the biofuels sector is a matter that impinges on several policy areas including agriculture, environment, transport and taxation, and involves various Government Departments and agencies. My Department has been represented on a number of inter-Departmental groups considering the matter and there is also ongoing contact with the Department of Communications, Marine and Natural Resources, for example in relation to the EU Commission's Biomass Action Plan and Strategy for Biofuels, which were discussed recently by the Council of Agriculture Ministers.

I am very conscious of the central role that agriculture can play in supplying the necessary raw materials for the production of biofuels. Oilseed rape, wheat and sugar beet can be used for the manufacture of liquid transport biofuels, while forestry by-products and other farming and food by-products, such as meat and bone meal and tallow, can be used for energy/heat generation. Tallow can also be used in biodiesel production.

Factors such as the increasing cost of oil, the need to reduce carbon dioxide emissions and the opportunity for farmers to explore alternative land uses following CAP reform, mean that the potential of this area must be fully explored.

As a contribution to biofuels policy development, my Department in conjunction with COFORD and Teagasc has examined the potential of energy crops, wood biomass and farming and food by-products. In general, the production of energy crops for biofuels will have to be

demand led and production by farmers will only be sustainable in the longer term if the economic returns are greater than those offered by traditional crop enterprises. The production of liquid biofuels from energy crops, in the absence of fiscal incentives, is not economic at current oil price levels.

The Budget announcement by the Minister for Finance of a major extension of the Mineral Oil Tax Relief Scheme to cover, when the relief is fully operational, some 163 million litres of biofuels per year should further stimulate the production of crops for the manufacture of liquid biofuels.

This initiative will benefit the environment in terms of a reduction in CO<sub>2</sub> emissions, it will enhance security of supply of fuels, and it will create jobs and outlets for agricultural production. The grant aid scheme of up to €27m announced recently by the Minister for Communications, Marine and Natural Resources for domestic renewable heat technologies will have similar benefits and will help drive demand for wood biomass.

Within my own area of responsibility, a range of developments are already under way or in the pipeline that will encourage the production and use of biofuels. These include grants to promote and develop sustainable forestry, including alternative timber use to reduce dependence on fossil fuels; promoting the use of wood biomass, for example by the installation of a wood heating system at my Department's offices at Johnstown Castle; funding of forest-to-energy pilot projects; willow planting promotion; supporting biofuels research under the research stimulus programme; grant aiding the application of new technologies such as anaerobic/aerobic digestion and fluidized bed combustion, with a renewable energy dimension and the use of animal by-products for incineration and co-incineration in place of fossil fuels.

In Ireland, support to farmers for growing crops may only be provided in accordance with EU regulations. Under the EU Energy Crops Scheme administered by my Department, aid of €45 per hectare per annum is available for areas sown under energy crops intended for biofuel production. I am seeking to have this scheme made more attractive for producers in the context of discussions on the EU Biofuels Strategy.

In relation to Brazil, the switch from petrol to bioethanol is largely attributable to the fact that bioethanol can be produced far more cheaply from sugar cane, which is a perennial crop, than from sugar beet.

*Question No. 80 answered with Question No. 64.*

### **Beef Exports.**

81. **Mr. Curran** asked the Minister for Agriculture and Food her views on prospects for Irish

beef exports to continental Europe in 2006. [12203/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Irish beef industry is worth €1.3 billion in foreign earnings to the national economy annually. Ireland produced 524,000 tonnes of beef in 2005, exporting 487,000 tonnes, which represents 93% of our production. Ireland is the number one exporter of beef into Europe where there is a widening gap between consumption and production resulting in an EU import requirement of an estimated 350,000 tonnes this year. Irish companies are major suppliers across Europe and have gained a top-class portfolio of retail accounts there. In 2005, Ireland exported 260,000 tonnes to the UK and 192,000 tonnes to continental EU countries which together represents in excess of 90% of our total beef exports. Based on performance to date in 2006 and current predictions for the remainder of the year, export volumes are expected to be up 5% overall on last year, with up to half of these exports going to the continental EU market.

Our aim is to consolidate our position in the EU market. Bord Bia is responsible for the promotion of our beef and I take every opportunity to support it in its efforts in this regard. Last September, I launched the board's "Irish Beef in Europe" autumn promotion campaign which was targeted at building sales of Irish beef in European supermarkets and establishing the "Irish Beef" brand firmly in the minds of consumers. This particular campaign involved on-pack promotions in 8,000 European stores which are frequented by 40 million shoppers every week. Feedback has been encouraging in terms of the improved demand in response to the promotion. Bord Bia, together with the meats exporters, is currently planning similar promotions for this year.

### **Animal Remedies Regulations.**

82. **Ms Enright** asked the Minister for Agriculture and Food the status of the animal remedies regulations; the discussions to date with the EU on the issue; and if she will make a statement on the matter. [12038/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Deputy will be aware that the Animal Remedies Regulations 2005, SI 734 of 2005, were signed into law on 17 November 2005. The relevant EU legislation provided for the adoption of criteria for exempting categories of medicines from the general mandatory rule that all medicines for food producing animals should be brought under veterinary prescription control. The draft exemption criteria, which are not yet formal Commission proposals, were published as a consultation document on the Commission's, DG Enterprise, website and the public consultation period ended on 17 March last.

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The draft exemption criteria, as currently formulated by the Commission, are very restrictive and would leave very few medicines available off-prescription. My Department has made a submission to the Commission with a view to having them adapted to better reflect the risk-benefit profile of products and to facilitate decisions in this regard to be taken on a scientific basis. There are still a number of stages to be gone through in this process and my Department will engage fully with the Commission in the course of the deliberations in the relevant committees. My best estimate is that the process will not be completed at least until mid year.

As I have already stated publicly, I will review the national prescription and distribution arrangements in consultation with stakeholders when the final shape of the EU exemption criteria is clearer. In particular, I will, depending on the likely outcome, consider whether persons other than vets should be permitted to prescribe veterinary medicines. My intention is to complete the consultative process in time to permit decisions on this issue to be taken well in advance of the 1 January 2007 deadline provided for in the EU legislation.

*Question No. 83 answered with Question No. 67.*

#### **Animal Welfare.**

84. **Ms Enright** asked the Minister for Agriculture and Food the steps she intends to take to develop an all Ireland animal health regime; and if she will make a statement on the matter. [12036/06]

**Minister for Agriculture and Food (Mary Coughlan):** There is already a long history of co-operation between the administrations North and South on animal health issues. The administrations have traditionally shared information at local and national levels on disease control and surveillance issues and have worked together to combat illegal movements of animals and animal products. The foot and mouth emergency of 2001 is a testament to the extent of co-operation and consultation that exists at official, ministerial and political levels. Likewise, both administrations are co-operating on measures relating to avian influenza.

The establishment of the North-South Ministerial Council offered an opportunity to build on existing co-operation arrangements and provided a framework for the development of an all-island animal health policy. The main objectives of the Council are to foster co-operation and to devise a common, unified animal health strategy for the island as a whole. This involves the convergence of animal health policies and the development of joint strategies for dealing with animal diseases. The ultimate objectives are to establish a common import regime and equivalent internal

arrangements with a view to achieving free movement of animals and animal products within the island.

The programme of work mandated by the NSMC to agree a common animal health and welfare strategy for the island has been taken forward by nine working groups at official level. The remit of these groups includes: TB and brucellosis; TSEs — BSE and Scrapie; veterinary medicines; other Zoonoses and animal diseases; disease surveillance; animal welfare; import and export of live animals and animal products; animal identification; traceability; and cross-Border aspects of fraud.

These working groups meet regularly and their work has focused on three main themes: common or equivalent controls at points of entry to the island; convergence of internal animal health policies; and development of joint strategies for the control of animal disease. The main achievements to date are the development of a co-ordinated and complementary approach towards import policies and portal controls at points of entry to the island, the convergence of policies in regard to animal identification and Scrapie and the strengthening of co-ordination and co-operation between both administrations on a variety of issues such as FMD, BSE and cross-Border fraud. These groups continue to report progress in exchange of information and in implementation of initiatives aimed at policy convergence and the development of a common unified strategy for the island as a whole.

It must also be recognised that the achievement of such an all-island animal health strategy involves complex dialogue and negotiation over a range of areas between the Irish, Northern Irish and British authorities. Ultimately, the agreement of the European Union will be required.

In addition to the above, there has been a significant deepening and strengthening of co-operation, information exchange and ongoing co-ordination between the two administrations on a variety of issues such as FMD, BSE, avian influenza and cross-Border fraud while the Farm Animal Welfare Advisory Council includes representation from the Department of Agriculture and Rural Development, DARD. DARD was also represented at a recent meeting of the avian influenza advisory group and will also be represented at future meetings of the group which indicates the collaborative approach taken by Dublin and Belfast in relation to challenges ahead. On cross-Border fraud, the two administrations have worked together successfully in a number of joint enforcement actions and ongoing exchanges of expertise and information are taking place.

In relation to the recent decision at EU level to lift the BSE ban on exports from the United Kingdom, meetings have already taken place between our two administrations to ensure that procedures are in place in good time to avoid any potential difficulties that may arise when trade from Northern Ireland resumes. It is expected

that the decision will come into effect in six to eight weeks.

### Dairy Industry.

85. **Mr. Crawford** asked the Minister for Agriculture and Food the number of farmers who were involved in milk production on 1 January 1998; the number who are now involved; the number she expects to be in business by 2015 taking into account her new proposals for the transfer of milk quota; and if she will make a statement on the matter. [12212/06]

**Minister for Agriculture and Food (Mary Coughlan):** There were 35,114 farmers active in milk production during the 1997-98 milk quota year and this had declined to 22,386 active producers during the 2005-06 milk quota year. I expect there will a further decline by 2015 but the number active at that time will depend on developments in the dairy sector at national and international levels. It will also be influenced by economic factors as well as the personal circumstances of existing producers and their successors.

The report of the Agri-Vision 2015 committee indicated that the number of dairy farmers is expected to decline to 12,500 by 2015. However, this number could be higher or lower depending on the aforementioned factors, most critically the extent to which international factors influence competitiveness.

*Question No. 86 answered with Question No. 66.*

*Question No. 87 answered with Question No. 77.*

### Animal Diseases.

88. **Mr. Wilkinson** asked the Minister for Agriculture and Food her views on the incidence of BSE and brucellosis in cattle herd in 2005 compared with 2003 and 2004; and if she intends to introduce policy changes to these schemes. [12201/06]

**Minister for Agriculture and Food (Mary Coughlan):** The incidence of BSE in Ireland is in decline. The number of cases peaked in 2002 at 333, following the introduction of mass surveillance at slaughter plants and knackeries in 2001. Almost 700,000 animals per annum are tested in Ireland under this surveillance regime. Despite this the numbers of animals confirmed with the disease fell to 182 in 2003, 126 in 2004 and 69 in 2005. To date in 2006 there have been 16 cases of BSE which represents a decrease of 16% on the number of cases discovered in the same period in 2005 which was 19.

The vast majority of these cases were in animals born prior to the introduction of additional controls in 1996 and 1997. Investigations are carried out into the feeding regimes of all herds

in which BSE is identified and in particular in herds in which cases born after the feed controls were re-enforced are confirmed. Within the context of the overall picture, the diagnosis of BSE in a small number of animals born after 1997 was to be expected. To date, 16 animals born after 1997 — four in 1998, seven in 1999, three in 2000 and two in 2001 — have been diagnosed with BSE. In addition, 11 cases were confirmed in 1997 born animals but some of these were born before all the re-enforced measures were fully in place. The Department had foreseen the likelihood that individual cases would from time to time arise which may relate to circumstances specific to the farms in question and which do not conform with the general trend as the incidence of the disease in the national herd recedes. There is, however, no basis for suspecting that these cases are indicative of either a systemic failure in controls or of a reversal of or deviation from the overall positive trend in relation to BSE in Ireland.

The shift in age profile in BSE cases as well as a reduction in case numbers indicates that the additional controls have been effective in significantly reducing the exposure of animals born after 1997 to the infectious agent. It is expected that the incidence of disease will continue to decline as cows born prior to 1998 leave the system. However, it is expected that because of the long incubation period that can be involved in some animals, cases will continue to be confirmed for many years yet.

Under current EU legislation and in line with trade rules of the World Organisation for Animal Health, OIE, member states now have the option of either compulsory whole herd depopulation or limiting depopulation to cohort animals — that is, cattle born in the herd at the same time or which shared feed from the same source in the early years of life as the index case — and progeny animals. It has been the practice, in recent years, for my Department to periodically review the policy of whole herd depopulation and, in that context, we are currently undertaking another such review.

The incidence of brucellosis has been falling progressively in recent years. For example, the number of laboratory positives has fallen from 6,417 in 1998 to 228 in 2005. The total number of animals slaughtered under the eradication programme fell from 29,778 to 2,375 during the same period. There has been a further improvement in the situation in 2005 compared with 2003 and 2004. The number of blood positives in 2005 was 228 compared with 664 in 2004 and 900 in 2003. The number of animals slaughtered fell from 14,841 and 6,195 respectively in 2003 and 2004 to 2,375 in 2005.

The substantial improvement in the disease situation is due to a number of factors, including continued co-operation from all parties with the eradication regime, the tightening up on illegal cattle movements through the cattle movement monitoring system, the regulation of dealers,



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prosecutions for breaches and the imposition of penalties for failures to comply with animal disease and identification regulations.

I am confident that this progress can be maintained into the future with the continued operation of the existing measures and the ongoing co-operation of farmers and all involved in the livestock industry. It is, however, vital that we continue to recognise that brucellosis is a highly contagious disease and that we do not relax or relent in our efforts to eradicate it from our national herd. In view of this, we need to continue in the medium-term with the existing comprehensive control and eradication measures, which have brought about positive results in recent years in terms of reduced incidence of the disease. I have no plans to introduce any policy changes to the programme.

#### **Genetically Modified Organisms.**

89. **Mr. G. Murphy** asked the Minister for Agriculture and Food her position on the release of genetically modified potatoes; and if she will make a statement on the matter. [12056/06]

**Minister for Agriculture and Food (Mary Coughlan):** I wish to inform the Deputy that the recent notification made by BASF to trial genetically modified potatoes at Summerhill, County Meath, was made to the Environmental Protection Agency. This notification is in accordance with part B of EU Directive 2001/18/EC on the deliberate release of GMOs into the environment but not for entry to the food chain. Responsibility for making a decision on the application is a matter for the Environmental Protection Agency as the competent authority designated by the Department of the Environment, Heritage and Local Government. Since procedures under legislation are in play it would be inappropriate for me to comment on this particular application.

*Question No. 90 answered with Question No. 77.*

#### **Rural Environment Protection Scheme.**

91. **Mr. P. McGrath** asked the Minister for Agriculture and Food the measures she intends to take to address the problems experienced by farmers in the Shannon Callows, as a result of current proposals which do not allow them to spilt their lands for grant aid purposes between REP scheme funding and funding allocated under the special area of conservation and special protection area designation; and if she will make a statement on the matter. [12051/06]

**Minister for Agriculture and Food (Mary Coughlan):** The designation of land under the EU Birds and Habitats Directives is a function of the Department of the Environment, Heritage and Local Government. The question of compen-

sation for farmers in the Shannon Callows area is a matter, in the first instance, for that Department, and I understand that discussions on the matter with the farming bodies have been going on for some time and are still continuing.

As far as REPS is concerned, arrangements are already in place designed specifically to address the situation of farmers in the Shannon Callows. Farmers in this area who wish to join REPS but believe that the REPS payments do not fully offset any income loss arising from the restrictions placed on their farming activities because of designation under the Birds and Habitats Directives may now also apply to the national parks and wildlife service of the Department of the Environment, Heritage and Local Government for additional compensation. Before this arrangement was introduced in September 2004, such farmers had to choose between REPS and the compensation arrangements operated by NPWS but could not benefit from both.

This further concession was additional to the inclusion of a new supplementary measure in REPS when REPS 3 was introduced in June 2004. Designated areas are already eligible for payments under REPS measure A of €242 per hectare for the first 40 hectares and lesser amounts for areas over 40 hectares and the new supplementary measure provides for an additional payment of €100 per hectare on particular sites in the Callows which are important corncrake habitats. Those sites are monitored by BirdWatch Ireland and REPS farmers can qualify for the additional payment by subscribing to BirdWatch Ireland management prescriptions for them.

The arrangements I have outlined should address the situation in the Shannon Callows adequately as far as my Department is concerned. Nevertheless, I have asked my officials to examine the issue again in the context of the current consultation process on REPS to operate in the period 2007 to 2013.

#### **Genetically Modified Organisms.**

92. **Mr. Stagg** asked the Minister for Agriculture and Food her views on proposals to change EU law to enable the European Food Safety Authority to conduct its own scientific assessments of the risks associated with allowing a particular application for approval of a particular genetically modified organism; her further views on proposals to empower, subsequent to a change in EU law, the European Food Safety Authority to consider, as part of an application for approval of a particular genetically modified organism, the possibility of long-term risks to the ecosystem should approval of that particular genetically modified organism be granted. [12223/06]

**Minister for Agriculture and Food (Mary Coughlan):** While there are no formal proposals by the Commission along the lines suggested, I

understand policy debate did take place at the March meeting of the Council of Environment Ministers concerning, *inter alia*, procedures used by the European Food Safety Authority for risk assessment in the context of decision-making on the approval of new GMOs. There was a call from a number of member states, during the public debate which ensued, for the European Food Safety Authority to improve transparency of the procedures and to provide more appropriate information for consumers.

I support the view expressed at the meeting by my colleague, the Minister for the Environment, Heritage and Local Government that Ireland recognises the independence and the expertise of EFSA and its role in dealing with the scientific aspects of questions. I am also in agreement with the view that it is too early to consider any changes to the regulatory framework given the limited experience with the operation of this framework to date and an absence of clear knowledge on possible scenarios that might arise in the GMO approval system in the future.

#### Forestry Industry.

93. **Mr. Cassidy** asked the Minister for Agriculture and Food the prospects for forestry planting in 2006. [12197/06]

**Minister for Agriculture and Food (Mary Coughlan):** The prospects for planting in 2006 are largely dependent on farmer-demand. A most attractive package for forestry, including 100% planting grants and guaranteed tax-free premiums for 20 years for farmers, is in place. The concessions won in CAP reform, allowing farmers to plant up to 50% of their land and still draw down the full single payment on the rest, represents a significant increase in the attractiveness of forestry. Since the start of 2005, my Department has approved 25,000 hectares of land for planting but many land-owners have yet to act on these approvals. I encourage all those who hold such approvals to act upon them immediately.

#### Foodstuffs Provision.

94. **Mr. Pattison** asked the Minister for Agriculture and Food the commodities in which the European Union is sufficient; and if she will make a statement on the matter. [12227/06]

**Minister for Agriculture and Food (Mary Coughlan):** In 2003, the most recent year for which fully comparable EUROSTAT statistics are available, the EU was more than self-sufficient in terms of foodstuffs for the 15 member states. In the case of cereals, the EU was 114% self-sufficient; the only exception below 100% self-sufficiency for individual cereal commodities was rice. For all forms of meat, the EU was 106% self-sufficient; the only commodity below 100% self-sufficiency was sheep and goat meat. For other major commodities such as milk,

eggs, and potatoes, the EU was over 100% self-sufficient.

It should be noted that EU Commission estimates for individual commodities can provide more recent data, for example, their production and consumption estimates for the period 2005-06 show that net beef and veal self-sufficiency for the EU 15 members has fallen below the 100% threshold.

#### Export Refunds.

95. **Mr. Bruton** asked the Minister for Agriculture and Food her views on whether the removal of the current pre-payment procedure for export refunds at EU level is the first step to the complete abolition of export refunds; and if she will make a statement on the matter. [12017/06]

129. **Mr. Kenny** asked the Minister for Agriculture and Food the impact which the abolition of pre-financing of export refunds would have on the Irish food industry; and if she will make a statement on the matter. [12061/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 95 and 129 together.

Irish beef exports in 2005 stood at 487,000 tonnes. All of these exports went to the UK and continental Europe except for 35,000 tonnes that went to third countries, mainly Russia. While the beef industry has become in recent years less reliant on third countries these markets are important for specific cuts at particular times of the year. Third country beef exports attract export refunds.

At the Council of Agriculture Ministers on 20 March Commissioner Fischer Boel announced her intention of abolishing pre-financing of export refunds on the basis of criticisms levelled at the system in a 2003 report of the Court of Auditors that controls were complex and not evenly applied across member states. The pre-financing regime allows for payment of refunds at the time the beef is put under customs control and for the meat to remain in storage for up to four months. The regime is of benefit to exporters in that it assists them with cash flow but also provides time for the exporter to build up an exportable quantity of stock and to find a suitable market.

At the Council of Ministers I strongly opposed the removal of pre-financing arguing that its abolition was not justified. Pre-financing is being used currently by most of our exporters of beef to third countries and is an important part of their operation. The system was improved and streamlined in 2003 and the controls are now working well.

An internal impact study by the Commission shows that the main advantage of the scheme was in the administration of beef exports rather than the financial element. The Commission propose new

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beef control measures to replace the present scheme and I and my Department will examine the proposals to ensure as far as possible that whatever is put in place by the Commission to replace the existing system best suits the needs of the Irish beef sector. This proposal on pre-financing of export refunds does not have any implications for the operation of the export refund regime generally.

#### EU Directives.

96. **Mr. Cuffe** asked the Minister for Agriculture and Food the role her Department has in assisting farmers to comply with terms of the nitrates directive. [12175/06]

**Minister for Agriculture and Food (Mary Coughlan):** I have outlined previously the various measures put in place by my Department to assist farmers in meeting their obligations under the nitrates directive. The Sustaining Progress agreement included a number of commitments related to the nitrates directive and these have all been delivered in the form of improvements to the farm waste management scheme and the dairy hygiene scheme and substantially increased REPS payments under the REPS 3 scheme.

To help farmers understand the nitrates regulations, my Department placed an advertisement in the farming press and is preparing an explanatory booklet designed to explain the new rules clearly and simply. This booklet will be sent to all farmers as soon as the issue of fertiliser limits is finalised. In addition, my Department will be making maximum use of information held on its databases to provide farmers with information about their stocking levels and organic nutrient loading.

During the past week I announced details of a revised farm waste management scheme which has now been formally agreed with the European Commission. The revised scheme will inter alia provide for increased rates of aid towards on-farm investment is designed specifically to help farmers meet the requirements of the nitrates directive. Application forms for participation in the scheme are now available in my Department's local AES offices throughout the country and on its website. Applications must be received before 31 December of this year so I strongly urge farmers to take the necessary steps to ensure that their participation in the scheme is not made impossible by late submission of applications.

#### Sugar Industry.

97. **Ms O. Mitchell** asked the Minister for Agriculture and Food her plans for the future utilisation of lands previously used to grow sugar beet; and if she will make a statement on the matter. [12011/06]

224. **Mr. Durkan** asked the Minister for Agriculture and Food the steps she proposes to take to encourage the sugar beet growing sector to diversify with particular reference to the need to maintain farm income; and if she will make a statement on the matter. [12486/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 97 and 224 together.

Following the introduction of the single payment scheme last year, farmers now have the freedom to choose whatever farming enterprise is most appropriate to their circumstances. Under the agreement on reform of the EU sugar regime, the single payment scheme is being extended to cover sugar beet.

The sugar reform agreement also provides for the introduction of aid for diversification measures in the event that sugar beet production completely ceases. This aid, worth almost €44 million to Irish growers, would be drawn down in the framework of a national restructuring programme to be elaborated when the Commission's implementing regulation has been adopted.

One possible alternative is the cultivation of energy crops, such as oilseed rape, for biofuel purposes. The promotion of biofuels is receiving increasing attention by Government, led by the Department of Communications, Marine and Natural Resources in the context of renewable energy policies. The budget announcement of the extension of the excise duty relief scheme to cover, when the relief is fully operational, 163 million litres of biofuels per year should stimulate the production of crops for the manufacture of liquid biofuels.

Under the EU energy crops scheme administered by my Department, aid of €45 per hectare per annum is available for areas sown under energy crops intended for biofuel production. I am seeking to have this scheme made more attractive for producers in the context of discussions on the EU biofuels strategy.

*Question No. 98 answered with Question No. 63.*

#### Horticulture Industry.

99. **Mr. Wilkinson** asked the Minister for Agriculture and Food her views on the progress in expanding the horticulture sector here. [12204/06]

**Minister for Agriculture and Food (Mary Coughlan):** With a farm output value of over €270 million, retail sales of around €750 million and with approximately 10,000 people employed across the production and supply chain, the horticulture sector is one of the most dynamic sectors of the agrifood industry. Since I came into office, I have recognised the potential of this sector for further growth and development and, accordingly, I have provided increased funding to grow-

ers and operators further down the value added chain.

Under the NDP capital grant aid scheme for growers, €13 million in grant aid has been paid to horticultural producers throughout the country since 2001 to support investments to the value of over €38 million. This year I am providing a €5.5 million grant package which will fund projects to the investment value of €16 million. My Department has now received 174 applications from growers across the whole spectrum of the industry — mushrooms, field vegetables, protected crops, nursery crops, soft fruit, etc. — representing an investment of over €30 million. Successful applicants will be informed shortly. This has been the highest number of applications to date under the scheme and reflects a very high degree of confidence in the sector. This confidence is further bolstered by reports on the importance of fresh fruit and vegetables in a healthy diet while in the case of the amenity sector, the rapidly growing housing market and infrastructural improvements are creating considerable demand for plants and shrubs.

Demand in the consumer and food service sectors is also buoyant, both for fresh and prepared chilled produce and convenient value-added products. The retail value of prepared horticultural produce has more than doubled over the last few years and is now worth over €60 million. To further drive this sector I announced awards earlier this month of €4.6 million for 13 projects under my Department's capital investment scheme for the marketing and processing of agricultural products. This brings to €9 million the total awarded to date under the NDP scheme.

Horticulture producers also benefit from EU aid under the producer organisation scheme with €5.6 million paid to ten groups in 2005. The development of producer organisations under EU regulations has made a very important contribution to the development of the sector as it enables producers to benefit from their combined strength in the production and marketing of their product.

*Question No. 100 answered with Question No. 63.*

#### EU Directives.

101. **Dr. Twomey** asked the Minister for Agriculture and Food the status of Ireland's application for a derogation under the nitrates directive; and if she will make a statement on the matter. [12049/06]

**Minister for Agriculture and Food (Mary Coughlan):** In December, the Minister for the Environment, Heritage and Local Government made regulations giving legal effect to Ireland's national action programme under the nitrates directive. These regulations were finalised following difficult negotiations between the European

Commission and officials of the Departments of the Environment, Heritage and Local Government and Agriculture and Food. In those discussions, the two Departments made use of the advice provided by Teagasc. The Minister for the Environment, Heritage and Local Government has, however, agreed, with the consent of the European Commission, to a short *de facto* deferral of the part of the regulations that deals with nutrient management. This was to allow Teagasc to submit revised advice in respect of phosphorus limits which could form a basis for proposals to the Commission for changes in the regulations.

A central issue arising from the nitrates directive is the need to secure a derogation which will allow certain farmers to operate, under appropriate conditions and controls, up to a level of 250 kg of organic nitrogen per hectare. The proposal was given an initial presentation to the EU nitrates committee in December and further scientific data has been supplied to the Commission following bilateral discussions. The proposal will need to be discussed again at future meetings of the nitrates committee before approval can be obtained.

Securing this derogation is vital, particularly for the most productive dairy farmers. However, the further examination of the matter by the EU nitrates committee is not expected to proceed until the regulations have been finalised. For that reason, I am working with the Minister for the Environment, Heritage and Local Government to bring matters to a quick conclusion so that Ireland can meet its obligations under the nitrates directive while also safeguarding the future of commercial farming in Ireland and the interests of Irish farmers in general.

#### Animal Diseases.

102. **Mr. Coveney** asked the Minister for Agriculture and Food the funding provided by her Department for the control of varroa in bees; the funding specifically available to beekeepers to control the mite in question; and if she will make a statement on the matter. [12013/06]

**Minister for Agriculture and Food (Mary Coughlan):** Funding for research into the control of varroa in honey bees has been the main element of my Department's apiculture programme. From 2002 to 2004, a total of €138,800 was provided to Teagasc towards the development of integrated biological control methods under Irish conditions. Approval has been given for expenditure of a further €225,000 during the three-year period from 2005 to 2007 for this research programme. The programme, which is drawn up in close collaboration with the Federation of Irish Beekeepers Associations, is aimed at devising an integrated management strategy involving the use of chemical and biotechnical methods and the deployment of varroa-resistant

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bees. The programme is 50% co-funded by the EU. No funding is provided to individual beekeepers. My Department has also given financial support towards updating the Teagasc booklet entitled “The Varroa Mite in honeybees”. This publication provides useful reference material for beekeepers on varroa detection, monitoring, control and treatment.

### Health and Safety Regulations.

103. **Ms McManus** asked the Minister for Agriculture and Food the action she intends to take to reduce the incidents of farm accidents; and if she will make a statement on the matter. [12236/06]

**Minister for Agriculture and Food (Mary Coughlan):** I remain very concerned about the level of safety on our farms. I fully support the work of the Health and Safety Authority, HSA, the statutory body established under the Safety, Health and Welfare at Work Act 1989, which works in partnership with the agriculture and forestry sectors to improve health and safety in farm and forestry workplaces.

I particularly welcomed the farm safety project launched before Christmas as a joint preventative initiative between the HSA and Teagasc. This three-year initiative, which aims to ensure that farmers with three or less employees complete and implement a comprehensive but user-friendly farm risk assessment, involves the provision of training at specially convened health and safety training courses for farmers and the provision of follow-up advice. This initiative is being piloted at present in a number of counties and I look forward to the evaluation of the initiative which will guide its future implementation at national level.

I also look forward to participating in this year’s farm safety campaign, which begins early next month. The four themes proposed for the month by the farm safety partnership advisory committee, on which my Department is represented, are as follows. Tractor-machinery-vehicle accidents account for almost 50% of farm fatalities from 1996 to 2005. The number of fatal and serious accidents involving PTO shafts is again showing an increase. Livestock handling and falls from heights accounted for approximately 27% of farm fatalities during the 1996-2005 period. Almost 50% of farm fatalities over the last two to three years involved farmers over 65 years of age.

### Food Standards.

104. **Mr. Durkan** asked the Minister for Agriculture and Food if she is satisfied that all meat and poultry products imported here conform to EU and Irish traceability, production and processing standards; and if she will make a statement on the matter. [12219/06]

230. **Mr. Durkan** asked the Minister for Agriculture and Food if she is satisfied with regard to traceability, husbandry, production or processing in respect of all meat, poultry or fish imports into this country; if in all cases compliance with EU standards is assured; and if she will make a statement on the matter. [12492/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 104 and 230 together.

Detailed EU legislation lays down the conditions that member states must apply to the production of and trade in products of animal and fish origin, including and fish products, as well as to imports of these products from third countries.

Under harmonised legislation, a series of health and supervisory requirements are applied in the member states to ensure that animal products are produced to standards that guarantee the safety of food and the protection of human and animal health. The application of these standards in the member states is monitored by the Food and Veterinary Office, FVO, of the EU.

It is a requirement that animal products imported from third countries meet standards at least equivalent to those required for production in, and trade between, member states. All such imports must come from third countries or areas of third countries approved for export to the EU.

The FVO carries out inspections to ensure that only establishments that meet hygiene and health standards equivalent to those operating within the EU are approved. Where the FVO considers that public health requirements are not being met, an establishment may be removed from the EU-approved list. If outbreaks of animal diseases occur in a third country, approval to export to the EU is suspended for the infected regions of the country, or the whole country, as appropriate, until the disease risk has been eliminated.

Irish farmers are required to ensure that their production systems and farm practices fully comply with a wide range of EU directives on important matters, including traceability, animal health and welfare and consumer protection. I fully support the policy that animal products imported into the EU from third countries meet standards at least equivalent to those required for production in, and trade between, EU member states.

In this context, I have been in contact with the Commissioner for Health and Consumer Protection, Mr. Markos Kyprianou, on a number of occasions concerning the sanitary rules applying to the import of livestock products, especially beef, into the EU. The Commissioner has pointed out that, with respect to traceability and controls of residues of veterinary medicines, the purpose of EU legislation is not to impose on exporting third countries a system of guarantees that is equal to the EU system but that the exporting country provides guarantees that are equivalent to the standards applied in the EU. The Com-

missioner indicated his service is committed to protect the health of European consumers and European livestock. The Commissioner has further assured me that the Commission will not hesitate to take the appropriate protection measures if a product, imported from a third country or produced in the domestic market represents a risk for the health of EU consumers, livestock or plants.

*Question No. 105 answered with Question No. 44.*

#### **Grant Payments.**

106. **Mr. P. Power** asked the Minister for Agriculture and Food if she intends aiding digesters and other new technology to deal with pig and poultry manure arising from the application of the nitrates directive. [12200/06]

**Minister for Agriculture and Food (Mary Coughlan):** As part of the arrangements to assist farmers meet the additional requirements of the nitrates directive, I have announced my intention to introduce a scheme to support the demonstration of new technologies in reducing the volume of livestock manures or their nutrient content. Under the proposed scheme, financial support will be provided for up to ten projects throughout the State for the installation of such systems, including fluidised bed combustion or treatment plants comprising of anaerobic-aerobic digestion systems.

The maximum eligible investment ceiling per project will be €1 million and the total State contribution, at a grant-rate of 40%, will therefore be up to €4 million. The scheme will be introduced as soon as the required EU approval has been received.

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

107. **Mr. Hayes** asked the Minister for Agriculture and Food her plans to implement the recommendations of the Joint Committee on Agriculture and Food's report on the early retirement scheme; and if she will make a statement on the matter. [12053/06]

**Minister for Agriculture and Food (Mary Coughlan):** I am still considering certain aspects of the joint committee's report on the early retirement scheme and I expect to be in a position to make announcements in due course. A number of the committee's recommendations are, as I explained in my detailed response to the report, precluded by the EU regulations under which the current scheme and its predecessor are operated.

#### **Animal Diseases.**

108. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food if she will provide this Deputy with copies of presentations made

(details supplied); and the person who represented Ireland at those meetings. [12221/06]

**Minister for Agriculture and Food (Mary Coughlan):** The agenda items to which the Deputy refers relate to discussions at the standing committee on the food chain and animal health, SCOFCAH, on the updated information on the foot and mouth disease situation, particularly in South America, provided by the representative of DG SANCO.

As is normal practice at meetings of this nature, Ireland was represented at both meetings by officials from the veterinary and animal health divisions of my Department. While Irish representatives normally contribute fully to all discussions at the SCOFCAH meetings, such contributions are not always made by way of formal presentation.

At the meetings referred to, formal presentations were not made by my officials but they did participate fully in the discussions and took the opportunity to again impress on the EU Commission our concern in respect of the situation regarding foot and mouth disease and the need for the EU to take appropriate safeguard measures. This is an opportunity we take on any occasion on which it is presented.

#### **EU Directive.**

109. **Mr. Gilmore** asked the Minister for Agriculture and Food her views on whether an integrated rural environment research centre is necessary in the wake of the nitrates directive chaos where scientific data and evidence seemed to be fragmented, inconclusive and inadequate to allow effective decision making to take place. [9590/06]

**Minister for Agriculture and Food (Mary Coughlan):** I am satisfied that the range of scientific expertise already available within Teagasc and the structures within that organisation are sufficient to provide advice of a very high quality. The revised advice on the nitrates regulations recently supplied by Teagasc, representing the work of a group of experts in a range of disciplines, is comprehensive and draws on a large body of research.

Over the coming weeks, Teagasc expertise will continue to be used by the Department of the Environment, Heritage and Local Government and my own Department in the context of negotiating changes to the nitrates regulations. The outcome to these negotiations will depend ultimately on a critical evaluation of the Teagasc advice by the European Commission's own scientific experts. Teagasc will also be closely involved in discussions in respect of Ireland's derogation application and in other measures arising from the nitrates regulations, such as promotion and research measures to assist the pig and poultry

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industries in meeting the specific challenges presented by the nitrates directive.

Teagasc will continue to carry out research into aspects of agricultural production and to place emphasis on ensuring that research and development results and technology developments are published and transferred rapidly to its clients via its advisory and education programmes.

110. **Mr. Crawford** asked the Minister for Agriculture and Food the position regarding the nitrates directive as it will affect pig and poultry farmers as well as intensive dairy and beef farmers; when a statement will be made on the most recent scientific information; and if she will make a statement on the matter. [12213/06]

**Minister for Agriculture and Food (Mary Coughlan):** The implementation of the nitrates directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. In December, the Minister made regulations giving legal effect to Ireland's national action programme under the nitrates directive. These regulations were finalised following difficult negotiations between the European Commission and officials of the Departments of the Environment, Heritage and Local Government and Agriculture and Food.

In January, the Minister for the Environment, Heritage and Local Government announced a short *de facto* deferral of part 3 of the regulations, which covers nutrient management. This was to allow Teagasc to submit revised advice in respect of phosphorus limits. A detailed Teagasc submission covering phosphorus, as well as other aspects of the regulations, was received earlier this month. Officials of the two Departments have been examining it and a copy of the Teagasc advice has been provided to the European Commission. Officials of the two Departments and representatives from Teagasc met the Commission on 22 March where the Teagasc experts were given the opportunity to present the revised scientific advice and to clarify certain aspects. The Commission did not offer any definitive conclusions on the new advice at last week's meeting. The Commission will continue to study the Teagasc advice and to assist this process, Teagasc has now made available copies of various background research work.

The Commission's agreement will be required for any amendments that may be proposed to the regulations and I am satisfied that the Commission is open to arguments that are scientifically robust. However, it is important that the matter is brought to a quick conclusion so that negotiations on a derogation, which is vital to a large number of more intensive farmers, can proceed.

I am aware that some farmers, particularly in the pig and poultry sectors, may find it more difficult to find spreadlands for the organic manure

they produce. Considerable efforts have already been made to alleviate the impact of the nitrates regulations on the pig and poultry industries and to help farmers to meet their obligations. Nevertheless, I have asked my officials to give the matter further consideration. Given that pig and poultry manure is high in phosphorus, there will be a limit to the amount of land where it can be spread. The most suitable outlet for this kind of manure is tillage land. There is more than enough tillage land in the country to utilise all of the pig and poultry manure but I am conscious that not all producers have tillage land nearby. The high liquid content of pig manure, in particular, makes it expensive to transport. Pig producers should, therefore, start looking seriously at technology for separating solids and liquids. As part of the new farm waste management scheme, which I announced last week, grant aid is available for this kind of technology. Pig and poultry producers are now eligible for this scheme for the first time.

I would also urge other farmers to show solidarity with pig and poultry producers by taking their manure instead of using chemical fertiliser. I have asked Teagasc to make farmers aware of the nutrient value of slurry and the savings that they can achieve by substituting it for chemical fertiliser.

#### **Food Labelling.**

111. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food her plans to establish an all-island food label; and if she will make a statement on the matter. [12031/06]

**Minister for Agriculture and Food (Mary Coughlan):** I am supportive of initiatives to promote food on all-island basis where this is of mutual benefit and leads to closer economic co-operation. An Bord Bia, as part of its statutory role in promoting the development of Ireland's food and drink industry, works in close co-operation with its counterpart in Northern Ireland, Invest Northern Ireland. Joint promotions and events have been successfully organised especially in the speciality food sector. Bord Bia is currently negotiating a formal inter agency agreement to provide for structured ongoing co-operation in food promotion at international trade fairs, retail promotions on the UK market, co-operation on developing the speciality sector on an all-island basis and market research and intelligence.

The development of an all-island animal health policy is, however, a necessary prerequisite to the establishment of an all-island food label. The development of the animal health policy is being actively pursued in the context of North-South co-operation. In addition, an all-island food label would require negotiation between the relevant authorities regarding its status and conditions for use and general acceptance from consumers and buy-in by producers and processors island-wide.

*Question No. 112 answered with Question No. 63.*

*Question No. 113 answered with Question No. 77.*

*Question No. 114 answered with Question No. 56.*

#### **Departmental Submission.**

115. **Mr. O'Shea** asked the Minister for Agriculture and Food if Ireland has submitted results (details supplied) to the European Union; if so, when; if not, the reason for same; if she will provide this Deputy with a copy of that submission; and if it has not yet been submitted, a draft of what is currently proposed to be submitted. [12222/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department submitted the material referred to on 1 March 2006. A copy of this material will be provided to the Deputy.

*Question No. 116 answered with Question No. 66.*

*Question No. 117 answered with Question No. 79.*

*Question No. 118 answered with Question No. 64.*

#### **Forestry Industry.**

119. **Mr. G. Mitchell** asked the Minister for Agriculture and Food the steps which she is taking to encourage the planting of forestry; and if she will make a statement on the matter. [12054/06]

**Minister for Agriculture and Food (Mary Coughlan):** A comprehensive range of incentives and supports is available from my Department to encourage the planting of forestry. Under the forestry grant and premium scheme, grants are available to cover 100% of planting costs, as well as a 20-year tax-free premium for farmers — 15 years for non-farmers — of up to €500 per hectare, depending on the species planted. Substantial tax concessions are also in place for forest owners. The single farm payment scheme enables farm-foresters to plant up to 50% of their eligible claimed areas with forestry, attracting immediate payment of forestry premiums, while still drawing down their full single farm payment.

Supports are also available for the growing forest in the form of grants for the shaping of broad-leaves and pruning of conifers, with expenditure in 2005 on these schemes of €10.5 million. Grants are also available for the construction of forest roads to facilitate access for management and harvesting operations. Expenditure on forest roads in 2005 came to €3.3 million. In addition to these direct supports, funding is provided for

research, advisory services and promotion. Free and independent advice on all forestry matters is available from Teagasc. This advice is provided with funding support from my Department.

In conjunction with the Irish forest industry chain, the forest service of my Department will shortly launch a major promotional campaign to further encourage new planting. I am convinced that sustainable forestry is of major importance to the securing the viability of rural Ireland and underpinning quality of life. It represents a major option for effective land use in Ireland.

*Question No. 120 answered with Question No. 64.*

*Question No. 121 answered with Question No. 77.*

#### **EU Directive.**

122. **Mr. Quinn** asked the Minister for Agriculture and Food the aspects of the nitrates directive Ireland which were found to be in breach by the European Court of Justice in 2004; if she will make a statement on the matter of the lessons her Department has learned as a result of its contribution to the situation in which Ireland found itself in breach of so many aspects of a directive that should have been implemented 11 years prior to the aforementioned judgment; the steps she has taken to ensure her Department never again has responsibility for so many breaches of one EU directive in the future; if she has caused an audit of her Department's performance in implementing the nitrates directive to be carried out; if not, when she plans to cause one to be carried out. [12226/06]

**Minister for Agriculture and Food (Mary Coughlan):** The implementation of the nitrates directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. The European Court of Justice delivered a judgment on 11 March 2004 that Ireland was non-compliant with the nitrates directive. The main finding was that Ireland had not fulfilled its obligations under the directive by reason of its failure to establish and implement an action programme in accordance with Article 5 of the directive to protect water quality against pollution by farming. The text of the judgement has been published.

*Question No. 123 answered with Question No. 64.*

#### **Forestry Industry.**

124. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food the reason her Department has not sought a prosecution in the case of an alleged illegal felling of 71 mature native trees (details supplied) in County Galway in late February 2003, despite the fact that Department



[Mr. Eamon Ryan.]

records obtained under the Freedom of Information Act 1997 indicate that the perpetrators were caught in the act. [12214/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department views the illegal felling of trees with the deepest concern and investigates all cases which are reported to it, prosecuting offenders through the courts where the facts of the case support such action. In this instance, my Department carried out an investigation of the alleged offence. Under section 4(3) of the Forestry Act 1946, proceedings for an offence under the Act must be instituted within 12 months of the cause of the complaint. Preparations commenced for the taking of proceedings but due to administrative error, the statutory period elapsed before they could be completed and as a result, no prosecution could be taken in this case. My Department has since introduced procedures to ensure that such errors do not recur. In addition, the question of increasing the statutory period allowed for prosecution

of such cases is being examined as part of the review of the forestry legislation which is currently underway.

### Organic Farming.

125. **Mr. Gormley** asked the Minister for Agriculture and Food the percentage of agricultural land and the acreage which is certified as organic in each EU member state in each of the past ten years; and her views on the way in which Ireland compares with the other States. [12180/06]

**Minister for Agriculture and Food (Mary Coughlan):** Details of land certified as organic in EU member states in the years 1994 to 2004 are set out in the following table. Figures for other member states for 2005 are not yet to hand. While the size of the organic sector in Ireland is below the EU average, there are some signs of growth. The total area in conversion or with full organic status rose by nearly 5,000 hectares in 2005, which was an increase of some 15%. I expect that this trend will continue as farmers look for new opportunities in the wake of decoupling.

Total hectares with percentage of Utilised Agricultural Area certified as organic in EU Member States 1994-1997

Year-end	1994	% of UAA	1995	% of UAA	1996	% of UAA	1997	% of UAA
Austria	192,337	5.90	335,865	10.31	309,089	9.49	345,375	10.60
Belgium	2,683	0.19	3,385	0.24	4,261	0.31	6,818	0.49
Cyprus								
Czech Rep	15,818	0.44	14,127	0.39	17,022	0.47	20,239	0.56
Denmark	20,688	0.78	38,334	1.44	44,991	1.69	59,963	2.26
Estonia	1,600	0.20	3,000	0.38	3,000	0.38	3,000	0.38
Finland	25,822	1.15	44,695	1.99	84,556	3.77	102,342	4.56
France	94,806	0.34	118,393	0.43	137,084	0.49	165,406	0.60
Germany-cert	445,267	2.62	461,549	2.72	475,746	2.80	450,000	2.65
Greece	1,188	0.03	2,401	0.06	5,269	0.13	10,025	0.25
Hungary	8,630	0.20	12,325	0.28	9,300	0.21	19,625	0.45
Ireland	5,390	0.12	12,634	0.29	20,496	0.47	18,687	0.43
Italy	154,120	1.18	204,494	1.56	334,175	2.55	641,149	4.89
Latvia	1,250	0.08	1,147	0.08	1,200	0.08	1,500	0.10
Lithuania	267	0.01	582	0.02	1,118	0.04	1,568	0.06
Luxembourg	538	0.42	571	0.45	594	0.46	618	0.48
Malta								
Netherlands	11,340	0.56	12,909	0.64	14,456	0.72	16,960	0.84
Poland	5,000	0.03	6,855	0.05	8,000	0.06	9,000	0.06
Portugal	7,267	0.20	10,719	0.29	9,191	0.25	12,193	0.33
Slovak Rep	14,762	0.69	18,813	0.88	27,661	1.29	27,809	1.30
Slovenia	150	0.03	200	0.04	300	0.06	100	0.02
Spain	17,208	0.07	24,079	0.10	103,735	0.41	151,865	0.60
Sweden-cert	54,851	1.75	86,824	2.78	162,312	5.19	205,185	6.56
United Kingdom	32,476	0.19	48,448	0.29	49,535	0.29	54,670	0.32
EU25	1,113,458	0.71	1,462,349	0.93	1,823,091	1.16	2,324,097	1.48

## Total hectares with percentage of Utilised Agricultural Area certified as organic in EU Member States 1998-2001

Year-end	1998	% of UAA	1999	% of UAA	2000	% of UAA	2001	% of UAA
Austria	287,899	8.84	272,635	8.37	272,000	8.35	276,410	8.49
Belgium	11,744	0.84	18,515	1.33	20,667	1.48	22,410	1.61
Cyprus			30	0.02	52	0.03	100	0.06
Czech Rep	71,620	1.97	110,756	3.05	165,699	4.56	218,114	6.01
Denmark	93,201	3.51	136,629	5.14	157,661	5.93	168,377	6.33
Estonia	3,080	0.39	4,000	0.50	9,872	1.24	20,555	2.58
Finland	126,176	5.62	136,662	6.09	147,268	6.56	147,943	6.59
France	218,792	0.79	315,770	1.14	369,921	1.33	419,750	1.51
Germany-cert	414,293	2.44	452,327	2.66	546,023	3.22	632,165	3.72
Greece	15,402	0.39	21,451	0.54	26,707	0.67	31,118	0.78
Hungary	21,565	0.50	32,609	0.75	47,221	1.08	79,177	1.82
Ireland	24,411	0.56	29,360	0.67	27,231	0.62	30,017	0.69
Italy	785,738	5.99	911,068	6.95	1,040,377	7.93	1,237,640	9.44
Latvia	1,426	0.10	1,628	0.11	4,400	0.30	10,549	0.71
Lithuania	4,006	0.16	3,995	0.16	4,709	0.19	6,469	0.26
Luxembourg	744	0.58	888	0.69	1,068	0.83	2,006	1.57
Malta								
Netherlands	22,268	1.11	26,350	1.31	32,334	1.61	35,876	1.79
Poland	10,000	0.07	11,000	0.08	25,000	0.17	38,732	0.27
Portugal	29,533	0.79	47,974	1.29	50,002	1.34	70,857	1.90
Slovak Rep	50,695	2.37	46,386	2.17	58,458	2.73	58,706	2.75
Slovenia	214	0.04	2,697	0.55	5,440	1.12	10,828	2.23
Spain	269,465	1.07	352,267	1.40	380,902	1.51	485,079	1.93
Sweden-cert	243,657	7.79	306,743	9.81	343,000	10.97	382,000	12.22
United Kingdom	274,519	1.63	390,868	2.32	527,323	3.13	679,631	4.04
EU25	2,980,449	1.90	3,632,608	2.32	4,263,335	2.72	5,064,509	3.23

## Total hectares with percentage of Utilised Agricultural Area certified as organic in EU Member States 2002-2004

Year-end	2002	% of UAA	2003	% of UAA	2004	% of UAA
Austria	296,154	9.09	328,803	10.09	344,916	10.59
Belgium	24,874	1.78	24,163	1.73	23,563	1.69
Cyprus	166	0.11	500	0.32	1,018	0.65
Czech Rep	235,136	6.47	254,995	7.02	263,799	7.26
Denmark	174,350	6.56	165,146	6.21	156,802	5.90
Estonia	30,623	3.85	42,573	5.35	46,016	5.78
Finland	156,692	6.98	159,987	7.13	162,024	7.22
France	517,965	1.86	550,990	1.98	540,000	1.94
Germany-cert	696,978	4.10	734,027	4.32	767,891	4.52
Greece	77,120	1.94	244,457	6.16	267,159	6.73
Hungary	103,671	2.38	113,816	2.62	128,690	2.96
Ireland	29,754	0.68	28,514	0.65	30,670	0.70
Italy	1,168,212	8.91	1,052,002	8.02	954,361	7.28
Latvia	16,935	1.14	24,480	1.64	48,000	3.22
Lithuania	8,780	0.35	23,289	0.93	42,000	1.69
Luxembourg	3,121	2.44	3,004	2.34	3,100	2.42
Malta			3	0.03	14	0.13
Netherlands	42,610	2.12	41,865	2.09	48,155	2.40
Poland	43,828	0.30	49,928	0.35	82,730	0.57

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Year-end	2002	% of UAA	2003	% of UAA	2004	% of UAA
Portugal	91,006	2.44	120,729	3.24	206,526	5.54
Slovak Rep	49,999	2.34	54,479	2.55	53,091	2.48
Slovenia	13,828	2.84	20,081	4.13	23,280	4.79
Spain	665,055	2.64	725,254	2.88	733,182	2.91
Sweden-cert	414,120	13.24	445,776	14.26	462,438	14.79
United Kingdom	741,174	4.41	695,619	4.13	690,269	4.10
EU25	5,602,151	3.57	5,904,481	3.77	6,079,694	3.88

### Genetically Modified Organisms.

126. **Dr. Twomey** asked the Minister for Agriculture and Food her plans to evaluate the economic implications of the use of genetically modified organisms; and if she will make a statement on the matter. [12048/06]

**Minister for Agriculture and Food (Mary Coughlan):** I wish to inform the Deputy that Teagasc has an ongoing programme of research that investigates the potential risks and benefits associated with the growing of genetically modified, GM, crops in Ireland including, *inter alia*, the economic implications. Preliminary research completed by it to date does indicate that the cultivation of certain crops with certain modifications may provide a financial incentive to the Irish farmer.

In order to establish greater clarity in the matter, I requested Teagasc to carry out an evaluation of the possible national economic implications for the agrifood industry from the use of genetically modified organisms, GMOs, in crop and livestock production. Teagasc has recently completed its study which is based on two scenarios: the economic implications of only allowing the importation into Ireland of certified GM-free soya bean and maize livestock feed ingredients; and the economic implications of GM-free crop cultivation in Ireland.

In the first scenario, the study showed that substantial additional costs would be placed on the livestock sector, particularly on specialist dairy and beef farmers, if they were to use certified GM-free soya and maize only in feeding stuffs. In the second scenario, the study examined five hypothetical GM crops which could be grown here — herbicide tolerant sugar beet, Septoria resistant winter wheat, Fusarium resistant winter wheat, Rhynchosporium resistant spring barley and blight resistant potatoes. This study showed that increased profits could be generated for growers of these crops compared to their conventional equivalent. However, the study showed that there is a significant cost in respect of identity preservation for conventional growers in a co-existence arrangement.

### Land Management.

127. **Mr. Gogarty** asked the Minister for Agri-

culture and Food the means she has or will put in place to promote the planting of cover crops over winter to reduce nitrate losses and soil erosion. [12178/06]

**Minister for Agriculture and Food (Mary Coughlan):** The use of a winter cover crop is a desirable practice from an environmental and agronomic point of view and is to be encouraged. In some circumstances, a requirement already exists for farmers to ensure that cover crops are in place.

One of the conditions for receipt of the dingle farm payment is that the recipient must keep his or her land in good agricultural and environmental condition. This includes a requirement on the occupier of a holding to take all reasonable steps to ensure that soil is covered by vegetation or else ploughed to reduce soil erosion due to lack of ground cover. Unsown seedbeds are not permitted over the winter.

The nitrates regulations introduced by the Minister for the Environment, Heritage and Local Government require that where arable land is ploughed or when a non-selective herbicide is applied to arable land or grassland between 1 July and 15 January, the occupier of the holding will take the necessary measures to provide for emergence of green cover from a sown crop within 6 weeks. Alternatively, natural regeneration may be used where a non-selective herbicide has been applied. The rural environment protection scheme includes an option designed to promote the establishment of green cover.

It is the responsibility of the occupier of a holding to ensure compliance with the provisions of the nitrates regulations, or with the conditions of any other scheme in which he or she may be a participant, in relation to that holding. Farmers may avail of professional advice from an agricultural adviser if they need it.

*Question No. 128 answered with Question No. 56.*

*Question No. 129 answered with Question No. 95.*

### Environmental Policy.

130. **Mr. Wall** asked the Minister for Agriculture and Food the areas of research that have been identified by her Department into bio-fuels; the action which has been taken to ensure research in these areas is or will be carried out; when research into these areas will be carried out; the amount which has been allocated by her Department for each of these areas of research; the assistance she will offer the one power plant and the one cement company here which are investigating the feasibility of utilising MBM to generate fuel; the ways in which her Department are facilitating the use of tallow in thermal boilers in rendering plants as bio-fuel; when her Department will introduce procedures for the conversion of tallow into biodiesel; the way in which her Department will promote the use of anaerobic digestion and fluidised bed combustion; and when it is planned to begin such promotion. [12224/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department's research stimulus fund programme was broadened last year to incorporate biofuels research. Projects supported under this programme will complement the research work being done by Teagasc and others in the biofuels area.

Under the 2005 research stimulus fund programme, 12 research projects were recently awarded grant assistance totalling €4.5 million. These research projects cover a broad range of areas including agri-environment, non-food crops and agrifood economics and will involve inter-institutional collaboration. Three of the projects selected for funding relate to research projects involving biofuels and energy crops and received total grant assistance of some €0.9 million. In view of the importance of research in this area, the new round of research proposals for funding under the 2006 research stimulus fund programme, which I recently announced and advertised in the national press, also includes a research theme in that area covering land use for bio-energy purposes. The allocation made to this new round, which also includes research theme areas on agri-environment, animal and plant bioscience and agri economy and policy, amounts to some €4 million in 2006.

In addition to research on biofuels under the stimulus fund, my Department is currently seeking approval in regard to two bio-energy initiatives. The first of these is the short-rotation willow scheme which would provide assistance towards the establishment of willow as an energy crop. The second is the biomass harvesting machinery initiative which would provide grant-aid towards the purchase of specialised equipment. My Department is currently funding a wood energy project in County Clare which is aimed at promoting the development of the wood energy market through the creation of a wood chip supply chain. This is a multi-annual project whose

funding in 2005 amounted to €50,000. A similar level of funding is envisaged for 2006.

My Department is in discussions with the power plant and the cement company mentioned by the Deputy on the usage of MBM as a fuel in their operations and will continue to offer advice on the issue. With regard to the use of tallow in thermal boilers in rendering plants as bio-fuel, the relevant EU regulation was amended in December last to allow for this. Draft conditions for the use of tallow in thermal boilers have been discussed with the industry and these will be finalised shortly. Concerning the conversion of tallow into bio-diesel, the EU regulation mentioned above contains amendments which will facilitate the introduction of this process. My Department is also in consultation with the industry on the conditions for conversion of tallow into bio-diesel.

As part of the arrangements to assist farmers meet the additional requirements of the nitrates directive, I have announced my intention to introduce a scheme to support the demonstration of new technologies in reducing the volume of livestock manures or their nutrient content. Under the proposed scheme, financial support will be provided for up to ten projects throughout the State for the installation of such systems, including fluidised bed combustion or treatment plants comprising of anaerobic-aerobic digestion systems.

The maximum eligible investment ceiling per project will be €1 million and the total State contribution, at a grant-rate of 40%, will, therefore, be up to €4 million. The scheme will be introduced as soon as the required EU approval has been received. My Department recently finalised the conditions for approval and operation of composting and biogas plants treating animal by-products in Ireland. An information seminar was held in February 2006 to which all stakeholders were invited. Copies of the finalised conditions were distributed to all interested parties.

### Animal Welfare Bodies.

131. **Ms O. Mitchell** asked the Minister for Agriculture and Food the number of animal welfare officers here; the steps she is taking to ensure good animal welfare; and if she will make a statement on the matter. [12005/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department has certain statutory responsibility for the welfare and protection of farmed animals. The legislation governing this is the Protection of Animals Kept for Farming Purposes Act 1984 and the European Communities (Protection of Animals Kept for Farming Purposes) Regulations 2000. In addition, there is specific legislation in regard to pigs, calves and laying hens.

Welfare cases which come to notice are dealt with, generally, by officers based in my Depart-

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ment's district veterinary offices. These officers deal with the implementation of animal welfare legislation as well as having responsibilities in a wide number of other areas related to animal health, disease control, etc. Funding is available to deal with emergency care, feeding, transport, etc., of welfare compromised farm animals. I am satisfied that the resources available within my Department are sufficient to deal with such cases and to provide a high standard of animal welfare.

In 2004, the Farm Animal Welfare Advisory Council, FAWAC, developed an early warning-intervention system, EWS, for dealing with animal welfare cases involving my Department, the Irish Farmers' Association and the Irish Society for the Prevention of Cruelty of Animals. The objective of the system is to provide a framework within which farm animal welfare problems can be identified before they become critical or overwhelming. The new system allows for concerned individuals to approach their local IFA representatives, local SPCA or my Department in the knowledge that the matter will be dealt with in the most effective, timely and sensitive manner.

In addition, my Department makes *ex gratia* payments annually to organisations, including the ISPCA, involved in the direct delivery of animal care and welfare services to assist in their ongoing work. To date, we have provided a total of €5.97 million to such bodies, some €1.2 million of which was paid to 86 organisations in December last to assist them during 2006. A provision of €1.1 million for this purpose is included in my Department's Estimates for 2006 and applications will be invited later this year for payments in respect of 2007. Payments to the ISPCA have been in respect of both headquarters level and branches of the organisation in several counties.

The main statutes governing cruelty to animals in this country are the Protection of Animals Acts 1911 and 1965. Responsibility for pursuing complaints under that legislation rests with the Garda Síochána which may, on receipt of a complaint, investigate and bring a prosecution against any person alleged to have committed an act of cruelty against an animal. Officers of my Department are regularly involved in assisting the gardai in such cases.

### Beef Imports.

132. **Mr. Kehoe** asked the Minister for Agriculture and Food if she is satisfied with Brazilian beef imports; and if she will make a statement on the matter. [12043/06]

**Minister for Agriculture and Food (Mary Coughlan):** As a member of the EU and the World Trade Organisation, Ireland is in a position to avail of opportunities for trade that are essential for the development of our open economy. Membership of these organisations also brings reciprocal trade obligations. The principle

is that imported animal products meet standards at least equivalent to those required for production in, and trade between, member states. All such imports must come from third countries or areas of third countries that have been approved by the EU authorities for export to the EU.

I fully support the policy that animal products imported into the EU from third countries meet standards at least equivalent to those required for production in, and trade between, EU member states. In this context, I contacted the Commissioner for Health and Consumer Protection, Mr. Markos Kyprianou, concerning the sanitary rules applying to the import of livestock products, especially beef, into the European Union. The Commissioner pointed out that, with respect to traceability and controls of residues of veterinary medicines, the purpose of EU legislation is not to impose on exporting third countries a system of guarantees that is equal to the EU system, but that the exporting country provides guarantees that are equivalent to the standards applied in the EU.

The Commissioner indicated his service is committed to protect the health of European consumers and European livestock. It has regularly carried out inspections in Brazil and has taken appropriate measures whenever necessary. The Commission's adoption of restrictive measures in regard to the finding of residues of unauthorised substances in poultry meat and the quick and proportionate protective measures applied to imports of beef as a result of the recent outbreaks of foot and mouth disease in Brazil demonstrate the Commission's primary objective of maintaining the high sanitary status of the Community and respecting the EU's commitment under the WTO Agreement on Sanitary and Phytosanitary Measures, SPS agreement.

The Commissioner has assured me that the Commission will not hesitate to take the appropriate protection measures if a product, imported from a third country or produced in the domestic market, represents a risk to the health of EC consumers, livestock or plants. An EU food and veterinary office inspection to evaluate animal health and public health control systems, traceability and certification procedures in place in Brazil was carried out in September last year. The FVO has just published its findings following a period of consultation with the Brazilian competent authorities and the review of action plans that have been submitted by the Brazilian authorities to the Commission. This report, as well as all previous FVO reports on inspection of third countries' controls for export, may be accessed from the EU Commission's website at the following address, <http://europa.eu.int/comm/food/fvo/index—en.htm>. While the report comments on a general improvement in the structure, organisation and tasks of the Brazilian competent authorities, it has listed a number of recommendations to the authorities to address deficiencies that

were recorded in the course of its audit. The Brazilian authorities have undertaken to submit an action plan in response to these recommendations and my Department will continue to monitor the position.

*Question No. 133 answered with Question No. 77.*

*Question No. 134 answered with Question No. 75.*

#### **Tuberculosis Incidence.**

135. **Mr. Deasy** asked the Minister for Agriculture and Food her plans to review the tuberculosis eradication programme; and if she will make a statement on the matter. [12007/06]

**Minister for Agriculture and Food (Mary Coughlan):** The main elements of the current bovine tuberculosis eradication scheme include an annual mandatory test on each herd; test on herds contiguous to or otherwise epidemiologically linked to infected herds; veterinary inspection of carcasses presented for human consumption; prompt removal of reactor animals; epidemiological investigation following confirmation of infection and spread; tracing of TB infected or potentially infected animals back from and forward to other herds where appropriate; use of the gamma Interferon test, the ELISA and the anamnestic ELISA test in problem herds as an adjunct to the tuberculin test; depopulation of infected herds where the level or duration of infection indicates that this is necessary to clear the herd and-or protect the neighbourhood; contribution towards the cost of the eradication measures through the disease levies, which are paid on cattle slaughterings, live cattle exports and deliveries to creameries; compensation for animals removed as reactors based on the market value for each animal removed subject to certain limits; and a wildlife strategy and research on developing blood tests, vaccines and other technological tools required to improve effectiveness of programmes.

The present eradication programme is scientifically based and is kept under constant review, as evidenced by the changes that have occurred in recent times. Such recent changes include a more focused contiguous herd testing policy and greater use of the ancillary gamma interferon blood test in target herds. On the technology side, new and enhanced computer systems have been developed including an individual bovine animal unique identification and passport system, a computerised movement monitoring system for bovine animals, CMMS, and an animal health computer system, AHCS. In view of the recognition that the incidence of the disease in wildlife is a major impediment to eradication of the disease, the current eradication scheme contains a significant wildlife strategy aimed at removing badgers

in adjacent areas where they are implicated in tuberculosis breakdowns and which is implemented under licence from and in co-operation with the Department of the Environment, Heritage and Local Government.

The recent changes which have been introduced into the scheme have improved the effectiveness of the programme as evidenced by a significant reduction in the incidence of the disease from 4.2 reactors per thousand in 1998 to 2.6 in 2004. However, my Department will continue to monitor and review the effectiveness and efficiency of the programme on an ongoing basis with a view to the eventual eradication of the disease. In this context, in the short-term, notwithstanding the fact that the existing wildlife strategy has contributed to a reduction in the incidence of bovine TB, it is accepted that the development of a vaccine for badgers is a prerequisite if eradication of tuberculosis from the cattle population is to be achieved. My Department plans to commence a large-scale field trial of BCG in badgers in the near future to test the efficacy of a vaccine. However, any vaccine will not be available in the immediate future and the existing strategy will remain in place for some time. In the meantime, the existing programme, updated as appropriate in light of developments, will remain in place.

#### **Veterinary Service.**

136. **Mr. Timmins** asked the Minister for Agriculture and Food the steps she is taking to provide a countrywide and weekend veterinary service for the issue of prescriptions for animal remedies; and if she will make a statement on the matter. [12047/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Deputy will be aware that veterinary practices are primarily commercial entities and their locations are driven by commercial realities. However, in so far as State involvement is concerned, I can point to a number of recent measures which will alleviate difficulties that may arise in certain parts of the country. Under the new Veterinary Practice Act 2005, effective from 1 January 2006, there is a provision which for the first time enables the Veterinary Council to recognise qualifications from applicants in third countries generally. This, taken with the enlargement of the EU, will make for improved availability of practitioners to meet shortfalls that may arise on the supply side. Furthermore, the Animal Remedies Regulations 2005, which I signed into law on 17 November 2005, contain a number of measures which facilitate veterinary practitioners and their farmer clients to avoid difficulties in this area. These include changes to the prescribing rules in terms of the ending of the requirement to clinically examine an animal prior to writing a prescription and the extended validity period of prescriptions. The regulations also include a provision, which in a genuine emergency situation

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and subject to appropriate safeguards, allows a pharmacist to supply a prescription medicine in advance of receiving a written prescription.

Finally, I understand that Údaras na Gaeltachta provides funding to subsidise veterinary practices in remote areas in consultation with the local farming community.

#### **Animal Welfare Bodies.**

137. **Mr. Costello** asked the Minister for Agriculture and Food the number of cases involving animal welfare problems which were dealt with by her Department's district veterinary offices in each of the past five years; the number of prosecutions involving animal welfare legislation which the district veterinary office was involved in over each of the past five years; and the number of convictions and acquittals which were the outcome of such cases during each of the past five years. [12230/06]

**Minister for Agriculture and Food (Mary Coughlan):** The main statutes governing cruelty to animals in this country are the Protection of Animals Acts 1911 and 1965. Responsibility for pursuing complaints under that legislation rests with the Garda Síochána which may, on receipt of a complaint, investigate and bring a prosecution against any person alleged to have committed an act of cruelty against an animal. Officers of my Department are regularly involved in assisting the gardai in such cases.

My Department has certain statutory responsibility for the welfare and protection of farmed animals. The legislation governing this is the Protection of Animals Kept for Farming Purposes Act 1984 and the European Community (Protection of Animals Kept for Farming Purposes) Regulations, 2000. In addition, there is specific legislation in regard to pigs, calves and laying hens.

Animal welfare cases which come to notice are dealt with, generally, by officers based in my Department's district veterinary offices. These officers deal with the implementation of animal welfare legislation as well as having responsibilities in a wide number of other areas related to animal health, disease control, etc. Information in regard to animal welfare cases dealt with in any particular year is not compiled centrally in my Department.

In 2004, the Farm Animal Welfare Council, FAWAC, introduced an early warning-intervention system, EWS, for animal welfare cases involving the Department of Agriculture and Food, the Irish Farmers' Association and the Irish Society for the Prevention of Cruelty of Animals. The objective of the system is to provide a framework within which farm animal welfare problems can be identified before they become critical or overwhelming. The new system allows for concerned individuals to approach their local

IFA representatives, the local SPCA or my Department in the knowledge that the matter will be dealt with in the most effective, timely and sensitive manner. In addition, my Department makes *ex gratia* payments annually to organisations involved in the direct delivery of animal care and welfare services to assist in their ongoing work. In this regard, some €1.2 million was paid to 86 organisations in December last to assist them during 2006 and a provision of €1.1 million for this purpose is included in my Department's Estimates for 2006.

#### **Live Exports.**

138. **Mr. McEntee** asked the Minister for Agriculture and Food her plans to ensure adequate shipping capacity for the live export of calves to continental Europe; and if she will make a statement on the matter. [12026/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department's function in regard to the transport of livestock by sea is to approve vessels based on statutory requirements regarding the protection of animal welfare. The actual provision of such services is a commercial matter.

Approval for the carriage of livestock on roll-on roll-off vessels is considered on a case-by-case basis, having regard to the characteristics of the individual vessel, whereas there are specific statutory requirements which apply across the board where dedicated livestock vessels are concerned. Over the years, my Department has approved a number of dedicated roll-on roll-off vessels and works closely with applicant companies for approval to ensure that the conditions aboard such vessels are consistent with national and EU animal welfare requirements. A vessel currently approved by my Department for the carriage of livestock was recently approved for the carriage of two additional livestock units and underwent a successful trial voyage. The vessel is also provisionally approved for a further additional livestock unit subject to some minor modifications to the ventilation system. The vessel will then be capable of transporting a total of 21 livestock units. My Department has also authorised the transport of cattle from Shannon Airport on aircraft and to-date three consignments of animals have been exported by this means.

Up to 19 March 2006, 43,844 live cattle have been exported from the State, compared to 32,585 for the same period during 2005. This represents an increase of 35%. The live export trade provides a valuable outlet for categories of younger animals and a degree of competition, thereby sustaining prices. My Department will continue to discharge its responsibilities in regard to the live trade by ensuring that any such applications are dealt with in a thorough, professional and efficient manner and that our animal health status continues to allow producers to have access to markets in the EU and elsewhere.

The Government's consistent position in regard to live exports has been that they provide a vital and legitimate market outlet for the livestock sector. The role of the Government in the promotion and preservation of any commercial trade is to create an environment in which it can be carried on in an economic and sustainable manner and which allows it to make the maximum possible contribution to the national economy. In the case of live exports, the preservation of the animal health status of the country, the international reputation of its veterinary certification services and the existence and application of a framework, which ensures that good standards and welfare considerations are taken into account, are all key elements. In each of these areas, our record is exemplary. Ultimately, the transport of live animals is a commercial matter and there are sufficient numbers of approved vessels to provide a service if the commercial demand exists.

### **Sugar Industry.**

139. **Mr. Rabbitte** asked the Minister for Agriculture and Food if she will make a statement on the outcome of her meeting on 21 March 2006 with a delegation from Mallow, County Cork, to discuss the implications of the planned closure of the Irish Sugar Company plant; and if she will make a statement on the matter. [11716/06]

**Minister for Agriculture and Food (Mary Coughlan):** During the meeting on 21 March which the Taoiseach, the Minister for Enterprise, Trade and Employment and I, together with Minister of State, Deputy Michael Ahern, had with a delegation from Mallow, I expressed my concern about the impact the closure of the Irish Sugar plant would have on workers, beet growers and all those who depended on the sector. I explained that the recent decision by Greencore to discontinue sugar production was a commercial decision by the company having regard to the deteriorating situation on the sugar market and the agreement on reform of the EU sugar regime.

Furthermore, I outlined the background to the EU negotiations on the reform, the negotiating stance I adopted and the compensation arrangements negotiated for Ireland when the opposition of the group of 11 member states dissipated at the Council meeting in November. The outcome of my negotiating strategy in these difficult negotiations was reflected in the final compensation package worth over €310 million to Ireland, which was way beyond the most optimistic expectations. There are three elements to the package. They include the compensation to beet growers of up to 64% of the reduction in the minimum price for beet. This compensation, which will be incorporated into the existing single payment scheme, is worth approximately €123 million to Irish beet growers over the next seven years. There is the compensation by way of a restructur-

ing fund covering the economic, social and environmental costs of restructuring the sugar industry, involving factory closure and renunciation of quota. In Ireland's case, this would be worth up to €145 million. The fund is subject to the submission of a detailed restructuring plan for the industry following consultations between the processor and the beet growers. The reform agreement provides that at least 10% of the restructuring funds shall be reserved for sugar beet growers and machinery contractors. That proportion may be increased by member states after consultation with interested parties, provided that an economically sound balance between the elements of the restructuring plan is ensured. Finally, the reform agreement provides for the introduction of aid for diversification measures where sugar beet production completely ceases. This aid, worth almost €44 million to Irish growers, would be drawn down in the framework of a national restructuring programme to be elaborated when the Commission's implementing regulation has been adopted.

The decision taken by Greencore is obviously difficult for everyone concerned. The compensation arrangements will be finalised when the Commission's implementing regulations are adopted in the coming months. I will endeavour to ensure that they are implemented in a fair and equitable manner in accordance with the regulations.

### **Care of the Elderly.**

140. **Mr. Neville** asked the Tánaiste and Minister for Health and Children when funding will become available to the mid western region for care packages to provide home care grants for elderly people; and the criteria which will be used in allocation of these grants. [12285/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

### **Medical Cards.**

141. **Dr. Upton** asked the Tánaiste and Minister for Health and Children if she stands by her statement in Parliamentary Question No. 200 of 7 March 2006 that the long-term illness scheme provides for the supply, without charge of drugs, medicines and surgical appliances to persons with a medial condition (details supplied). [12286/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I am happy to confirm the position



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as set out in my answer of 7 March last and to clarify that, under the long-term illness scheme, the Health Service Executive may arrange for the supply, without charge, of drugs, medicines and medical and surgical appliances to people with cystic fibrosis for the treatment of that condition.

#### **Avian Influenza.**

142. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the position regarding preparations to deal with an outbreak of avian flu; and if all necessary supplies have been ordered for potential victims. [12287/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** For the sake of clarity, avian flu, H5N1, is primarily a disease of birds. To date, there have been a very small number of human cases of H5N1 infection documented in situations where there has been very close contact with infected birds. There is no evidence of human to human transmission. The Department of Agriculture and Food is responsible for controlling avian flu in birds and mammals other than humans. That Department has put in place a range of measures aimed at maintaining Ireland's avian flu-free status.

The health sector's role in this respect relates to the human health implications that would arise were there to be an outbreak of avian flu in this country. My Department is working closely with the Department of Agriculture and Food in this context. The Department of Agriculture and Food is an active participant in my Department's influenza pandemic expert group, a subgroup of which has developed guidance documents for use in the event of an avian influenza outbreak in animals in Ireland. Guidance on the investigation and management of suspected human cases of avian influenza has also been developed and circulated within the health system. These guidance documents are available on the HSE Health Protection Surveillance Centre website *www.hpsc.ie*.

The overall aims of influenza pandemic planning are to reduce mortality and morbidity and to minimise the resulting disruption to society. In line with information and evidence available internationally, my Department has consistently stated that the consequences of a global pandemic are likely to be serious. Pandemic planning can only mitigate the effects. I would like to draw a clear distinction between the current avian flu outbreak and the possibility of a future pandemic influenza in the human population. Experts advise that such a pandemic may arise as a result of the current H5N1 avian flu situation, but this is by no means inevitable.

My Department and the Health Service Executive are working closely together on pandemic planning. The pandemic influenza operational response plan is being updated in line with the most up-to-date expert advice. This work is being

progressed through working and implementation groups established by the HSE to address actions within a number of functional areas, including personnel, supplies and excess mortality.

#### **Health Services.**

143. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the amount of funding that was provided to Peamount Hospital for the last five years of its operation towards the treatment of tuberculosis; the breakdown of the figures per year; and where the funding that was saved with the closure of the tuberculosis unit in Peamount Hospital has been allocated, if at all. [12289/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

144. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that people who receive home care grants are being told that they must pay PRSI contributions and so on for the person who receives the grant in lieu of work done; if this responsibility is proving to be a deterrent to people taking up the home care grant; and if she will make a statement on the matter. [12290/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

145. **Mr. Ardagh** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in Dublin 12 will be accommodated for residential care in Stewarts Hospital. [12291/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have

this matter investigated and to have a reply issued directly to the Deputy.

#### **Child Care Services.**

146. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children the measures she will put in place to ensure that all crèches and child care facilities are inspected on a regular basis in counties Clare and Limerick and north County Tipperary as figures in a newspaper (details supplied) reveal that 28 of 370 were inspected in 2005; and if she will make a statement on the matter. [12292/06]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

I am aware, however, that in response to the newspaper article to which the Deputy refers, the Health Service Executive has informed my Department that the total number of annual pre-school inspections undertaken in the mid-west region in 2005 was 365, with a further 61 follow up visits. The number of notified services in that region is calculated at 445 in February 2006 and not 370 as published.

#### **Care of the Elderly.**

147. **Dr. Upton** asked the Tánaiste and Minister for Health and Children the situation regarding illegal nursing home charges in so far as it applies to persons who were not considered *compos mentis*; if she will confirm that the Statute of Limitations does not apply to such persons; and if she will make a statement on the matter. [12293/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health (Repayment Scheme) Bill 2006 was published on 16 March 2006 and will be brought before the Houses of the Oireachtas in the coming weeks. This Bill will provide the statutory basis for a national repayment scheme for the repayment of long stay charges for publicly funded residential care to those fully eligible persons who were wrongly charged.

Under the scheme, all those fully eligible persons, including those not considered *compos mentis* who were wrongly charged and are alive, will have the charges repaid in full. The estates of all those fully eligible persons, including those not considered *compos mentis* who were wrongly charged and died in the six years prior to 9 December 2004, the date on which the former

health boards were instructed to cease charging, will have the charges repaid in full. The scheme will not allow for repayments to the estates of those who died more than six years prior to this date.

The decision to limit repayments to the estates of those who died in the six years prior to 9 December 2004 reflects the reference in the Supreme Court judgment to the Statute of Limitations that the State has available to it the Statute of Limitations, namely, a six year limit. The Government has a responsibility to have regard to what the Supreme Court said in order to limit the scale of total repayment that today's taxpayer would otherwise need to fund. I am satisfied that the scheme strikes a fair balance in this regard.

#### **Health Services.**

148. **Dr. Upton** asked the Tánaiste and Minister for Health and Children the action she has taken to ensure that home help service providers are being fairly treated in respect of their contracts; and if she will make a statement on the matter. [12294/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Deputy's question relates to human resource management within the Health Service Executive. As this is a matter for the Executive under the Health Act 2004, my Department has requested the parliamentary affairs division of the executive to arrange to have it investigated and to have a reply issued directly to the Deputy.

I recognise the valuable role of the home help service in enabling people who might otherwise need to be cared for in institutional care to remain at home where this is appropriate. I am aware that a high level group has been established with representatives from the Health Service Executive and staff representatives from SIPTU and IMPACT to address issues pertaining to the standardisation of home help services. The group held its first meeting on 23 March last and further meetings are scheduled.

149. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the steps she intends taking, independent of a Medical Council inquiry and in the interests of patient safety, following the publication of the Judge Harding Clarke report that highlighted the conclusions reached by the three consultant obstetricians chosen by the former doctor, Michael Neary, and the Irish Hospital Consultants Association; and if she will make a statement on the matter. [12295/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Following the publication of the report of the Our Lady of Lourdes Hospital inquiry, I have discussed its findings with Patient Focus, the National Hospitals Office of the

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Health Service Executive, HSE, and the Medical Council. As the Deputy is aware, the Medical Council is the body with statutory responsibility for issues relating to fitness to practice of medical practitioners and I have no function in relation to any such enquiries.

The recommendations in the report underline the importance of a number of policies and actions that I have been pursuing, in particular the introduction of a new medical practitioners Bill, which I hope to bring to the House later this year, and the introduction of a new contract for hospital consultants, which is intended to include provisions in relation to clinical audit and competence assurance.

International experience of health service failures demonstrates the value of review mechanisms to ensure clinical governance and quality in the health care. The report should cause us to deal clearly with the implications that its findings have for the health service as a whole. I have asked my Department to develop mechanisms in conjunction with the HSE to ensure that clinical governance arrangements are strengthened throughout the health system.

#### Departmental Bodies.

150. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children the number of working groups and committees that she and her Ministers of State have set up since she has come to that office to date; the cost of each of these committees or inquiries; if she is satisfied that all of these groups are just; and if she will make a statement on the matter. [12341/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The information requested is being collated in my Department and will be forwarded directly to the Deputy as soon as possible.

#### Health Services.

151. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children if financial assistance will be provided to the Irish Society for Autism to assist it with the running costs attached to providing a residential centre for autistic girls at Myshall, County Carlow in view of the fact that this will be the only residential centre for autistic girls here; and if she will make a statement on the matter. [12342/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have

this matter investigated and to have a reply issued directly to the Deputy.

152. **Dr. Upton** asked the Tánaiste and Minister for Health and Children her plans for Our Lady's Hospital for Sick Children, Crumlin; and if she will make a statement on the matter. [12343/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** In the context of the decision to be taken on the possible relocation of the facilities at Our Lady's Hospital for Sick Children, Crumlin, I asked the Health Service Executive to undertake a review of tertiary highly specialised paediatric services to ensure that they are planned and provided in the most efficient and effective manner.

On 3 February last, the Health Service Executive published a report on the delivery of tertiary paediatric services in this country. The report, which was prepared by McKinsey & Co., recommends that best outcomes for children should be provided by one national tertiary paediatric centre, which would also provide all secondary paediatric services for the greater Dublin area. Arising from the report's recommendations, a joint HSE-Department of Health and Children task group was established to progress matters and to advise on the optimal location for the new facility. The group is expected to report in early April. My primary concern is to ensure that we arrive at a solution which is in the best interests of the children of this country.

#### Nursing Home Subventions.

153. **Mr. Perry** asked the Tánaiste and Minister for Health and Children the directive she has given to the Health Service Executive to implement greater consistency to the different levels of enhanced subvention support here to bring uniformity and to abolish regional disparities where enhanced subvention in the west of Ireland is €285 approximately while in other regions it is approximately €720; and if she will make a statement on the matter. [12344/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Nursing Home (Subvention) Regulations 1993 are administered by the Health Service Executive. There are currently three rates of subvention payable, €114.30, €152.40 and €190.50 for the three levels of dependency which are medium, high and maximum.

The HSE has discretion to pay more than the maximum rate of subvention relative to an individual's level of dependency in a case, for example, where personal funds are exhausted. The application of these provisions in an individual case is a matter for the HSE in the context of meeting increasing demands for subvention within its overall resources. The average rate of subvention paid by the HSE generally exceeds the current approved basic rates. Additional

funding of €20 million for subventions has been made available to the Health Services Executive to support more basic level subventions, reduce waiting lists for enhanced subventions and, arising out of my concerns regarding inconsistency, reduce regional variations in these payments.

#### **Child Care Services.**

154. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if she will re-assess the application for funding for a group (details supplied) in County Sligo; and if she will make a statement on the matter. [12346/06]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** As the Deputy will be aware, the National Childcare Investment Programme 2006-2010 is being implemented by the newly established Office of the Minister for Children under my auspices. With regard to the application for staffing grant assistance under the Equal Opportunities Childcare Programme 2000-2006 referred to by the Deputy, I understand that the community-based group in question was approved for staffing continuation funding of €174,500, up to 31 December 2007. There is no record of a request from the group to review this decision. The Deputy may also be aware that the community-based group has been approved capital grant assistance of €606,466 under the EOCP.

#### **Departmental Strategy Statements.**

155. **Ms C. Murphy** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question Nos. 197 and 198 of 15 February 2006, when the formulation of recreation policy for young people aged 12 to 18 will be completed and made available to the public; and if she will make a statement on the matter. [12418/06]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The Office of the Minister for Children is adopting an evidence-informed approach to the development of the recreation policy. I recently launched the report of the public consultation which was undertaken to give all interested parties, including young people, a chance to have a say in the development of the policy. The findings of the research published late last year and the key issues emerging from the public consultation process are being considered by the Office of the Minister for Children and the recreation policy steering group in finalising the recreation policy. It is expected that the recreation policy will be published and made available to the public later this year.

#### **General Medical Services Scheme.**

156. **Dr. Upton** asked the Tánaiste and Minister for Health and Children the reason elderly medical card holders are being required to pay

for certificates from doctors in order to avail of sporting facilities; if she will make a statement on the matter of elderly people being therefore disincentivised to participate in activities in which really they ought to be participating owing to the health risks associated with being inactive; and if she will make a statement on the matter. [12420/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Under the terms of the general medical services scheme, GMS, contract, participating GPs undertake to provide a range of treatments and general practitioner services for the patients on their GMS panel. Their GMS contract obliges them to provide the first and last certificates to explain work absence for their patients. All other requested certificates, such as those in respect of requirements for driving licences or life assurance policies, are a matter between the GP and the individual patient and may involve a charge.

#### **Health Services.**

157. **Ms McManus** asked the Tánaiste and Minister for Health and Children the reason the Health Service Executive has not responded to a request from a hospital (details supplied) in Dublin 8 for information on the number of patients referred by it for psychiatric treatment abroad; and if she will make a statement on the matter. [12421/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Hospitals Building Programme.**

158. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if a hospital (details supplied) in County Wexford has been included in the Health Service Executive capital plan for 2006 to 2010; and if not, when a decision will be made on the matter. [12422/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for considering new capital proposals or progressing those in the health capital programme. Accordingly, my Department is requesting the parliamentary affairs division of the executive to

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arrange to have this matter investigated and to have a reply issued directly to the Deputy.

159. **Mr. G. Murphy** asked the Tánaiste and Minister for Health and Children when approval will be given to the Health Service Executive to proceed to design stage of proposed extension of Kanturk Community Hospital (details supplied). [12423/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for considering new capital proposals or progressing those in the health capital programme. Accordingly, my Department is requesting the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Nursing Home Subventions.**

160. **Mr. Wall** asked the Tánaiste and Minister for Health and Children if a directive as Department policy will be given to the Health Service Executive exempting a persons home from inclusion as part of the income assessment for the means test associated with nursing home subvention payments as is the case in all other various means tested payments for all other relative Departments; and if she will make a statement on the matter. [12435/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Health (Nursing Homes) Act 1990 and the Nursing Homes Regulations 1993 provide for the payment of subvention for private nursing home care for applicants who qualify on both medical and means grounds. General rules for the assessment of means in respect of an application for nursing home subvention are set out in the Second Schedule of the Nursing Homes Regulations 1993, as amended by the 2005 regulations. Under the regulations the Health Service Executive, when considering an application for subvention, carries out a means test which takes into account the means of the applicant and his or her spouse or cohabiting partner, where appropriate, and the assets of the applicant.

The HSE imputes an income of 5% of the estimated market value of the principal residence of an applicant for subvention, unless the residence is occupied by a spouse, or son or daughter aged less than 21 or in full time education or in receipt of the disabled person's maintenance allowance, blind person's pension, disability benefit, invalidity pension or old age non-contributory pension, and generally does so unless there are exceptional circumstances.

Under the Nursing Homes (Subvention) (Amendment) Regulations 2005, SI 814 of 2005, the HSE may refuse to pay a subvention if the value of the applicant's principal residence is €500,000 or more, where the residence is located in the Dublin area, or €300,000 or more, where the residence is located outside the Dublin area, and the residence is not occupied by a spouse, a son or daughter aged less than 21 or in full time education or a relative in receipt of a social welfare pension or allowance.

The recently published Health (Nursing Homes) (Amendment) Bill 2006 is designed to ensure that the existing subvention scheme for private nursing home care is grounded in primary legislation and to help the HSE to implement the scheme on a standardised basis across the country. It includes a provision to vary the 5% income imputation. I will be considering the issue of housing assets and long-term residential care following the enactment of this Bill and in the light of the report of the long-term care working group.

#### **Cancer Screening Programme.**

161. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the number of persons who have availed of the BreastCheck diagnosis in Kildare for each of the past three years; if the percentage attending the service is increasing; if there is a proposal to reduce the age of person entitled to the check; and if she will make a statement on the matter. [12436/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The issues raised by the Deputy are matters for BreastCheck. My Department has requested the director of BreastCheck to examine the matters raised and to reply directly to the Deputy.

#### **Vaccination Programme.**

162. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if, in view of the urgency and importance of the issues raised in Question No. 198 of 28 February 2006, she will intervene with the parliamentary affairs division of the Health Service Executive, to whom she has directed the question; and if an immediate response will issue. [12455/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Department of Health and Children has been informed by the parliamentary affairs division of the Health Service Executive that a reply has now issued to the Deputy on the matter.

#### **Health Services.**

163. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if the Health Service Executive will give financial assistance to

a person (details supplied) in Dublin 12. [12456/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Deputy's question relates to the management and delivery of health and personal social services, for which the Health Service Executive is responsible under the Health Act 2004. Accordingly, the Department of Health and Children has asked the parliamentary affairs division of the HSE to arrange for this matter to be investigated and a reply to be issued directly to the Deputy.

#### Home Help Service.

164. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she will consider the provision of home help in the case of persons (details supplied) in County Kildare; and if she will make a statement on the matter. [12485/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy's question relates to the management and delivery of health and personal social services, for which the Health Service Executive is responsible under the Health Act 2004. Accordingly, the Department of Health and Children has asked the parliamentary affairs division of the HSE to arrange for this matter to be investigated and a reply to be issued directly to the Deputy.

#### Special Educational Needs.

165. **Ms C. Murphy** asked the Tánaiste and Minister for Health and Children the number of unconcluded court actions before the courts in which her Department is participating regarding the provision of educational and support services to children with special needs. [12557/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The number of unconcluded court actions relating to the provision of educational and support services to children with special needs in which the Department of Health and Children is a defendant or respondent is approximately 80. The Deputy will be aware that the Department is not specifically named as a defendant in all cases regarding the provision of educational and support services to children with special needs, although it is involved in such cases due to its role in forming and developing policy on the provision of health care and support services. Under the Health Act 2004, which provided for the creation of the Health Service Executive on 1 January 2005, the HSE is responsible for managing and delivering, or arranging to be delivered on its behalf, health and personal social services. Therefore, the HSE is responsible for the provision of services to individuals. The HSE is named as a co-defendant in a number of cases.

#### Health Services Projects.

166. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children if the review of PPARS has been completed; if she has been informed of the outcome; if she will publish the findings of this review; the action she intends to take following its recommendations; and if she will make a statement on the matter. [12558/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I have been advised by the Health Service Executive that it has not yet concluded its deliberations on the course of action it proposes to pursue to allow the PPARS project to recommence. A recommended action plan which will seek to leverage the investment made to date will be submitted to the HSE's chief executive officer shortly. The action plan will have to take on board last December's report of the Comptroller and Auditor General. The HSE will require the approval of the Departments of Finance and Health and Children before further investment can be made in the project. The question of publication does not arise at this stage.

167. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children if the internal audit of the Health Service Executive into the awarding of PPARS contracts is completed; if she will publish its findings; and if she will make a statement on the matter. [12559/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I have been advised by the Health Service Executive that the relevant internal audit report is being finalised and should be completed shortly. The HSE will then issue a copy to the Comptroller and Auditor General. The question of publication does not arise at this stage.

168. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children if she has identified the beneficial owners of a company (details supplied); if she has received updates on the contact that the Revenue Commissioners have had with the Health Service Executive's north-western area in relation to assess the facts regarding payments in relation to taxation; if this information will be published; and if she will make a statement on the matter. [12560/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I have been advised by the Health Service Executive that its legal advisors on PPARS were asked on 7 December 2005 to establish the ownership of the company in question. The advisers initiated a process of locating the place of registration of the company and determining its shareholders and any other available information. On 16 December 2005, they reported that searches in Ireland, including Northern Ireland, the UK, the Isle of Man, Jersey and Guernsey produced no information on the

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ownership of the company. When they contacted the company's administrator in Guernsey, it was confirmed that the company is registered in the British Virgin Islands but does not have a physical presence there. The company's full registration number and address were given. The legal advisers made arrangements through a law firm in Bermuda to make local investigations in the British Virgin Islands. They confirmed the registration information that showed that the company was incorporated there on 25 February 2002.

The law firm advised that there is no general statutory requirement to produce or file financial statements in the British Virgin Islands, unless the company holds a particular kind of licence that requires filing, which does not apply in this case. The register of directors and members is not required to be made public or to be filed at the corporate registry in the British Virgin Islands. The search confirmed that no such filings have been made. It was not possible, from the publicly available filings in the British Virgin Islands, to discover who holds the shares in the company. Following contact by the legal advisers, the company confirmed in writing by letter dated 8 February 2006 that no persons or corporate entity resident in or incorporated in the Republic of Ireland has any interests in the shares of the company, directly or indirectly via nominees. It further stated that no person connected with the HSE has any beneficial interest in the company. The Revenue Commissioners contacted the finance unit of the HSE's office in Manorhamilton in December 2005 seeking information and copies of relevant documentation about the company, which were provided as requested. The HSE has received no further contact on the matter from the Revenue Commissioners.

#### **Civil Service Recruitment.**

169. **Mr. F. McGrath** asked the Minister for Finance the number of people with intellectual disabilities who are employed in the Civil Service; and if there are plans to recruit more under the 3% target. [12356/06]

**Minister for Finance (Mr. Cowen):** As Minister for Finance, I am responsible for Government policy on the employment of people with disabilities in the Civil Service. The Deputy may wish to note that, as part of a review of that policy, the Department of Finance commissioned independent research into the operation of the 3% employment target. A survey carried out as part of that research, which was published in 2002 as *Employment and Career Progression of People with a Disability in the Irish Civil Service*, showed that 7% of Civil Service staff have a disability, compared with the figure of between 2% and 3% that is generally reported in the annual surveys. The types of disability recorded in this

survey included physical disability, which was the largest single category at 30%, and sensory disability relating to visual or hearing impairment, which was the second biggest category at 27%. Mental health, emotional, psychological, learning and other difficulties counted for 34% of the staff in that survey. The Department of Finance employs a disability advisory officer to advise on a review of the monitoring, reporting and recording arrangements for staff with disabilities in Departments and offices. As this is a sensitive area which gives rise to complex issues about confidentiality and the use of information, specific guidelines are being examined. A disability liaison officers' network, involving all Departments, has been established to share information. The possible use of a survey based on voluntary self-disclosure for new staff on appointment and for existing staff will be considered in discussion with the staff unions.

The Government gives a high priority to the employment of people with disabilities in the Civil Service. In light of the research and the consultants' recommendations on recruitment, it is envisaged that there will be targeted recruitment arrangements to maintain work opportunities for people with disabilities in the Civil Service. The Department of Finance is in discussions with the Public Appointments Service about the planning of a programme of recruitment. This year, every Department and a number of offices are supporting the willing able and mentoring project, whereby summer work placements will be offered to graduates with disabilities.

#### **National Parks.**

170. **Ms Burton** asked the Minister for Finance if he will make a statement in relation to the project steering committee, chaired by the Office of Public Works, in respect of the Liffey Valley and the proposals regarding a Liffey Valley national park; the people who are the members of the project steering committee and in what capacity; when it was established; how frequently it has met; its terms of reference; and if the steering committee will be arranging for public workshops as indicated in earlier statements made by the Government in respect of the proposed Liffey Valley national park. [12325/06]

**Minister of State at the Department of Finance (Mr. Parlon):** A steering group was formed in October 2004 to consider the feasibility of establishing a Liffey park, as was originally envisaged when St. Catherine's Park in Lucan was acquired. The steering group, which comprises officials representing the county councils of Fingal, Kildare, south Dublin and Dublin city, as well as the Office of Public Works, has met on 13 occasions. The group is examining management models, inventorising resources, establishing a realisable vision for the concept and producing recommendations for implementation, within the statu-

tory and operational ambits of the relevant public authorities. A firm of specialist consultants was engaged to carry out a detailed feasibility study to assist the steering group in its deliberations. Public consultation, as advertised in the newspapers, was an integral part of this process and a number of meetings were held with interested groups. Further public meetings are planned. Meetings were also held with the local area and strategic policy committees of the local authorities.

#### **Tax Collection.**

171. **Mr. Calley** asked the Minister for Finance the amount of tax which has been received by the Revenue Commissioners arising from taxable income gained from pyramid schemes. [12328/06]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that income derived from pyramid schemes may be identified by taxpayers on some individual tax return forms in comment form. However, such comments are not captured on the Revenue computer system in a way that provides a basis for compiling the information sought by the Deputy. Accordingly, the specific information requested is not available.

172. **Ms Burton** asked the Minister for Finance if he remains concerned, as stated by him on Committee Stage of the Finance Bill 2006, at reports of developers entering into arrangements for development and building on land by means of licensing arrangements with a view to avoiding delaying or mitigating stamp duty; if the Revenue Commissioners have carried out a review of such practices; the loss of revenue; the number of cases which have arisen; and if he will make a statement on the matter. [12424/06]

**Minister for Finance (Mr. Cowen):** Stamp duty is a charge on documents, which are mostly legal documents, used in the transfer of property. Where a property is purchased, stamp duty is charged on the conveyance or transfer effecting change of legal ownership of the property concerned.

If there is no conveyance, there is no stamp duty. A builder or developer can, therefore, obtain a licence from a vendor to build on land owned by the vendor without incurring a stamp duty charge at that stage of the venture. Once the buildings, whether commercial or residential are completed, the conveyances or transfers of such properties to purchasers are chargeable to stamp duty in the normal manner unless specific exemptions are available to such purchasers.

As regards the number of cases involved, this information is not available. Taking account of the proliferation of developments generally in recent times, and in the context of its major pro-

ject in the construction sector in 2006, the use of licensing and similar arrangements are being reviewed by the Revenue Commissioners as part of their audit and compliance programmes. The review, as with Revenue's overall approach to its business, will focus on risk.

I have asked Revenue to let me know the outcome of their review and I will decide what action, if any, is required bearing in mind the effect on the housing market and the cost to the Exchequer.

#### **Tax Code.**

173. **Ms Burton** asked the Minister for Finance if his attention has been drawn to a recent court case concerning companies (details supplied) in which evidence was given of arrangements in respect of the National Aquatic Centre which disclosed leasing or sub-leasing arrangements resulting in the creation of valuable tax allowances for a person; the estimated cost of such allowances; the way in which such tax allowances could arise in view of the fact that the State financed the development costs in full of the National Aquatic Centre via a company; and if he will make a statement on the matter. [12430/06]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that they are precluded for reasons of confidentiality from disclosing any details of the affairs of an individual taxpayer and for this reason it is not possible to give a detailed reply to the Deputy's question. However, I am also informed that the general position for tax purposes is that capital allowances in respect of plant or machinery are claimed by the owner or the lessor of the plant or machinery who will normally have incurred the expenditure on that plant or machinery. There is also provision for allowances to be claimed by a lessee of plant or machinery in certain circumstances and subject to various conditions. To qualify, the lessee must use the plant or machinery for the purposes of his or her trade. The machinery or plant must be let to the lessee on such terms that he or she is bound to maintain the plant and machinery and deliver it over in good condition at the end of the lease and the burden of wear and tear must in fact fall on the lessee. Finally, where the expenditure incurred on plant or machinery has been met directly or indirectly by the State, there is also provision to deny entitlement to capital allowances in respect of that expenditure.

174. **Mr. Wall** asked the Minister for Finance the number of applications by sports personnel for special tax reliefs since the scheme was commenced; and if he will make a statement on the matter. [12442/06]

**Minister for Finance (Mr. Cowen):** The scheme which provides that qualifying sportspersons,



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whether in a professional or semi professional capacity, are entitled, on retirement, to income tax relief was introduced in Finance Act 2002. I am informed by the Revenue Commissioners that the information available in regard to the numbers of individuals availing of the relief relates to individuals who are liable to income tax on a self-assessment basis and is as follows:

Retirement relief for qualifying sportspersons

Year	Number of Claimants
2003	17
2004	7
2005	1

Any claims which may have been received for years prior to 2003 are dealt with separately and the amounts involved are not centrally recorded. There is, therefore, no basis on which to provide the information requested in respect of those applications. The figure now being provided for year 2003 is an update of the figure which was previously based on claims made via the Revenue on-line, ROS, system only. The current figure now includes applicants filing returns via both ROS and non-ROS systems. The figures currently available for years 2004 and 2005 relate to preliminary data for claims made via the Revenue on-line system only.

#### Freedom of Information.

175. **Mr. Gregory** asked the Minister for Finance further to Parliamentary Question No. 339 of 21 March 2006, the reason a fee of €150 was charged by the Office of the Information Commissioner in this particular case. [12443/06]

**Minister for Finance (Mr. Cowen):** The reason the fee referred to by the Deputy was charged by the Office of the Information Commissioner is because it was determined to be a requirement under the relevant legislation, specifically section 47(6A) of the Freedom of Information Acts 1997 and 2003 and SI 264 of 2003, Freedom of Information (Fees) Regulations 2003. SI 264 of 2003 provides *inter alia* for a standard fee of €150 to be charged in respect of a review by the Information Commissioner. No charge applies if the review is concerned exclusively with the personal information of the requester. As regards other information, the requester can qualify for a reduced fee if he or she is covered by a medical card.

#### Tax Code.

176. **Mr. O'Shea** asked the Minister for Finance his proposals to increase the tax credit in regard to certain fees paid to private colleges from the present €5,000 maximum relief to cater for parents who are simultaneously paying fees to third level colleges for a number of children pur-

suing post graduate studies; and if he will make a statement on the matter. [12457/06]

**Minister for Finance (Mr. Cowen):** I have no plans at this time to increase tax relief on fees paid to third level colleges. As the Deputy will be aware, I increased the maximum level at which this tax relief is allowed from €3,175 to €5,000 in budget 2005. Any further increases would be a matter for consideration in the context of future budgets.

The Government has allocated €228 million to student support for 2006, an increase of 6% compared with 2005. In addition, generally speaking there are no tuition fees at full time undergraduate level, which is an effective subsidy to students who would otherwise have to pay some or all of this cost.

#### Tax Collection.

177. **Mr. J. O'Keefe** asked the Minister for Finance the reason a large number of certificates of tax credits which are normally issued in early January have not been issued causing in many instances distress to taxpayers who are as a consequence put on emergency tax deductions; the number outstanding; the reason for the delays; when these will be fully cleared up; and if he will make a statement on the matter. [12567/06]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that the issue of approximately 2.2 million individual tax credit certificates to PAYE customers, reflecting the budget changes, was completed at the end of February.

Since the changeover to a calendar tax year in 2002, it has not been possible, in the context of a December budget, to issue all tax credit certificates in early January. The timescale for completion of the bulk issue this year was of the order of two to three weeks longer than usual. A dimension for 2006 was the new PAYE computer system put in place by Revenue in October last that forms the bedrock for a range of improved services for customers later this year. The bulk issue of tax credit certificates for 2006 was the first in the new system and Revenue advise me that it took some additional time with the bulk issue as part of the process of bedding in the new system. The issue of the tax credits notices to employers was prioritised by Revenue so as to ensure payroll benefits arising from the budget changes were put into effect as quickly as possible.

Revenue also advises me that the tax credit entitlements for a minority of customers were affected in the major changeover process. Revenue assures me that it had a very active process in place for identifying any such customers and, where appropriate, automatically issued amended notices to employers to enable them to immediately adjust the payroll deductions. Amended tax credit certificates for individuals subsequently issued as part of this process and

any entitlements were backdated to the start of the year.

### **Inland Fisheries.**

178. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources his plans or reports envisaged in regard to determining the value of marine life on the Rivers Liffey and Barrow and their tributaries; and if he will make a statement on the matter. [12437/06]

### **Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):**

The Department's core policy goal is to conserve the inland fisheries resource in its own right and to facilitate exploitation of the resource on an equitable and sustainable basis. The Deputy will be aware that the regional fisheries boards have responsibility for the management, conservation, protection, development and improvement of the fisheries in their respective regions. The Eastern Regional Fisheries Board has responsibility for the River Liffey and the Southern Regional Fisheries Board has responsibility for the River Barrow. I understand the Deputy is particularly interested in the status of salmon stocks in these rivers.

I am advised by the Eastern Regional Fisheries Board that it has been engaged in a number of projects over the past few years to improve the stocking levels of the River Liffey and its tributaries. These projects have included works to enhance the spawning and nursery habitats of the river and during 2005 provided assistance in the stocking out of salmon fry in the Ryewater, an important tributary of the Liffey.

According to the fisheries board, a recent survey of the River Liffey was carried out by the Board in conjunction with the Central Fisheries Board and Ballymore anglers in the vicinity of Ballymore Eustace, which indicated that there had been a considerable improvement in water quality since the area was previously surveyed in 1987. Stocks of trout and juvenile salmon have also improved.

The River Barrow, including its tributaries is the sixth largest salmon producing catchment in the country. The Southern Regional Fisheries Board has advised that the average redd count on the Barrow is encouraging and that there has been over a 100% increase in the redd count for 2005-06 compared to 2004-05. While the Environmental Protection Agency has acknowledged that there are problems with pollution at various locations on the Barrow and its tributaries, pollution on the Barrow is below the national average.

The Central and regional fisheries boards and the Marine Institute monitor fish stocks in the districts in which these rivers are situated. In each case stocks are not seen to be within their conservation limits. For this reason, I have recently published the terms under which the wild salmon and sea trout tagging scheme will be administered in

2006 and beyond with a view to assisting the recovery in these and other rivers.

### **Energy Resources.**

179. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has received communication from or issued instructions to the Regulator in respect of conditions, cost or other issues relating to the generation, supply or purchase of electricity from Gamma, Tynagh, County Galway; and if he will make a statement on the matter. [12483/06]

### **Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):**

I have asked my Department to check its records as regards any communication from the Commission for Energy Regulation, CER, in respect of conditions, cost or other issues relating to the generation, supply or purchase of electricity from the Tynagh Energy Limited plant in County Galway. The outcome of that check will be communicated to the Deputy. The Department received some general information from the CER concerning the competition held for the purpose of facilitating the entry of new independent electricity generating plant. This information was sought on foot of the Deputy's disallowed parliamentary question. I have issued no instructions to the CER as regards the issues raised by the Deputy. I have no statutory powers to do so.

### **Telecommunications Services.**

180. **Ms C. Murphy** asked the Minister for Communications, Marine and Natural Resources if there is a target date by which broadband services will be fully provided for in Kildare; if not, if his Department intends to set such a date; and if he will make a statement on the matter. [12565/06]

181. **Ms C. Murphy** asked the Minister for Communications, Marine and Natural Resources the way in which it is intended to provide full broadband cover for Kildare; if a project plan is in place for same; and if he will make a statement on the matter. [12566/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 180 and 181 together.

The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by the Commission for Communications Regulation, ComReg, the independent regulator.

It has been clear for some time that the sector has failed to invest at the level necessary to keep pace with the demand for broadband, so my Department's regional broadband programme is addressing the infrastructure deficit by building high speed open access broadband networks, in association with the local and regional auth-

[Mr. N. Dempsey.]

orities, in the major towns and cities. These metropolitan area networks, MANs, will allow the private sector to offer world class broadband services at competitive costs.

A total of 27 MANs have been completed under phase one and are currently being managed by e-net, the Management Services Entity. The second phase of the programme involves the building of MANs in over 90 towns with a population of 1,500 and above that do not have a satisfactory broadband offering from the sector. Kildare is developing projects in respect of the following towns: Kildare, Newbridge, Rathangan, Sallins, Maynooth, Clane, Monasterevin, Kilcock and Prosperous. The network routes are currently being finalised prior to issuing the invitation to tender for detailed design. Construction on these projects is expected to commence in 2006.

For rural communities and the hinterlands of larger towns my Department offers funding under the county and group broadband scheme to enable these communities to become self-sufficient in broadband, in association with the service providers. To date, 12 schemes have been approved across County Kildare representing total capital investment of €396,750, making broadband available to 68 communities and 17,790 people. Full details of the scheme, including application procedures, are on the website [www.gbs.gov.ie](http://www.gbs.gov.ie). My Department's website, [www.broadband.gov.ie](http://www.broadband.gov.ie), lists all service providers offering broadband services in all towns in Kildare, and gives contact details for each company, together with prices for the various service levels on offer.

### Human Rights Issues.

182. **Mr. G. Mitchell** asked the Minister for Foreign Affairs the steps he has taken in the case of a person (details supplied); and if he will make a statement on the matter. [12319/06]

**Minister for Foreign Affairs (Mr. D. Ahern):** I have followed with concern the case of Mr. Abdul Rahman who was charged in Afghanistan with apostasy for converting from Islam to Christianity, a charge punishable by death under Sharia law. I am pleased to hear that Mr. Rahman was released from custody in the past couple of days and I welcome reports that he is likely to be accepted by a third country.

The EU has been monitoring the situation closely and EU heads of mission in Kabul have been and remain in active contact with the Afghan authorities. Article 2 of the Afghan Constitution enshrines the right to religious freedom and the EU heads of mission sought assurances from the Afghan Government that it would fully respect this right. The EU also conveyed to the Afghan Government its obligations under the International Covenant on Civil and Political Rights, and the United Nations Declaration of Human Rights.

I should also emphasise that Ireland, along with its EU partners, is adamantly opposed to use of the death penalty under any circumstances. The EU has, on a number of occasions, raised this issue with the Afghan authorities and pressed for the death penalty to be abolished. Ireland and the EU will continue to closely monitor developments in Mr. Rahman's case, and to raise this and related human rights concerns with the Afghan authorities.

183. **Ms C. Murphy** asked the Minister for Foreign Affairs the steps he has taken to obtain information from the Chinese Government regarding the existence of a concentration camp in Sujiatun, Shenyang Province, China in which it is alleged that Falun Gong practitioners are being detained, killed and organ-harvested; the options which are open to him to obtain information on same; and if he will make a statement on the matter. [12320/06]

184. **Ms C. Murphy** asked the Minister for Foreign Affairs his Department's position regarding allegations against the Chinese Communist Party on the establishment of a secret concentration camp in Sujiatun, Shenyang Province, China in which Falun Gong practitioners are being detained for the purposes of organ harvesting; and if he will make a statement on the matter. [12321/06]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 183 and 184 together.

I am aware of reports that are circulating on the issues raised. I am unable at present, however, to confirm the reliability of these reports, but I have asked my Department, in particular through the embassy in Beijing, to look into the situation as a matter of urgency and to report back to me.

Without prejudice to the outcome of the above inquiries, Ireland and the EU remain concerned about the situation of Falun Gong practitioners in China and have raised our concerns with the Chinese Government on many occasions. Human rights issues are a constant and important point of dialogue with the Chinese authorities at both bilateral and European Union level. In our bilateral exchanges, human rights concerns were raised most recently with the Chinese Government during the visit by the Minister of State, Deputy Conor Lenihan, to China for St. Patrick's Day earlier this month. At EU level, the EU-China human rights dialogue is the agreed formal framework through which the EU raises its concerns with China about individual human rights cases, and more general issues such as the abolition of the death penalty.

At the latest round of the human rights dialogue, held in Beijing on 24 October 2005, the EU raised, *inter alia*, the right to freedom of religion and the need for reform of the administrative detention system, including the associated

re-education through labour, RTL, camps, where Falun Gong members, among others, are known to be detained. The next round of the dialogue will take place in Vienna in May.

185. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if his attention has been drawn to the growth of an ultra-right party in Bulgaria — Ataka — which has campaigned on an anti-Roma platform; if his attention has further been drawn to the very high levels of anti-Roma racism as evidenced by recent studies showing that over a quarter of ethnic Bulgarians support their forced expulsion from the country; the implications this has for Bulgaria's accession to the EU in 2007; and if he will make a statement on the matter. [12322/06]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am aware of the Ataka party in Bulgaria. At the most recent election in June 2005 the party received 9% of the vote. It does not form part of the governing coalition and the policies it advocates are not those of the Bulgarian Government.

The existence of anti-Roma sentiment is unfortunately a feature of society in parts of central and eastern Europe where most of Europe's Roma live, including Bulgaria. This issue has been acknowledged by the Governments concerned. In Sofia in February 2005 Bulgaria and seven other countries from the region announced a major regional initiative to address the problem through the "decade of Roma inclusion". Under this initiative, Bulgaria and other governments are committed to working together towards eliminating discrimination and closing the gaps between the Roma and the rest of society over the period 2005 to 2015. The initiative focuses in particular on access for the Roma to education, housing, employment and health care.

Following the signing of the accession treaty for Romania and Bulgaria on 25 April 2005, the performance of the Bulgarian authorities with regard to protection and integration of minorities, in particular the Roma community, continues to be closely monitored by the European Union as part of the pre-accession process. In its most recent monitoring report, published on 25 October 2005, the European Commission stated that Bulgaria continues to fulfil the Copenhagen political criteria, while noting that further sustained efforts are required to realise the effective integration of the Roma minority. The issue was raised at the recent EU-Bulgaria Association Council on 31 January 2006. The association council noted that implementation of the Bulgarian framework programme for equal integration of Roma into Bulgarian society is ongoing, while underlining that the programme requires additional attention. The European Commission will publish two further monitoring reports in the coming months as part of the ongoing intensive monitoring process.

### Overseas Development Aid.

186. **Mr. Gogarty** asked the Minister for Foreign Affairs the breakdown by country of overseas aid donations made by the Government to developing countries in the past five years. [12323/06]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** Ireland assists over 30 of the poorest countries in Africa, via a wide array of partnerships through non-governmental organisation, NGOs, and UN agencies and through our own bilateral aid programme delivered via our missions in six priority countries, namely Zambia, Tanzania, Uganda, Mozambique, Ethiopia and Lesotho. In addition, assistance is also provided to a number of countries in Asia such as Vietnam and Timor Leste, in Central and South America, the Middle East and Europe.

For example, in 2004 over €233 million was expended in Africa, on a wide range of developmental activities and humanitarian relief. This assistance was delivered directly through national, local and regional authorities, civil society and community groups. In addition, Ireland worked closely with, and funded, a number of key NGOs such as Christian Aid, Concern, GOAL, Self Help Development International, Trócaire and others in their development work. Emergency relief was delivered through UN agencies, NGOs and international humanitarian organisations such as the Red Cross family.

The detailed country-by-country breakdown of Ireland's official development assistance, ODA, is provided in the Irish Aid annual reports which have been placed in the Oireachtas Library. The annual reports also outline the projects and sectors which Ireland supports as well as the partner organisations through which a significant amount of assistance is delivered. I am arranging to have copies of the relevant reports delivered to the Deputy. The reports are also available on the Irish Aid website at [www.irishaid.gov.ie](http://www.irishaid.gov.ie). The specific breakdown for 2005 is not yet fully complete, but will be available when the 2005 annual report is published.

187. **Mr. Gogarty** asked the Minister for Foreign Affairs if Eritrea has been in receipt of Irish overseas aid donations from the Government in the past five years. [12324/06]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** Ireland provided total funding assistance of over €8 million to Eritrea for the period 2001-05 inclusive. Eritrea is one of the poorest countries in the world, being placed 161st on the UN human development index, HDI, out of a total of 177 countries.

The funding was provided to Ireland's key NGO and UN partners working on the ground in Eritrea on a range of humanitarian and developmental projects. Funding was also provided

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through the multi-annual programme scheme, MAPS, which aims to provide more strategic and programmatic funding to NGO partners. Ireland funds the work of Concern and Self Help Development International, SHDI, in Eritrea in this regard. Other funding support was provided to UN agencies, including the World Food Programme, WFP, and UNICEF, working to provide humanitarian relief to vulnerable, food-insecure populations across Eritrea.

The Government is continuing to keep the humanitarian situation in Eritrea under close review in the context of the current drought which is affecting the Horn of Africa region and for which, to date, Ireland has provided assistance of €5 million.

With its EU partners, Ireland has sought to encourage Eritrea to engage with the international community on the peaceful resolution of its border disputes. Ireland remains concerned about the internal political situation and issues surrounding human rights in Eritrea. It has conveyed these concerns through diplomatic channels to the Eritrean authorities. Ireland provides no humanitarian or development funding directly to the Government of Eritrea.

#### Marriage Certificates.

188. **Mr. Perry** asked the Minister for Foreign Affairs the reason the paperwork has not been released to persons (details supplied) who are due to get married in Scotland in May 2006; and if he will make a statement on the matter. [12350/06]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am pleased to confirm to the Deputy that the applications by the persons to whom he has referred have been approved and that the certificates confirming their freedom to marry have been issued.

#### Swimming Pool Projects.

189. **Mr. Bruton** asked the Minister for Arts, Sport and Tourism if he has schemes through which a plan could be developed to take over a swimming pool which has been an enormous asset to the community but in which the religious order which own it wish to divest its interest, with the possible participation in that plan of local swimming pool clubs, local schools and the local authority (details supplied). [12761/06]

190. **Mr. F. McGrath** asked the Minister for Arts, Sport and Tourism if it is the policy of the Government to allow swimming pools, valuable community facilities, to close in order to make way for the development of apartments; if the proposed closure of a swimming pool (details supplied) in Dublin 5 will be investigated; if the people who have been swimming there for over 27 years will be supported; and the amount of

public money which was given to this pool over the years. [12332/06]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 189 and 190, together.

The swimming pool in question was built, I understand, by a religious order and while privately owned and operated by it, has been open to the public. I also understand that the pool receives some financial support from Dublin City Council. Under the local authority swimming pool programme, my Department provides grant aid to local authorities towards the capital costs of a new or replacement public swimming pool or the refurbishment of an existing pool. The programme provides for a maximum grant level of 80% of eligible costs, 90% in the case of disadvantaged areas, subject to a maximum of €3.8 million. Where a project is being undertaken by an organisation other than a local authority, the proposal must be considered, supported and submitted by the relevant local authority. Before supporting a project, the local authority would have to be satisfied that the proposal is viable, that the balance of funding required to complete the project is available and that the project, when completed, would have a suitable level of public access. Consequently, questions relating to the location or operation of a public swimming pool should be directed towards the relevant local authority.

The priority under the current round of the local authority swimming pool programme, which is administered by my Department and where the deadline for submission of applications was 31 July 2000, is to continue to support those projects remaining to be completed. Of the 57 projects being dealt with, 32 have been grant aided, of which 18 have been completed, leaving 14 under construction or about to begin construction. The remaining 25 projects are at various stages in the programme — six tender stage, 11 at contract document stage and eight at preliminary report stage. I am pleased that activity under the programme has increased considerably as evidenced by the results for 2005 and 2006 to date where I approved: grant aid for eight projects which permits the project developers to proceed with placing the contracts and having the work commence; contract documents for 12 projects allowing them to invite tenders for the projects; preliminary reports for nine projects which permit the preparation of contract documents.

My Department is carrying out an expenditure review of the programme, which is examining, among other things, the number and nature of projects supported and what amendments, if any, are required to ensure the effective and efficient delivery of the programme. On the completion of this review, which I expect will be available by mid-year, the question of re-opening the programme to new applications by local authorities will be considered.

### Sports Capital Programme.

191. **Mr. Perry** asked the Minister for Arts, Sport and Tourism if funding will be allocated to a company (details supplied) for their sports facility in Coolaney community park; and if he will make a statement on the matter. [12348/06]

**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. Applications for funding under the 2006 programme were invited through advertisements in the press on 27 and 28 November last. The closing date for receipt of applications was Friday, 20 January. All applications received before the deadline, including one from the organisation in question, 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.

192. **Mr. Perry** asked the Minister for Arts, Sport and Tourism if he will ensure that sports capital funding is allocated to a club (details supplied); if his attention has been drawn to the fact that the sporting groups in this village have an excellent reputation both on and off field; and if he will make a statement on the matter. [12349/06]

**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. Applications for funding under the 2006 programme were invited through advertisements in the press on 27 and 28 November last. The closing date for receipt of applications was Friday, 20 January. All applications received before the deadline, including one from the organisation in question, 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.

193. **Ms Burton** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to a recent court case concerning companies (details supplied) in which evidence was given of arrangements in respect of the National Aquatic Centre which disclosed leasing or sub-leasing arrangements resulting in the creation of

valuable tax allowances for a person; the estimated cost of such allowances; the way in which such tax allowances could arise in view of the fact that the State financed the development costs in full of the National Aquatic Centre via a company; and if he will make a statement on the matter. [12429/06]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Campus and Stadium Ireland Development Limited, CSID, the limited company established to develop the site at Abbotstown and Dublin Waterworld Limited, DWW, formally signed a lease for a 30 year period to operate the National Aquatic Centre in March 2003. However, CSID was obliged to take legal action against DWW and sought forfeiture of the lease by DWW on the grounds of significant and repeated breaches of the terms of the lease. When the court proceedings commenced, it emerged that DWW had assigned its right to the lease of the centre to a named businessman. This was in direct contravention of the terms of the lease, which prohibited any assignment of the lease without the formal consent of CSID.

As the Deputy is aware, the court delivered its judgment on 21 March and found in favour of CSID on all counts and declined to grant relief against forfeiture of the lease to DWW. The matter will be subject to an order of the court this week.

The tax benefits and arrangements which, according to what emerged in court, were availed of by the named businessman are not matters in which my Department has expertise or auspices. It is a matter for the Revenue Commissioners and I am sure they will be examining the court proceedings in this context.

It is a matter of record that the development of the National Aquatic Centre was carried out by means of a DBFOM process — that is the design, build, financing, operation and maintenance of the centre would be carried out by one consortium of companies. The development contract was awarded to the Waterworld consortium consisting of Rohcon, Dublin Waterworld Limited and Waterworld (UK), aquatic and leisure centre operators.

194. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the mechanism used by his Department in dealing with the problems attached to the National Aquatic Centre; his proposals in regard to the centre going forward; and if he will make a statement on the matter. [12447/06]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Campus and Stadium Ireland Development Limited, CSID, is the body charged with development of the campus at Abbotstown, including the National Aquatic Centre. Since the construction of the centre was completed, CSID's responsibility have been those of a landlord of the centre. A commercial company, Dublin

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Waterworld, DWW, held a lease to operate the National Aquatic Centre and therefore the day to day operational matters at the centre, including any operational problems, were the responsibility of DWW.

As the Deputy may be aware, a judgment was delivered in the High Court in relation to the lease of the National Aquatic Centre by DWW on Tuesday, 21 March. CSID had sought forfeiture of the lease by DWW on the grounds of significant and repeated breaches of the terms of the lease. The court found in favour of CSID on all counts and declined to grant relief against forfeiture of the lease to Dublin Waterworld Limited. I fully supported CSID in taking the court case but there are constraints in terms of commenting on the issue as the judicial process has not yet been finalised and the judgment is due to be perfected on Wednesday, 29 March. CSID stand ready to put in place contingency arrangements to ensure that the National Aquatic Centre will remain fully operational; that those working in the centre have the option of retaining their jobs; and that the centre continues to provide excellent swimming and leisure facilities for the public.

#### Greyhound Industry.

195. **Mr. Gregory** asked the Minister for Arts, Sport and Tourism his views on the increasing use of unauthorised drugs in the greyhound industry including most recently in the Irish Coursing Club's premier event, the Irish Cup; the action he intends to take; and if he will make a statement on the matter. [12448/06]

196. **Mr. Gregory** asked the Minister for Arts, Sport and Tourism the type of unauthorised drugs being used to improve the performance of greyhounds in racing and coursing club events; and the type for which a greyhound (details supplied) recently tested positive. [12449/06]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 195 and 196 together.

I wish to reiterate my strong condemnation of the use of prohibited substances and methods in any form in sport. Under the provisions of the Greyhound Industry Act 1958, Bord na gCon is the statutory agency responsible for the promotion and development of greyhound racing in Ireland. The Act confers on Bord na gCon wide powers to regulate all aspects of greyhound racing, including integrity management and anti-doping controls.

Under section 26 of the Act, the Irish Coursing Club is recognised as being the controlling authority for the breeding and coursing of greyhounds, subject to the provisions of the Act and of the constitution of the club and subject to the general control and direction of Bord na gCon.

Responsibility for the day to day administration of the greyhound industry, including doping issues, lies with Bord na gCon and my Depart-

ment has no role in such matters. Accordingly, the information sought by the Deputy is not available to the Department and he should, therefore, address his request directly to Bord na gCon and the Irish Coursing Club.

The Deputy will be aware that on 31 January 2006, I appointed Mr. Tim Dalton, former Secretary General of the Department of Justice, Equality and Law Reform, to carry out an independent assessment of issues relating to corporate governance in Bord na gCon as well as its management of positive tests for banned substances. One of the terms of reference of the independent investigation is to consider the way in which Bord na gCon procedures dealing with doping infringements are presently carried out, to comment on the adequacy of existing procedures and to advise whether there should be any changes or modifications put into effect. I expect to receive Mr. Dalton's report shortly.

#### Job Losses.

197. **Ms Shortall** asked the Minister for Enterprise, Trade and Employment the circumstances which led to the issuing of redundancy notice to 81 employees of a company (details supplied) in Dublin 11; if he will report on the contact which his Department has had with the company concerned; and the assistance which his Department will provide to employees in sourcing alternative comparable employment. [12336/06]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** On 22 February 2006, the Minister originally received notice under the Protection of Employment Act 1977, as amended, of collective redundancies at the company. The position was up-dated by the company on 1 March 2006. On 15 March, an official from the Department contacted the local FÁS office at Finglas and appraised them of the situation with a view to providing training opportunities for the employees.

Since the commencement of section 7 of the Redundancy Payments Act 2003 on 10 April 2005, there has no longer been a legal requirement for employers to notify the Minister for Enterprise, Trade and Employment in advance of the statutory redundancies of individual workers. The new comprehensive, on-line statutory redundancy form RP50 is instead furnished in respect of each employee after the actual redundancies take place and after the employees receive their statutory redundancy lump sums, with the employer making an application for the 60% employer rebate.

As a result, the Minister has not as yet received the relevant form RP50 in respect of redundant employees of the company concerned. However, the Department of Enterprise, Trade and Employment will fully meet its statutory responsibility under the Redundancy Payments Acts 1967 to 2003 to ensure that all eligible

employees receive their correct statutory redundancy lump sum entitlement.

In addition, as mentioned in an Adjournment Debate on 8 March 2006 on this issue, the Deputy can be assured that every effort will be made by the industrial development agencies to secure alternative employment for the redundant workers in the area. In addition, FÁS has been in contact with the company's human resources manager, setting out the full range of services which they are making available to the employees concerned.

#### Employment Conditions.

198. **Mr. Gregory** asked the Minister for Enterprise, Trade and Employment the action that is being taken to investigate the malpractices and underpayment of wages to workers on the Spencer Dock site in Dublin 1; and if he will make a statement on the matter. [12451/06]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** The labour inspectorate of the Department is responsible for monitoring certain employment conditions for all categories of workers in Ireland. The inspectorate has commenced enquiries with the main contractor concerned and is actively pursuing the case. Inspectors will be focused on trying to secure appropriate redress for the people concerned once the facts are satisfactorily established.

#### Trade Missions.

199. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the number

of foreign trade missions attended by him, his junior Ministers or Department personnel in each of the past three years; the result of such missions; the potential employment positions created; and if he will make a statement on the matter. [12452/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The following table sets out the foreign trade missions attended by the Minister for Enterprise, Trade and Employment, the Minister of State responsible for trade and commerce and other Ministers, from 2003 to date. Departmental personnel do not attend in their own right but may accompany the Minister or Ministers of State on trade missions.

Government policy has been, for a number of years, to build on the strength of our existing markets and diversify into new ones. These trade missions raise Ireland's profile as a world class supplier of goods and tradeable services, and increase awareness of Ireland, in particular, our recent economic performance. Missions project Ireland as a competitive source of world class expertise and products. They win access for Enterprise Ireland clients to key decision-makers and influencers in target sectors.

The missions have helped to expand our trade performance, as shown by the most recent CSO trade statistics which showed a 5% increase in our exports for 2005 over the previous year, to €88.4 billion and our trade surplus is now €31.9 billion. Our healthy trade performance helps to safeguard and expand employment in our exporting businesses but the precise impact on employment of individual trade missions is difficult to quantify.

2003

Date	Location	Led By
30-31 January	Czech Republic	Minister Ahern
6 May	South Africa	Minister Ahern
20 May	London	Minister Ahern
27 May	Austria	Minister Ahern
3 June	Poland	Minister Ahern
22-28 September	Middle East (Saudi)	Minister Ahern
6-10 October	Canada	Tánaiste
14-15 October	Geneva	Minister Ahern
21-23 October	Russia	Minister Ahern
6 November	Helsinki	Minister Ahern
13 November	Milan	Minister Ahern
27 November	Edinburgh	Minister Ahern

2004

Date	Location	Led By
18-30 March	South America	Minister Ahern
20 April	Netherlands	Tánaiste
29 April	London	Minister Ahern



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Date	Location	Led By
6 May	Madrid	Tánaiste
6 May	Stockholm, Sweden	Minister Ahern
15-22 May	Gulf & Iran	Minister Fahey
24 May	London	Minister Ahern
22-23 September	Hungary	Minister Ahern
9 October	Paris	Minister Ahern
28 October	Switzerland	Minister Ahern
3-5 November	UK	Minister Ahern
11 November	Italy	Minister Ahern
14-20 November	Korea & Japan	Minister Martin
15-16 November	USA	Minister Ahern

2005

Date	Location	Led By
17-22 January	China & Hong Kong	Minister Martin, Minister Ahern
14-17 February	France	Minister Martin
5 April	Czech Republic	Minister Martin
24-27 April	East Coast USA	Minister Martin
10 May	UK	Minister Ahern
12 May	UK	Minister Ahern
23-28 May	USA and Canada	Minister Martin
24-27 May	Dubai	Minister Killeen
31 May — 2 June	Russia	Minister Ahern
15 June	Romania	Minister Ahern
19-21 June	USA	Minister Ahern
20-22 September	Hungary	Minister Martin
5-6 October	UK	Minister Martin
18 October	UK	Minister Ahern
25-26 October	Slovakia, Austria	Minister Ahern
3 November	Germany	Minister Martin
24 November	Italy	Minister Ahern
16-27 November	Australia	Minister Martin

2006

Date	Location	Led By
15-22 January	India	Minister Martin
10-17 February	Saudi Arabia/Jordan	Minister Ahern
10-12 February	France	Minister Kitt
14-15 February	Spain	Minister Martin
25 February — 2 March	West Coast USA	Minister Martin
21-22 March	Switzerland	Minister Martin

**Job Creation.**

200. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the number of employment positions created by IDA initiatives in the south Kildare region for each of the past five years; and if he will make a statement on the matter. [12453/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment to Ireland and its regions. The Forfás annual employment survey records jobs gained and lost in companies supported by the industrial development agencies.

Data are compiled on an annualised basis and aggregated on a county basis. In the five year period from 2001 to 2005, inclusive, a total of 2,484 jobs were created in IDA supported com-

panies. Details of the number of jobs created in each of those years are set out in the following tabular statement.

Number of jobs created in IDA supported companies in County Kildare in each of the years 2001 to 2005.

Year	2001	2002	2003	2004	2005
Number of jobs created	265	481	555	529	654

### Industrial Development.

201. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the number of visits organised by the IDA for foreign investors or industrialists for Newbridge, Rathangan, Kilcullen, Kildare, Monasterevin, Athy, Ballymore Eustace and Castledermot for each of the past three years; the results of such visits; if all of the IDA owned lands in the towns were visited; and if he will make a statement on the matter.

[12454/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment to Ireland and its regions. The marketing of individual areas, for new or expansion FDI investments and jobs is a day-to-day operational matter for the agency. While I may give general policy directives to the agency, I am precluded under the Acts from giving directives regarding individual undertakings or from giving preference to one area over others. I have been informed by the agency that, in the past three years, there has been one site visit to Kildare town, but no investment has resulted from this visit. No visits have been recorded to any of the other towns mentioned by the Deputy.

At present there are 25 IDA Ireland supported companies in Kildare employing approximately 10,800 people. The county has, in recent years, attracted some world class manufacturing companies such as Intel, Wyeth Medica, Braun Oral B and Hewlett Packard. These investments have been won in competitive global markets where manufacturing companies in particular are going to low cost destinations such as China and central Europe.

New FDI projects tend to concentrate on high population centres with significant infrastructural and educational facilities. This makes it more difficult for the smaller locations to compete and for IDA to encourage clients to visit such locations even if a property solution is available. To address this market shift IDA Ireland is refocusing to areas such as international services, software, financial services and pharmaceuticals. In the end, the final decision as to where to locate or even where to visit lies with the investor. I am confident that the strategies and policies being pursued by IDA Ireland, together with the ongoing support of Government, will continue to

bear fruit in terms of maximising sustainable investment and jobs for the people of Kildare.

### Social Welfare Benefits.

202. **Dr. Upton** asked the Minister for Social and Family Affairs if public servants paying full PRSI whose pension is integrated with their occupational pension will, upon reaching 66 years of age, be entitled to receive the household benefits package; and if not, the reason therefore.

[12296/06]

**Minister for Social and Family Affairs (Mr. Brennan):** The household benefits package, which comprises the electricity and gas allowance, telephone allowance and television licence schemes, is generally available to people living permanently in the State, aged 66 years or over, who are in receipt of a social welfare type payment or who satisfy a means test. Public servants who pay full PRSI, subject to meeting the normal contribution conditions for entitlement, will qualify for a social welfare old age contributory pension which, under current rules, is a qualifying payment for the household benefit package.

203. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs if he will withdraw a claim for an alleged overpayment of €3,128.50 to a person (details supplied) in Dublin 12.

[12459/06]

**Minister for Social and Family Affairs (Mr. Brennan):** Recipients of one-parent family payments are obliged to notify my Department when there is a change in their circumstances, for example, when their earnings increase. Overpayments may arise where beneficiaries fail to notify my Department of an increase in their weekly earnings.

My Department has no record of having received any notification from the person concerned in relation to increased earnings. On the basis of her earnings from employment, a deciding officer has decided that the person concerned was entitled to a transitional payment — half the rate she had been receiving — of one-parent family payment for the period 1 January 2004 to 5 January 2005. The entitlement to one-parent family payment ceased completely from 6 January 2005. An overpayment to a total amount

[Mr. Brennan.]

of €8,232.50 for the period from January 2004 to 23 November 2005 resulted.

In all cases, overpayments are recoverable. In the case of the person concerned, it was possible to reduce the amount of the overpayment from €8,323.50 to €3,128.50 as the Department took into account an underlying entitlement to family income supplement which the person concerned may have had during the period in which the overpayment was incurred. The person concerned was notified of the decision on 20 March 2006 and she was advised of her right of appeal.

Under social welfare legislation decisions in relation to claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

### Road Network.

204. **Ms Cooper-Flynn** asked the Minister for Transport the spend on national roads in the Border, midland and western region as against the planned spend to date under the national development plan 2000-2006. [12326/06]

**Minister for Transport (Mr. Cullen):** In reply to the Deputy's question, the table below contains expenditure originally committed to national roads under the economic and social infrastructure operational programme for the years 2000 to 2006, the actual expenditure in each year and forecast for 2006.

Spend on national roads in the BMW region.

Year	National Roads Expenditure committed under NDP	National Roads Actual Expenditure
	€m	€m
2000	190.80	188.10
2001	293.23	236.90
2002	374.34	182.31
2003	382.38	186.80
2004	389.66	354.75
2005	415.49	416.40
2006	502.59	487.57*
Total	2,548.49	2,052.83

\*Forecast.

### Parking Fines.

205. **Mr. O'Dowd** asked the Minister for Transport the reason parking fines for illegally parked vehicles has been raised from €19 to €40. [12333/06]

**Minister for Transport (Mr. Cullen):** Fines in the amounts of €19 and €25 are levied at present by the Garda Síochána and traffic wardens for a range of specified parking offences under the fine-on-the spot system. This level of fine dates

back to 1997 and was reviewed in the context of introducing a new fixed charge system.

From 3 April 2006 the fixed charge system, provided in the Road Traffic 2002, will replace the fine-on-the-spot system which is being abolished. The new fixed charge system will apply to the enforcement of parking offences under section 103 of the Road Traffic Act 1961 by the Garda Síochána or traffic wardens authorised by the Minister for Justice, Equality and Law Reform and also to the enforcement of parking offences under section 3 of the Local Authorities (Traffic Wardens) Act 1975 by traffic wardens employed by local authorities.

The level of fixed charge fixed for parking offences is €40 if paid within a 28 day period or that amount plus 50% — €60 — if paid within a further 28 day period. The level of fixed charge to apply to the offence of illegal parking in a disabled persons parking bay is €80 if paid with 28 days and increasing to €120 if paid within the subsequent 28 day period.

### Driving Licences.

206. **Aengus Ó Snodaigh** asked the Minister for Transport the steps which are taken to inform companies or drivers of foreign commercial vehicles of the need to carry licences when operating here. [12334/06]

**Minister for Transport (Mr. Cullen):** The requirement that all drivers, and those accompanying provisional licence holders, carry their licences with them was introduced with effect from 1 January 2003. There was considerable media coverage of the requirement at the time. No additional specific steps were taken to date. However, I will review the position and consider whether further measures need to be taken to raise awareness in this area.

### Road Traffic Regulations.

207. **Aengus Ó Snodaigh** asked the Minister for Transport if it is a legal requirement for drivers of foreign commercial vehicles to carry test and insurance certificates while operating here; the steps which are taken to inform companies or drivers of that requirement; and if it is normal practice for a truck driver for a UK based company to be detained at the side of the road until the test and insurance certificates are faxed to gardaí. [12335/06]

**Minister for Transport (Mr. Cullen):** Under EU Directive 96/96/EC, motor vehicles are liable to periodic compulsory roadworthiness testing in the country in which they are registered. In the case of goods vehicles, testing is required when they are one year old and every year thereafter. Member states are required to ensure that vehicles passing such tests are issued with proof to that effect. It is not a requirement of Irish law

for lorry drivers to have the certificate of road-worthiness of their vehicle in their possession but they may be required to produce such certificate to the Garda Síochána within ten days, if requested.

EU and Irish law require all vehicles being driven in a public place to be insured for third-party liability. All vehicles registered in the State must display an insurance disc. Section 69 of the Road Traffic Act 1961 permits a member of the Garda Síochána, who believes or has observed that a mechanically propelled vehicle was used in a public place, to demand production of a certificate of motor insurance for up to one month after the occasion.

Section 69A of the Road Traffic Act 1961, as inserted by SI 178 of 1975, permits the Garda Síochána to detain a vehicle originating in a country outside certain designated territories, where the driver cannot produce evidence of motor insurance on demand. The designated territories include all the member states of the European Union, other than the State, and Croatia, Iceland, Norway, Switzerland and Andorra. I cannot give the Deputy any information on operational practices within the Garda Síochána.

#### **Aer Lingus Staff.**

208. **Ms O. Mitchell** asked the Minister for Transport if his attention has been drawn to the retirement age for pilots and cabin crew employed by the State airline; and if he will make a statement on the matter. [12464/06]

**Minister for Transport (Mr. Cullen):** The retirement age for pilots and cabin crew in Aer Lingus is an operational matter for the company. I understand from the company that the retirement age for pilots is 55 years. However, pilots can continue in service up to age 60 with company consent. The pension scheme also permits early retirement between age 45 to 55 with company consent.

Cabin crew are members of the Irish airlines — general employees — superannuation scheme and the rules of that scheme dictate that members retire on the anniversary of joining after their 65th birthday. The scheme also provides for early retirement from age 55 with company consent.

#### **Road Traffic Regulations.**

209. **Ms O. Mitchell** asked the Minister for Transport if he has considered the possibility of dangerous convoys of slow moving heavy goods vehicles and buses moving at the speed of the slowest vehicle on a motorway resulting from a strict prohibition on the use of any lane other than the left hand lane; and if he will make a statement on the matter. [12465/06]

**Minister for Transport (Mr. Cullen):** In relation to motorways it is prohibited since 1997 under

article 33 of the Road Traffic (Traffic and Parking) Regulations 1997 to drive large heavy goods vehicles, a single-deck bus or coach that accommodates more than eight passengers or any vehicle towing a trailer, etc., in the outside lane except where it is necessary to proceed in that lane due to an obstruction or because another lane or lanes is or are for the time being closed to traffic. This driving rule only applies to outside lanes on motorways so a driver is not prohibited from driving in the outside lane of a dual carriageway on other classes of road.

I would draw attention to the fact the term “obstruction” is not defined in the Road Traffic (Traffic and Parking) Regulations 1997 and that Article 5 of these 1997 regulations, as substituted by article 5 of the Road Traffic (Traffic and Parking)(Amendment) Regulations 1978, SI 274 of 1978, provides that the regulations “shall apply save where compliance is not possible as a result of an obstruction to traffic or pedestrians or because of an emergency situation confronting a road user which could not reasonably have been expected or anticipated”.

Several factors, including those raised by the Deputy, have been considered. The issue of speed differential between vehicles travelling on a motorway is the main factor behind this policy in that these categories of vehicles are subject to a maximum ordinary speed limit of 80 km/h whereas the default maximum speed limit for other vehicles driving on motorways is 120 km/h.

Penalty points will be applied to the driving licence records of drivers who are convicted of an offence or to those who pay a fixed charge to the Garda in order to prevent the instigation of court proceedings. This road traffic offence is included in the Schedule of offences listed in the Road Traffic Act 2002 to which the penalty points system can be applied and it is one of the 31 offences to which I propose to extend the penalty points system from 3 April 2006.

#### **Public Transport.**

210. **Mr. Durkan** asked the Minister for Transport if he has received a request for permission to provide a feeder bus service to all rail stations throughout County Kildare; if his attention has been drawn to the fact that his permission is required in this regard; if he will consider such a request having particular regard to the lack of adequate car parking and the need for potential commuters to be able to access the rail service; and if he will make a statement on the matter. [12484/06]

**Minister for Transport (Mr. Cullen):** The provision of any public bus services on a specific route by a private bus operator is subject to the 1932 Road Transport Act. In the case of the State bus companies, the initiation or alteration of a bus service is subject to compliance with the necessary regulatory requirement of giving

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advance notice to my Department and to compliance with the provisions of section 25 of the Transport Act 1958 concerning competition with licensed private operators.

My Department has not received any applications for bus services that are dedicated feeder services for the train stations in Kildare. However, there are a number of applications under consideration in my Department for bus services in the County Kildare area which include stops at train stations. The Department will consider any such application for bus services made by a private bus operator or by the State bus companies.

#### Road Network.

211. **Ms O. Mitchell** asked the Minister for Transport if his attention has been drawn to the amount which been spent on the upgrade of the major inter-urban routes since 1999 to date; the amount it is estimated that it will cost to complete the programme of upgrading the major inter-urban routes; and when same is expected to be completed. [12555/06]

**Minister for Transport (Mr. Cullen):** The planning, design and implementation of national road improvement projects is a matter, under the Roads Act 1993, for the National Roads Authority, NRA, and the local authorities concerned.

From 1999 to date approximately €6.7 billion has been spent on the national roads programme. Transport 21 provides more than €18 billion of further funding for the programme over the period 2006 to 2015. This will fund the expected completion of the routes referred to by the Deputy by the end of 2010.

I am informed by the NRA that the exact costs of completing the routes can only be established once all the road schemes making up these routes have been tendered for and contracts awarded.

#### Security of the Elderly.

212. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the number of applications received by his Department for houses for the provision of security measures by senior citizens in each of the past three years; if the number of groups or associations who provide the service is on the increase or if his Department has sought to increase or reassess the workings of such groups; and if he will make a statement on the matter. [12438/06]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** The scheme of community support for older people encourages and assists the community's support for older people by means of a community based grant scheme to improve the security of its older members. The scheme is open

to people aged 65 and over who have a genuine need for assistance under this scheme and is administered by local community and voluntary groups with the support of my Department.

Over the past three years the following numbers of local community and voluntary groups submitted applications under the scheme:

Year	Number of Groups
2003	460
2004	530
2005	450

Funding provided by my Department under the scheme in this period was as follows:

Year	Expenditure
	€m
2003	2.91
2004	2.24
2005	2.36

Expenditure over the period has remained consistent reflecting the level of demand on the ground. The funding allocated for this scheme in 2006 is €3 million.

My Department monitors the operation of this scheme on an ongoing basis and is currently involved in a comprehensive review prior to advertising the 2006 scheme.

#### Inland Waterways.

213. **Mr. Crowe** asked the Minister for Community, Rural and Gaeltacht Affairs if funding will be made available to Waterways Ireland for the upgrade of the Royal Canal from Crossguns Bridge to O'Reilly Bridge on Ratoath Road in view of the fact that €11.8 million was returned by Waterways Ireland to his Department in 2005. [12331/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** A figure of the magnitude referred to by the Deputy was not returned to my Department by Waterways Ireland in 2005. Of the total allocation for 2005 from my Department of €33.21 million, there was a saving of €3.2 million in 2005. This arose primarily due to the suspension of the institutions in Northern Ireland and the subsequent and related deferral of the building of the Waterways Ireland headquarters in Enniskillen, which is now due to commence in 2006. In the event of an underspend under any heading, the money is either re-allocated to other projects within the Vote or surrendered to the Exchequer. In the case of deferral, a further provision is re-entered in the Vote the following year.

I am informed by Waterways Ireland that there are no immediate plans for major works on the canal stretch in question but that the question of

whether further improvements to amenities there are required will be kept in mind in the context of future programmes of work.

### **National Drugs Strategy.**

214. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs his Department's appraisal of drug abuse in areas (details supplied) in County Kildare; his proposals to deal with the problems; the funding already made available in dealing with the problem; the success of such initiatives; and if he will make a statement on the matter. [12439/06]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** As the Deputy will be aware, the areas in question forms part of the south western regional drugs task force. I am pleased to be able to say that progress has been made by all ten regional drugs task forces, RDTFs, which were established in 2003, in the development of their action plans. An initial sum of €5 million per annum has been allocated by me to progress implementation of those plans for 2006 and I envisage that funding will be increased on an incremental basis over the coming years to achieve the full roll out of these action plans, which are estimated to have a full cost in the region of €12.2 million per annum.

An initial sum of €735,000 has been allocated to the south western regional drugs task force, SWRDTF, to allow it to progress the implementation of the actions identified in its action plan. This includes the establishment of a community drug team for County Kildare and west Wicklow as well as research into appropriate models of service delivery and a partnership with other agencies in establishing a profile of drug use in the task force's area of operations.

In addition, a research proposal into harm reduction measures and improved treatment has been drawn up and is the focus of discussion with other agencies. A regional drug education co-ordinator is due to be appointed in the coming weeks and significant advances have been made by the task force under the community and JLO counselling pools scheme.

I am satisfied that the range of activities and initiatives identified in the SWRDTF action plan represents a comprehensive approach to tackling the problems of drug misuse not only in the areas identified by the Deputy but in the south western area as a whole.

215. **Mr. Gregory** asked the Minister for Community, Rural and Gaeltacht Affairs, further to Question No. 61 of 21 March 2006, if it is the case that the project concerned requested funding not for additional staff but to replace part-time FÁS staff with full-time staff for the purpose of rehabilitation of drug-users; and if he will make a statement on the matter. [12450/06]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** An application on behalf of the project has been made under the emerging needs fund. The application seeks to replace the current funding arrangement for these posts, which is through the special CE scheme, with funding from the emerging needs fund as well as additional programme costs and staff and management training costs.

As I stated in my reply to Question No. 61 of 21 March, I am still not fully satisfied with the proposal and have many questions for which I require answers from the project promoters. I hope to visit the project in the near future to get a fuller picture of the proposal and to speak to those involved in the project.

### **Farm Waste Management.**

216. **Mr. Naughten** asked the Minister for Agriculture and Food when the new grant scheme will be available for farm waste management; the discussions which she has had with the Department of the Environment, Heritage and Local Government on streamlining the planning process; and if she will make a statement on the matter. [12551/06]

**Minister for Agriculture and Food (Mary Coughlan):** Following receipt of the required EU approval, the revised farm waste management scheme was launched by my Department on 24 March 2006. Application forms, together with the accompanying terms and conditions, are available from the local agricultural environment and structures, AES, offices of my Department and are also available on my Department's web-site.

Among other changes which have now been approved by the EU Commission, the scheme: increases the standard grant rate from 40% to 60%, with 70% being available in the four zone C counties; is extended for the first time to include horses, deer, goats, pigs and poultry, and mushroom compost; permits all small farmers to participate in the scheme by the removal of any minimum income requirement from farming from the scheme; provides for an increase in the maximum eligible investment ceiling from €75,000 to €120,000; and extends the maximum income unit ceiling from 450 to 650 income units, with no upper limit being applied in the case of investments for pigs and poultry.

I am particularly pleased that the EU Commission has been prepared to recognise the need for differential treatment of the four zone C counties — Cavan, Donegal, Leitrim and Monaghan — where a 70% standard grant rate is now applicable for animal housing and slurry storage compared to the new 60% grant in other areas, and thank Commissioner Fischer Boel for her support for the introduction of this wide-ranging new scheme.

As the current EU rural development round finishes at the end of this year, applications can

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only be accepted by my Department under this revised scheme up to the end of December 2006. In view of this short timeframe for receiving applications, I have decided that where the proposed investment works require planning permission, applications will be accepted by my Department as soon as such planning permission has been applied for to the relevant local authority. However, approval to proceed will, of course, not be issued until a copy of the full planning permission has been received by my Department. This will enable farmers to lodge their applications while awaiting the receipt of the required planning permission. I am satisfied that the new scheme now provides an extremely attractive financial platform to help farmers meet the new investment requirements of the nitrates directive.

### Live Exports.

217. **Mr. Crawford** asked the Minister for Agriculture and Food if she has satisfied herself that there is sufficient shipping accommodation for live cattle out of this country; her views on whether the price of young calves fell dramatically while the export was stopped or at least slowed down; the steps she will take to make sure it does not happen again; and if she will make a statement on the matter. [12337/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department's function in the transport of livestock by sea is to approve vessels based on statutory requirements regarding the protection of animal welfare. The actual provision of such services is a commercial matter. Approval for the carriage of livestock on roll-on roll-off vessels is considered on a case by case basis, having regard to the characteristics of the individual vessel, whereas there are specific statutory requirements which apply across the board where dedicated livestock vessels are concerned. Over the years, my Department has approved a number of dedicated roll on roll off vessels and works closely with applicant companies for approval to ensure that the conditions aboard such vessels are consistent with national and EU animal welfare requirements. Indeed, a vessel currently approved by my Department for the carriage of livestock was inspected last week for the carriage of two additional livestock units and underwent a successful trial voyage. The vessel is also provisionally approved to carry further additional livestock units subject to some minor modifications to the ventilation system.

The live export trade provides a valuable outlet for categories of younger animals and a degree of competition, thereby sustaining prices. My Department will continue to discharge its

responsibilities in the live trade by ensuring that any such applications are dealt with in a thorough, professional and efficient manner and that our animal health status continues to allow producers to have access to markets in the EU and elsewhere.

The Government's consistent position on live exports has been that they provide a vital and legitimate market outlet for the livestock sector. The role of the Government in the promotion and preservation of any commercial trade is to create an environment in which it can be carried on in an economic and sustainable manner and which allows it to make the maximum possible contribution to the national economy. In the case of live exports, key elements are: the preservation of the animal health status of the country, the international reputation of its veterinary certification services and the existence and application of a framework, which ensures that good standards and welfare considerations are taken into account. In each of these areas, our record is exemplary. Ultimately, the transport of live animals is a commercial matter and there are sufficient numbers of approved vessels to provide a service if the commercial demand exists.

Since January 2005 there has been no indication that the price of young calves has fallen for transport related reasons. Up to 19 March 2006, 43,844 live cattle have been exported from the State, compared to 32,585 for the same period during 2005. This represents an increase of 35%.

### Afforestation Programme.

218. **Mr. Crawford** asked the Minister for Agriculture and Food the number or acres which has been planted in forestry for each of the past ten years on a county basis; the number of acres she expects to grant aid in 2006; if she has satisfied herself that there will be a full take up of grants available; and if she will make a statement on the matter. [12338/06]

**Minister for Agriculture and Food (Mary Coughlan):** The information sought by the Deputy is set out in the following table.

As regards planting levels in 2006, this is largely dependent on farmer demand. A most attractive package for forestry, including 100% planting grants and guaranteed tax-free premiums for 20 years for farmers, is in place. The concessions won in CAP reform, allowing farmers to plant up to 50% of their land and still draw down the full single payment on the rest, represents a significant increase in the attractiveness of forestry.

Since the start of 2005 my Department has approved 25,000 hectares of land for planting but many landowners have yet to act on these approvals. I would encourage all those who hold such approvals to act upon them immediately.

County	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Carlow	134.45	40.14	96.11	90.79	56.97	71.17	80.67	79.33	53.56	87.88
Cavan	303.34	310.57	418.97	225.13	401.69	554.60	715.84	220.47	435.60	302.53
Clare	1,732.14	762.52	881.11	931.72	1,467.23	1,503.59	1,012.00	590.14	833.49	748.75
Cork	1,548.72	800.42	1,397.22	1,306.36	1,636.21	1,708.59	2,093.69	977.89	1,433.84	1,734.04
Donegal	2,394.88	1,346.93	1,192.24	876.78	954.84	1,016.39	900.43	388.16	308.88	344.52
Dublin	114.38	79.82	63.01	5.35	16.87	4.11	4.80	19.05	11.36	0.00
Galway	1,450.99	528.44	768.06	445.77	640.03	454.02	659.90	451.82	526.98	498.51
Kerry	2,218.71	1,419.72	1,054.59	1,126.49	1,828.47	2,017.71	1,824.92	930.07	893.01	770.19
Kildare	210.16	237.01	249.65	155.94	233.91	136.38	153.77	133.52	84.46	129.02
Kilkenny	592.81	444.21	362.96	502.89	422.14	530.28	528.74	456.27	296.71	544.72
Laois	787.68	392.89	284.87	286.70	584.22	441.36	475.51	148.28	183.38	203.14
Leitrim	918.15	615.22	591.40	477.78	688.40	463.88	466.75	324.64	393.91	410.98
Limerick	692.48	553.30	488.54	584.39	964.30	1,182.90	1,175.08	807.48	767.25	683.57
Longford	290.15	214.04	250.21	215.85	279.63	175.21	416.32	212.01	255.18	208.47
Louth	18.92	13.50	98.90	2.19	9.96	1.78	63.35	7.51	17.77	2.10
Mayo	1,297.53	795.07	1,094.29	841.25	913.74	924.35	928.66	556.28	483.17	359.48
Meath	247.29	180.86	184.50	345.97	348.83	249.50	168.52	149.34	150.20	217.38
Monaghan	102.96	42.30	75.63	23.31	23.17	47.52	47.34	58.70	73.87	59.17
Offaly	686.86	116.53	295.90	654.48	584.76	509.36	308.67	385.69	315.57	262.32
Roscommon	985.61	479.79	360.20	516.75	556.99	576.81	503.02	461.79	574.91	287.34
Sligo	1,068.49	419.87	406.07	175.69	446.49	524.30	315.43	241.76	236.64	253.54
Tipperary	1,289.99	621.44	897.88	1,154.05	1,251.84	1,195.05	892.88	710.34	633.32	1,086.74
Waterford	552.10	237.51	332.88	441.76	381.26	128.56	481.82	230.93	220.37	238.99
Westmeath	370.46	407.78	447.72	335.72	182.45	331.93	275.80	209.15	319.85	351.00
Wexford	290.16	139.76	250.50	516.14	343.70	288.79	158.22	225.32	187.02	246.96
Wicklow	682.19	244.06	385.03	427.65	477.83	425.53	401.51	121.78	48.31	64.67
Total	20,981.60	11,443.70	12,928.45	12,666.90	15,695.93	15,463.67	15,053.64	9,097.72	9,738.61	10,096.01



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### Farm Waste Management.

219. **Mr. Crawford** asked the Minister for Agriculture and Food the reason on the 29 July 2005 she promised 70% aid and 10% top up for eligible young farmers in Cavan, Monaghan, Leitrim and Donegal yet when the scheme was announced young farmers are only receiving 70% plus 5%; and if she will make a statement on the matter. [12339/06]

**Minister for Agriculture and Food (Mary Coughlan):** On 29 July 2005 I announced the outline of the revised farm waste management scheme on which I would be seeking EU Commission approval. However, during the course of the negotiations on the revised scheme, the EU Commission indicated that the maximum grant rate it would be prepared to accept in less-favoured areas would be 75%. Accordingly, the published scheme, launched on 24 March 2006, now reflects this ceiling.

220. **Mr. Crawford** asked the Minister for Agriculture and Food the young farmers who are eligible for top-up grants under the new grant scheme; if this includes young farmers with a green certificate under 35 or if there are other restrictions; if a young farmer inherits a farm where some grant work has been carried out recently they start with a clean sheet as far as investment is concerned; and if she will make a statement on the matter. [12340/06]

**Minister for Agriculture and Food (Mary Coughlan):** Under the revised farm waste management scheme launched by my Department on 24 March 2006, top-up grants are available for young farmers in less-favoured areas for investments in animal housing, slurry storage and related items. In order to be eligible for the top-up grant, the young farmer must be under 35, meet the educational requirements of the scheme, and be farming for less than five years. This latter requirement is a condition of the EU provisions governing the scheme and I have no discretion in the matter.

The top-up grants concerned are: 10%, where the site is in a less-favoured area and the applicant is not in receipt of a zone C grant; and 5%, where the site is in a less-favoured area and the applicant is in receipt of a zone C grant. Where the young farmer inherits a holding on which grant-aided investments have previously taken place under the scheme, such investments are deducted from the €120,000 investment ceiling applicable under the scheme.

### Afforestation Programme.

221. **Mr. Perry** asked the Minister for Agriculture and Food when she plans to increase the forestry premium; if her attention has been drawn

to the fact that farmers who invested 13 years ago into a 20 year scheme have not had a premium increase for five years; and if she will make a statement on the matter. [12355/06]

**Minister for Agriculture and Food (Mary Coughlan):** I am aware that the premium paid to forest planters has not been increased since the year 2000. A review is currently being carried out and I am in discussions with the Minister for Finance as to what the appropriate rate should be.

### Grant Payments.

222. **Mr. G. Murphy** asked the Minister for Agriculture and Food when the single payment will be awarded to persons (details supplied) in County Cork; the amount which will be awarded; if she will ensure that all entitlements are awarded; if contact will be made with these persons; and if she will make a statement on the matter. [12425/06]

**Minister for Agriculture and Food (Mary Coughlan):** Two applications under the 2005 single payment scheme were received by my Department, one in the names of the first two persons named and a second in the names of the three persons named. Payment of the dairy premium element of the single payment issued in the names of the three persons named on 1 December 2005. However, given the change in herd owner details, with the addition of the third person named, the single payment due in respect of the entitlements established during the reference period has not yet issued, as it is necessary that an appropriate transfer of entitlements under the single payment scheme first be effected. This transfer is being processed, following which the single payment balance will issue shortly.

223. **Mr. G. Murphy** asked the Minister for Agriculture and Food if an official of her Department will be appointed to make contact with a person (details supplied) in County Cork regarding their entitlement to extra income supplement payment. [12426/06]

**Minister for Agriculture and Food (Mary Coughlan):** The person concerned has previously spoken to an officer in the local district veterinary office and has been advised that he is not eligible for payment under the income supplement scheme due to the fact that he moved animals into his holding during the restriction period. The relevant documentation giving approval for moving cattle into a restricted holding clearly states that this practice will disqualify a keeper from the scheme.

I have arranged for an officer in the local district veterinary office write to the person concerned setting out the eligibility criteria for payment of income supplement under the tuberculosis and brucellosis eradication schemes

and also to provide details of other issues relating to this specific case. A meeting, if required, can also be arranged to discuss all relevant issues. The person in question will be advised of the option to appeal this decision, first, to a senior officer within the Department and, if necessary, to the agriculture appeals office.

*Question No. 224 answered with Question No. 97.*

#### **Sugar Industry.**

225. **Mr. Durkan** asked the Minister for Agriculture and Food the countries likely to become the main producers of sugar throughout the European Union; the steps she has taken to protect producers in the poorer or more remote regions; and if she will make a statement on the matter. [12487/06]

**Minister for Agriculture and Food (Mary Coughlan):** The agreement on reform of the EU sugar regime, necessitated by internal EU pressures as well as international pressures arising from WTO and EBA obligations, will lead to a significant reduction in EU sugar production. Five member states, France, Germany, Poland, UK and Italy, account for two thirds of EU sugar production and it is likely that these states will continue to account for the bulk of EU production. Impact studies by the EU Commission projected that in four member states, Italy, Greece, Portugal and Ireland, sugar production was likely to be drastically reduced or phased out as a consequence of reform. However, most member states are affected in varying degrees by the reform and the recent deterioration in the market. Factory closures have already been announced in 11 member states and more are expected.

To alleviate the impact of the reform on member states, a comprehensive compensation package is available. In Ireland's case, the compensation will be worth approximately €310 million. The EU is also providing assistance to developing countries which will be affected by the reform agreement.

*Question No. 226 answered with Question No. 79.*

#### **Food Industry.**

227. **Mr. Durkan** asked the Minister for Agriculture and Food the extent of her proposals to develop the agricultural sector with particular reference to the need to maintain this country's position as a food producing economy; and if she will make a statement on the matter. [12489/06]

**Minister for Agriculture and Food (Mary Coughlan):** Last week I launched the Agri-Vision 2015 action plan which set out in detail the actions which need to be taken to maintain the

Irish agrifood industry as a viable food producing sector. This is a major strategic plan for the agricultural industry and contains a total of 166 major actions which I am taking or propose to take in the near future on a wide range of issues. The main drivers of its success will be a focus by all stakeholders on competitiveness, innovation and consumer led marketing.

Having launched the action plan, my immediate priority is now to set in place processes and systems which assign responsibility to individuals and organisations for specific actions and to establish systems which facilitate and drive its implementation. The success of this task requires constructive input and action from a wide spectrum of bodies including Departments, state agencies, farmers and the private sector.

#### **Food Exports.**

228. **Mr. Durkan** asked the Minister for Agriculture and Food the number of countries to which Irish beef, pig meat and lamb are currently exported; the extent to which new markets have been established or old markets lost over the past five years; the countries with which Ireland has to compete in such markets; the degree to which Ireland is holding or losing its competitive edge; and if she will make a statement on the matter. [12490/06]

**Minister for Agriculture and Food (Mary Coughlan):** Irish beef exports are now concentrated in the high value UK and continental markets. This is a result of the combination of the targeting of these high value markets by meat plants and the emergence of a significant beef deficit in the EU. The deficit this year is expected to be of the order of 350,000 tonnes or 5% of EU beef production. In 2005, we exported 487,000 tonnes of beef, all of which went to these markets, except for 35,000 tonnes which went to third country markets. This contrasts with the situation in 1999, when our exports to third country markets amounted to 309,000 tonnes out of total exports of 554,000 tonnes. The demand for Irish beef in the UK, our principal market and which takes almost 50% of our beef, continues to be strong. We also have a considerable level of trade with France, Italy, the Netherlands and Scandinavia. Russia is our main third country market, although Algeria and Egypt also import Irish beef. Our main competition comes from the domestic beef trade in the European markets supplied by Irish meat plants. Brazil and to a lesser extent, Argentina, also compete with us in European and third country markets.

According to the latest data available, Ireland's principal export markets for sheep meat in 2005 were, in order of importance, France, United Kingdom, Germany, Sweden and Belgium. Five years ago, the order of importance was France, United Kingdom, Germany, Belgium and Portugal. The principal change over five years pre-

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viously is an increase in exports to the UK and a reduction in exports to France. Ireland competes primarily with the UK and New Zealand in export markets.

Pig meat is exported to 25 to 30 third countries and to EU countries, the most significant of these being the UK, Germany, Denmark, Japan, USA, Russia and Hong Kong. Negotiations are ongoing for market access to important trade countries such as China, Canada and South Africa. Following the signature of a protocol on pig meat trade with China early last year, a team of experts from China is due in Ireland in the coming weeks to examine conditions in our pig meat export plants. I am hopeful this will pave the way for trade to that important market. Our main competitors in the EU markets are Denmark and Netherlands, while third country competition mainly comes from USA, Canada and Brazil. Irish pig meat is maintaining its competitive position in these markets.

229. **Mr. Durkan** asked the Minister for Agriculture and Food the countries to which Irish dairy products are currently exported; the new markets gained or old markets lost over the past five years; and if she will make a statement on the matter. [12491/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Irish dairy sector has enjoyed much success on international and EU markets in recent years and performed solidly in 2005. Exports of Irish dairy products and ingredients amounted to €1.82 billion last year, as Irish exporters responded to strong market demand worldwide. Ireland exports a wide range of dairy products to over 100 countries worldwide. The main dairy exports from Ireland are butter, cheese, skimmed milk powder, whole milk powder and casein. Baby food, liqueurs, dairy spreads, etc., which contain dairy ingredients are also exported. Approximately two-thirds of all dairy exports from Ireland are destined for EU member states. The main destination is the UK, which accounted for 33% of our dairy exports in 2004.

*Question No. 230 answered with Question No. 104.*

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

231. **Mr. Durkan** asked the Minister for Agriculture and Food the number of farmers in receipt of farm retirement pension; the number of applications on hand; the length of time it currently takes to process an application; and if she will make a statement on the matter. [12493/06]

**Minister for Agriculture and Food (Mary Coughlan):** At the end of February 2006 there were 3,878 active participants in the 1994 scheme

of early retirement from farming and 2,592 active participants in the 2000 early retirement scheme. My Department is currently processing 73 new applications for the 2000 scheme.

The charter of rights for farmers 2005-2007 requires my Department to process early retirement scheme applications within nine weeks of receipt of a valid application or 11 weeks if a file is selected for a pre-payment inspection. The charter also requires that payment of the pension be made within six weeks of the application being approved for payment. Where deficiencies are found in the application the time limit for processing does not apply.

#### **Food Industry.**

232. **Mr. Durkan** asked the Minister for Agriculture and Food the production, home consumption and export of venison in each of the past five years; the extent to which markets have expanded or contracted; and if she will make a statement on the matter. [12468/06]

**Minister for Agriculture and Food (Mary Coughlan):** Figures available from 2002 show the number of deer slaughtered in export approved plants as follows:

Year	No. of head slaughtered
2002	1,759
2003	1,278
2004	1,079
2005	957

These figures do not include a significant number of animals now being sent to Northern Ireland. The Central Statistics Office does not publish data on the level of domestic consumption or exports of venison, which is classed as other meat for statistical purposes. However, the greater part of production is destined for the export market.

#### **EU Directives.**

233. **Mr. Durkan** asked the Minister for Agriculture and Food if she has evaluated the extent to which agricultural production and, as a consequence, farm income will be restricted arising from the nitrates directive; and if she will make a statement on the matter. [12469/06]

**Minister for Agriculture and Food (Mary Coughlan):** The underlying principle of the nitrates directive is nutrient balance and, as far as grass growth and tillage are concerned, it means that maximum fertilisation rates will be set which will allow for the application of organic and chemical fertiliser so that grass and other crops will take up in full. The Department of the Environment, Heritage and Local Government, which has primary responsibility for implementing the directive, is currently in discussions with the

European Commission, along with my own Department and Teagasc, with the aim of refining the crop nutrient limits based on the latest scientific advice from Teagasc.

A number of measures have already been put in place by my Department to assist all farmers in meeting their obligations under the nitrates directive. The sustaining progress agreement included a number of commitments related to the nitrates directive and these have all been delivered in the form of improvements to the farm waste management scheme and the dairy hygiene scheme and substantially increased REPS payments under the REPS 3 scheme.

During the past week, I announced details of further improvements to the farm waste management scheme which have now been formally agreed with the European Commission. The revised scheme is designed specifically to help farmers meet the requirements of the nitrates directive. Application forms for participation in the scheme are now available in my Department's local AES offices throughout the country and on my Department's website. Applications must be received before 31 December of this year, so I strongly urge farmers to take the necessary steps to ensure that their participation in the scheme is not made impossible by late submission of applications.

To help farmers understand the nitrates regulations, my Department placed an advertisement in the farming press and is preparing an explanatory booklet designed to explain the new rules clearly and simply. This booklet will be sent to all farmers as soon as the issue of fertiliser limits is finalised. In addition, my Department will be making maximum use of the information held on its databases to provide farmers with information about their stocking levels and organic nutrient loading.

I am aware that some farmers, particularly in the pig and poultry sectors, may find it more difficult to find spreadlands for the organic manure they produce. Considerable efforts have already been made to alleviate the impact of the nitrates regulations on the pig and poultry industries and to help farmers to meet their obligations. Nevertheless, I have asked my officials to give the matter further consideration. Given that pig and poultry manure is high in phosphorus, there will be a limit to the amount of land where it can be spread. The most suitable outlet for this kind of manure is tillage land. There is more than enough tillage land in the country to utilise all of the pig and poultry manure but I am conscious that not all producers have tillage land nearby. The high liquid content of pig manure, in particular, makes it expensive to transport. Pig producers should therefore start looking seriously at technology for separating solids and liquids. As part of the new farm waste management scheme which I announced last week, grant aid is available for this kind of technology. Pig and poultry pro-

ducers are now eligible for this scheme for the first time.

I also urge other farmers to show solidarity with pig and poultry producers by taking their manure instead of using chemical fertiliser. I have asked Teagasc to make farmers aware of the nutrient value of slurry and the savings that they can achieve by substituting it for chemical fertiliser.

### Common Agricultural Policy.

234. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which the effects of the CAP review and WTO have affected the agricultural sector to date; the likely effects for the future; and if she will make a statement on the matter. [12470/06]

**Minister for Agriculture and Food (Mary Coughlan):** The main element of the most recent review and reform of the Common Agricultural Policy was the introduction of the full decoupling of direct payments from production in the case of livestock production, milk production and arable crops. Ireland opted to implement full decoupling with effect from 2005. Partial decoupling options were provided for member states that do not wish to decouple fully. The latest reform changed the way that the EU supports the agricultural sector.

Breaking the link between support payments and production has provided farmers with income stability allowing them to become more market-orientated in responding to consumer demand. Payment of the decoupled payments is conditional on farmers' compliance with a range of environmental, food safety and animal welfare standards. The net effect of these changes is to make agriculture more competitive, better prepared for globalisation, more compliant with food safety requirements, more environmentally sustainable and more conscious of animal welfare requirements.

CAP reform and the WTO negotiations are closely interlinked. The mid-term review in 2003 was designed in part to prepare and position the CAP for the negotiations in the current Doha round. The new WTO round represents a major challenge to agriculture and the future of the CAP. I am committed to securing an agreement which allows the EU and Ireland to enjoy the benefits of an active and supportive CAP and a rural development policy that protects farmers livelihoods and ensures the continuation of vibrant rural communities.

### Food Labelling.

235. **Mr. Durkan** asked the Minister for Agriculture and Food the steps she will take or has taken to ensure the authenticity of food labelling; and if she will make a statement on the matter. [12471/06]

**Minister for Agriculture and Food (Mary Coughlan):** Responsibility for general food labelling policy rests with the Department of Health and Children. The Department of Communications, Marine and Natural Resources is responsible for the labelling of fish and aqua products and my Department is responsible for more detailed legislation on the labelling of specific food products including beef and poultry meat. The enforcement of all food labelling regulations has been centralised in the Food Safety Authority of Ireland, FSAI. This not only streamlines the enforcement measures but it also provides a one-stop shop for any complaints on mislabelling of food.

Consumers must be confident that Irish food business operators not only produce safe food but food which is properly labelled. The FSAI conducts audits to make sure that consumers' interests are protected by ensuring adequate enforcement of regulations in this area by the various state agencies concerned.

*Questions Nos. 236 and 237 answered with Question No. 79.*

#### **Garda Deployment.**

238. **Mr. Ferris** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to reports that on St. Patrick's night 2006 there were only three gardaí on duty in Castleisland town, one of whom was seriously injured in an assault; and if he will make a statement on the matter. [12302/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities responsible for the detailed allocation of resources, including personnel, that the personnel strength of Castleisland Garda station as at 27 March 2006 was nine, all ranks. I have been further informed that the unit detailed for work on St. Patrick's night 2006 consisted of one sergeant and one Garda. To augment the unit a third member was employed on overtime. Garda management states that a public order incident arose which resulted in two persons, a male and a female, being arrested. The matter is currently under investigation and when complete a file on the matter will be forwarded to the Director of Public Prosecutions.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year. This project is fully on target and will be achieved.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda college during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes to the Garda college of approximately 275 recruits every quarter. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment took place on 15 March 2006. The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and in this context the needs of the Kerry division will be fully considered within the overall context of the needs of Garda divisions throughout the country.

239. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in the Kerry Garda division during 1997, 2000, 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [12303/06]

#### **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 personnel strength, all ranks, of the Garda Síochána as at 31 December 1997 and 20 March 2006 was 10,702 and 12,445, respectively. This represents an increase of 1,743, or 16.3%, in the personnel strength of the Garda Síochána during that period.

I have been further informed by the Garda authorities that the number of gardaí, all ranks, stationed in the Kerry division as at 31 December 1997, 2000, and 2002-2005, inclusively, was as set out in the following table:

Division	1997	2000	2002	2003	2004	2005
Kerry	230	251	266	266	262	266

This represents an increase of 36, or 16%, in the number of gardaí stationed in the Kerry Division since 31 December 1997. In addition, I would point out to the Deputy that the division's resources are further augmented by a number of Garda national units such as the Garda National Immigration Bureau, GNIB; the Criminal Assets Bureau, CAB; and other specialised units.

I should also state that the timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year. This project is fully on target and will be achieved.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda college during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes to the Garda college of approximately 275 recruits every quarter. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment took place on 15 March 2006. The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and in this context the needs of the Kerry division will be fully considered within the overall context of the needs of Garda divisions throughout the country.

240. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in the Waterford and Kilkenny Garda division during 1997, 2000, 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [12304/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities responsible for the detailed allocation of resources, including personnel, that the personnel strength, all ranks, of the Garda Síochána as at 31 December 1997 and 20 March 2006 was 10,702 and 12,445, respectively. This represents an increase of 1,743, or 16.3%, in the personnel strength of the Garda Síochána during that period. I have been further informed by the Garda authorities that the number of gardaí, all ranks, stationed in the Waterford and Kilkenny division as at 31 December 1997, 2000 and 2002 to date was as set out in the following table:

Division	1997	2000	2002	2003	2004	29/03/06
Waterford/ Kilkenny	306	332	343	346	350	356

This represents an increase of 50, or 16%, in the number of gardaí, all ranks, stationed in the Waterford and Kilkenny division since 31 December 1997. In addition, I would point out to the Deputy that the division's resources are further augmented by a number of Garda national units such as the Garda National Immigration Bureau, GNIB; the Criminal Assets Bureau, CAB; and other specialised units.

I should also state that the timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this

year. This project is fully on target and will be achieved.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda college during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes to the Garda college of approximately 275 recruits every quarter. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment took place on 15 March 2006. The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and in this context the needs of the Waterford and Kilkenny division will be fully considered within the overall context of the needs of Garda divisions throughout the country.

241. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in the Sligo and Leitrim Garda division during 1997, 2000, 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [12305/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities responsible for the detailed allocation of resources, including personnel, that the personnel strength, all ranks, of the Garda Síochána as at 31 December 1997 and 20 March 2006 was 10,702 and 12,445, respectively. This represents an increase of 1,743, or 16.3%, in the personnel strength of the Garda Síochána during that period.

I have been further informed by the Garda authorities that the number of gardaí, all ranks, stationed in the Sligo and Leitrim division as at 31 December 1997, 2000 and 2002-2005, inclusive, was as set out in the following table:

Division	1997	2000	2002	2003	2004	2005
Sligo/Leitrim	257	265	259	267	263	271

This represents an increase of over 5% in the number of gardaí stationed in the Sligo and Leitrim Division in this period, even taking into account the fact that the necessity for the large Garda presence in the Border counties has significantly diminished since the Good Friday Agreement. In addition, I would point out to the Deputy that the division's resources are further augmented by a number of Garda national units such as the Garda National Immigration Bureau, GNIB; the Criminal Assets Bureau, CAB; and other specialised units.

It is the responsibility of Garda management to allocate personnel among and within divisions on a priority basis in accordance with the requirements of different areas. The allocation of such resources is determined by a number of factors including demographics, administrative functions,

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crime trends and other operational policing needs. The Garda authorities state that personnel assignments throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and that the best possible Garda service is provided to the general public.

I should also state that the timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year. This project is fully on target and will be achieved.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda college during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes to the Garda college of approximately 275 recruits every quarter. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment took place on 15 March 2006. The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and in this context the needs of the Sligo and Leitrim division will be fully considered within the overall context of the needs of Garda divisions throughout the country.

#### **Garda Vetting Procedures.**

242. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the progress which has been made with regard to Garda clearance for child care workers; if he has satisfied himself that the situation provides adequate assurances for the children who are cared for by child care workers; and if he will make a statement on the matter. [12307/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda central vetting unit, GCVU, was established in 2002 and currently processes vetting requests in respect of, *inter alia*, prospective full-time employees of the Health Service Executive and certain agencies funded by the Health Service Executive, as well as in respect of selected employments in other sectors. In 2004, an inter-agency working group on Garda vetting reported with a clear and focused strategy for enhancing national vetting arrangements. The strategy provides for an expansion of the GCVU's vetting service to all organisations which

recruit persons having substantial unsupervised access to children and vulnerable adults.

The implementation of the strategy is being overseen by an implementation group on Garda vetting comprising key stakeholders. Preparations are at an advanced stage for the extension of vetting services and, to facilitate this, an additional 17 staff have been provided to the GCVU to more than double its numbers from 13 to 30. In this regard, I am pleased that the GCVU has been successfully decentralised to new, custom-designed office accommodation in Thurles, County Tipperary, from where it will soon commence expansion of its vetting service.

Finally, it is worth noting that criminal record checks, while being capable in appropriate circumstances of making a significant contribution to ensuring that unsuitable persons do not secure positions of trust, are not the sole answer to ensuring applicants' suitability for posts. There will continue to be a particular onus of care on employers to maintain good employment practice both during the recruitment stage, for example, good interviewing practice and checking references, and in ensuring adequate supervision arrangements post recruitment.

#### **Crime Levels.**

243. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform the number of crimes recorded and detected across all headings in the Tipperary Garda division during 1997, 2000, 2001, 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [12308/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the following table provides the total number of headline offences, by group, recorded and detected in the Garda division of Tipperary for the years 2000 to 2005, inclusive.

The introduction of the PULSE computer system by the Garda Síochána in 1999 has led to more complete and comprehensive recording of crimes reported than was previously the case. Consequently the statistics provided for 1997 are not comparable to statistics provided for 2000 and subsequent years. The figures provided for 2000 and 2001 are incomplete due to the phased implementation of PULSE. The first full year captured is 2002 and is a more accurate base year to use.

It should be borne in mind that any interpretation of the crime figures should factor in the increase in our population in the past ten years. In 1995, with a population of almost 3.6 million people, there were 29 crimes per 1,000 of the population. In 2005, with a population of over 4.1 million, there were 24.6 crimes per 1,000 of the population, a reduction of 4.4 crimes per 1,000 of the population. To put this in context, during the two full years of the rainbow coalition Government, with a population of 600,000 less than at

present, the headline crime figures were 102,484 in 1995 and 100,785 in 1996.

It should also be noted that the headline offence of homicide includes not only murder and manslaughter but the other homicide offences of

infanticide, abortion, attempted murder and threat to murder. Over the six-year period shown in the table there were five murders recorded with three detected, and one manslaughter recorded with one detected.

Headline Offences Recorded and Detected for the Garda Division of Tipperary for the Years 2000 to 2005

Tipperary	2005*		2004		2003		2002		2001		2000	
	Rec	Det	Rec	Det	Rec	Det	Rec	Det	Rec	Det	Rec	Det
Homicide	1	0	1	0	0	0	2	2	2	2	1	1
Assault	121	77	128	108	143	114	146	127	96	77	88	72
Sexual Offences	72	35	45	25	73	55	84	64	85	56	37	25
Arson	19	6	29	5	22	1	27	6	36	15	24	12
Drugs	73	73	73	73	100	100	95	95	69	69	38	38
Theft	993	371	1084	398	978	337	895	341	699	252	534	265
Burglary	786	124	616	102	600	111	668	143	752	132	606	163
Robbery	18	8	16	8	25	13	26	16	21	12	10	5
Fraud	90	64	95	69	119	90	82	63	111	103	71	58
Other	53	37	49	37	54	40	36	29	16	16	7	7
Total	2,226	795	2,136	825	2,114	861	2,061	886	1,887	734	1,416	646

\*Figures provided are provisional, operational and liable to change.

244. **Mr. Crawford** asked the Minister for Justice, Equality and Law Reform the number of crimes recorded and detected across all headings in the Cavan-Monaghan Garda division during 1997, 2000, 2001, 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [12309/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the following table provides the total number of headline offences, by group, recorded and detected in the Garda division of Cavan-Monaghan for the years 2000 to 2005, inclusive.

The introduction of the PULSE computer system by the Garda Síochána in 1999 has led to more complete and comprehensive recording of crimes reported than was previously the case. Consequently the statistics provided for 1997 are not comparable to statistics provided for 2000 and subsequent years. The figures provided for 2000

and 2001 are incomplete due to the phased implementation of PULSE. The first full year captured is 2002 and is a more accurate base year to use.

It should be borne in mind that any interpretation of the crime figures should factor in the increase in our population in the past ten years. In 1995, with a population of almost 3.6 million people, there were 29 crimes per 1,000 of the population. In 2005, with a population of over 4.1 million, there were 24.6 crimes per 1,000 of the population, a reduction of 4.4 crimes per 1,000 of the population. To put this in context, during the two full years of the rainbow coalition Government, with a population of 600,000 less than at present, the headline crime figures were 102,484 in 1995 and 100,785 in 1996.

It should also be noted that the headline offence of homicide includes not only murder and manslaughter but the other homicide offences of infanticide, abortion, attempted murder and threat to murder. Over the six-year period shown in the table there were four murders recorded with three detected and two manslaughters recorded with two detected.

Headline Offences Recorded and Detected for the Garda Division of Cavan / Monaghan for 2000 to 2005

	2005*		2004		2003		2002		2001		2000	
	Rec	Det	Rec	Det	Rec	Det	Rec	Det	Rec	Det	Rec	Det
Homicide	1	0	1	1	0	0	2	1	3	3	0	0
Assault	197	167	171	147	160	128	213	171	150	126	54	47
Sexual Offences	60	29	47	27	65	41	115	92	62	52	31	25
Arson	20	5	30	5	26	8	18	8	27	10	15	5
Drugs	56	56	45	45	56	56	39	38	46	46	31	31
Theft	958	387	798	326	964	454	881	274	518	210	391	158



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	2005*		2004		2003		2002		2001		2000	
	Rec	Det	Rec	Det	Rec	Det	Rec	Det	Rec	Det	Rec	Det
Burglary	485	121	403	106	492	138	502	123	509	179	381	124
Robbery	8	5	12	6	9	6	16	5	8	4	15	8
Fraud	121	96	132	82	108	93	97	63	134	117	63	46
Other	44	37	51	40	60	42	46	33	28	22	13	11
Total	1,950	903	1,690	785	1,940	966	1,929	808	1,485	769	994	455

\*Figures provided are provisional, operational and liable to change.

245. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of crimes recorded and detected across all headings in Clare Garda division during 1997, 2000, 2001, 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [12310/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the following table provides the total number of headline offences, by group, recorded and detected in the Garda division of Clare for the years 2000 to 2005, inclusive. I am pleased to note that the statistics show a decrease of 7% in recorded crime when comparing 2005 with 2004, a decrease of 16.8% when comparing 2005 with 2003 and a decrease of 16% when comparing 2005 with 2002.

The introduction of the PULSE computer system by the Garda Síochána in 1999 has led to more complete and comprehensive recording of crimes reported than was previously the case. Consequently the statistics provided for 1997 are not comparable to statistics provided for 2000 and

subsequent years. The figures provided for 2000 and 2001 are incomplete due to the phased implementation of PULSE. The first full year captured is 2002 and is a more accurate base year to use.

It should be borne in mind that any interpretation of the crime figures should factor in the increase in our population in the past ten years. In 1995, with a population of almost 3.6 million people, there were 29 crimes per 1,000 of the population. In 2005, with a population of over 4.1 million, there were 24.6 crimes per 1,000 of the population, a reduction of 4.4 crimes per 1,000 of the population. To put this in context, during the two full years of the rainbow coalition Government, with a population of 600,000 less than at present, the headline crime figures were 102,484 in 1995 and 100,785 in 1996.

It should also be noted that the headline offence of homicide includes not only murder and manslaughter but the other homicide offences of infanticide, abortion, attempted murder and threat to murder. Over the six-year period shown in the table there were six murders recorded with six detected and one manslaughter recorded with one detected.

Headline Offences Recorded and Detected for the Garda Division of Clare for the Years 2000 to 2005

Clare	2005*		2004		2003		2002		2001		2000	
	Rec	Det	Rec	Det	Rec	Det	Rec	Det	Rec	Det	Rec	Det
Homicide	4	3	2	2	2	2	1	1	2	2	1	1
Assault	94	65	86	51	117	79	118	85	73	60	39	36
Sexual Offences	36	20	52	24	105	94	82	57	71	55	28	21
Arson	51	8	41	8	40	5	40	8	27	2	13	6
Drugs	34	34	32	32	42	41	64	63	29	29	29	29
Theft	867	291	993	317	999	281	1006	275	798	257	328	143
Burglary	316	51	301	43	369	61	378	81	369	87	293	96
Robbery	12	6	17	9	16	6	19	7	22	7	6	3
Fraud	76	49	89	61	101	31	80	55	86	53	33	25
Other	40	30	35	26	48	34	32	21	31	22	9	5
Total	1,530	557	1,648	573	1,839	634	1,820	653	1,508	574	779	365

\* Figures provided are provisional, operational and liable to change.

#### Asylum Applications.

246. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he has made a decision on the asylum application of a person (details supplied); and if he will make a statement on the matter. [12311/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer my colleague to the answers I gave to Parliamentary Question No. 59 on 2 February 2006 and Parliamentary Question No. 678 on 21 March 2006.

The legal representatives of the person concerned wrote to my Department requesting a

further opportunity to submit representations on his behalf and, as an exceptional measure, my Department has allowed these further representations to be submitted. I expect the file to be submitted to me for decision shortly.

#### **Citizenship Applications.**

247. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when decisions will be made on applications for naturalisation by persons (details supplied) in County Mayo. [12312/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister for Justice, Equality and Law Reform may, at his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. Those conditions are that the applicant must be of full age, or by way of exception, be a minor born in the State, be of good character, have had a period of one year's continuous residency in the State immediately before the date of the application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years. The applicant must intend in good faith to continue to reside in the State after naturalisation and have made, either before a Judge of the District Court in open court or in such a manner as the Minister, for special reasons, allows, a declaration in the prescribed manner of fidelity to the nation and loyalty to the State.

In the context of naturalisation, certain periods of residence in the State are excluded. These include periods of residence in respect of which an applicant does not have permission to remain in the State, periods granted for the purposes of study and periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act 1996.

The persons referred to by the Deputy submitted applications for naturalisation to the citizenship section of my Department on 21 January 2004. These applications were examined recently and it was determined that the couple did not satisfy the statutory requirement of one year's continuous reckonable residence in the State immediately prior to applying for naturalisation. It appears that they did not renew their permission to remain in the State until January 2004, even though their previous permission had expired in May 2003. Officials in the citizenship section of my Department will write to the persons in question in this regard in the very near future.

In order for the couple to be eligible to apply for naturalisation at any time in the future, they must ensure that they have one year's continuous reckonable residence in the State immediately before they apply. For instance, if they wish to

apply in April 2006, they must be able to show that they have appropriate permission to remain in the State for the period May 2005 to April 2006.

#### **Crime Levels.**

248. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform the figure for headline crime in each of the Garda sub-districts in County Louth for each year since 2002. [12313/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that figures requested by the Deputy are not readily available at Garda sub-district level and could only be obtained with the expenditure of an inordinate amount of Garda time and resources.

#### **Citizenship Applications.**

249. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform his intentions regarding the residency rights of Irish citizens' same sex partners from outside the European Union; the measures he intends introducing to address the current discriminatory situation that maintains; if amending legislation is planned; if his attention has been drawn to the fact that Britain has recently introduced legislation to this effect, and thus Irish citizens resident in the six counties already have the right to be joined by their same sex partners; and if he will make a statement on the matter. [12315/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** At present, when determining whether or not a foreign national should be admitted to the State to join an Irish national, a number of questions arise. One fundamental consideration in most cases relates to the extent to which the couple will in the future be in a position to support themselves without recourse to public funds. That in turn requires an evaluation of the nature and extent of the relationship between the persons in question.

Where the persons in question are married that evaluation is relatively straightforward from an administrative point of view. However, where the relationship is more informal its dynamics are more difficult to determine objectively, particularly where it is not underpinned by any formal legal contract. At present the Irish immigration system does not have any formal procedures for recognising same sex partnerships. However, the Deputy will also be aware that my Department is currently preparing an immigration and residence Bill. The discussion document, Immigration and Residence in Ireland, which I published last year, indicates the range of issues to be addressed and indicates how they are likely to be dealt with in future legislation and in future policy. Among the

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issues the document identifies which will need to be considered are unmarried partners and same sex relationships.

I am currently preparing regulations to implement the Council Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the member states. This will provide certain entitlements to the partner of a Union citizen where there is a durable and duly attested relationship. The procedures which will operate in this area are currently being developed. I will examine this model for possible future use for partners of Irish citizens in the immigration system.

#### **Crime Levels.**

250. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform the headline crime figures for the Garda sub-district of Ardee for each year since 2002. [12316/06]

251. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform the headline crime figures for the Garda sub-district of Collon Ardee for each year since 2002. [12317/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 250 and 251 together.

I am informed by the Garda authorities that figures requested by the Deputy are not readily available at Garda sub-district level and could only be obtained with the expenditure of an inordinate amount of Garda time and resources.

#### **Garda Deployment.**

252. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the percentage of gardaí on duty at any particular time who are on patrol in public areas; the percentage of these on foot patrols; the percentage on vehicular patrols; the figures for the above in relation to the national total and for each Garda division; and if he will make a statement on the matter. [12318/06]

**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 personnel strength of all ranks of the Garda Síochána as at 31 December 1997 and 20 March 2006 was 10,702 and 12,445, respectively. This represents an increase of 1,743, or 16.3%, in the personnel strength of the Garda Síochána during that period. The Garda Síochána operates a three relief roster system where three out of four units work in any 24-hour period, with the fourth unit resting in the same 24-hour period. Garda management states that for security and

operational reasons it is not Garda policy to disclose the number of gardaí on duty in any area at any given time.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year. This project is fully on target and will be achieved.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda college during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes to the Garda college of approximately 275 recruits every quarter. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment took place on 15 March 2006. The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources.

#### **National Women's Strategy.**

253. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the reason for the delay in publishing the National Women's Strategy to which Ireland originally committed at the Beijing platform for action in 1995; when the strategy will be published; and if he will make a statement on the matter. [12352/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Ireland's commitment under the Beijing platform to create an action plan for women was fulfilled with the publication of Ireland's report to the United Nations on the national plan for women, in autumn 2002. The report, which was prepared following extensive consultation, described Ireland's commitments to advancing the status of women in Irish society. It was also envisaged that this work would be followed by the preparation of a national strategy for women.

The preparation, by an inter-departmental committee, of a new and far-reaching national women's strategy has been under way under the chairmanship of my Department since 2005. Work is at an advanced stage and I am hopeful that it will be brought to fruition later this year.

The strategy will, when complete, cover a very wide range of actions and commitments to further advance the role and status of women in Irish society and will link with the Beijing platform, which, as the Deputy will be aware, was very broad reaching. It is my intention to bring forward a comprehensive and well researched national women's strategy which will reflect the

lives and different situations of the women of Ireland.

#### **Registration of Title.**

254. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the progress made on a land registry application; if same will be expedited; and if he will make a statement on the matter. [12354/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I wish to inform the Deputy that I have requested the Land Registry to contact him directly concerning the current position of the application in question. I understand that, in circumstances where the completion of an application in a particular case is urgent, the Land Registry will make every reasonable effort to facilitate such requests on receipt of a written explanation as to the reason underlying the urgency.

#### **Garda Deployment.**

255. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if a safety and security plan will be put in an area (details supplied) in Dublin 3 to deal with vandalism and anti-social behaviour. [12357/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the area in question is policed by gardaí from Raheny and Clontarf Garda stations. Current policing policy in the Raheny and Clontarf sub-districts is predicated on the prevention of crime, including crimes of violence against persons and property, and the maintenance of an environment conducive to the improvement of quality of life of the residents. This strategy is, and will continue to be, central to the delivery of a policing service to the area in question.

Community policing within this area is a central feature and a core value in policing policy. I understand that extra gardaí have been allocated to community policing in both Raheny and Clontarf sub-districts. The community policing unit has lead responsibility for policing in this area and has evolved a good partnership approach to problem solving with the community. In addition to regular mobile and foot patrols the area is patrolled by the divisional task force and traffic units to ensure that a concentrated visible presence is maintained.

#### **Garda Investigations.**

256. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the number of prosecutions in 2005 for breaches of the three tonne limit at Reilly's Bridge, Ratoath Road, Dublin 7; if this restriction will be enforced; and if he will make a statement on the matter. [12444/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that there were no prosecutions in 2005 for breaches of the three tonne limit at Reilly's Bridge, Ratoath Road, Dublin 7. I am further informed that this restriction is enforced and any breaches detected will be dealt with according to law.

257. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the number of convictions in 2005 for the non-muzzling of dangerous dogs such as pit bull terriers; if there is evidence that this requirement in the interests of public safety has been enforced by the Garda Síochána; if consideration will be given to banning these dangerous breeds as is the case in Great Britain; and if he will make a statement on the matter. [12445/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that there were ten convictions recorded in 2005 for the offence of no muzzle on a dog. The type or breed of dog is not recorded. The figures provided are provisional, operational and liable to change. Legislation on the control of dogs is a matter for my colleague the Minister for the Environment, Heritage and Local Government.

#### **Departmental Expenditure.**

258. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position in regard to the provision of a facility for a group (details supplied) in County Kildare; if funding is available for the project; if the project has to go to tender; if so, when; and if he will make a statement on the matter. [12446/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can inform the Deputy that my Department is endeavouring to purchase a site, the subject of this parliamentary question, from Kildare County Council. I wish to confirm that funding is available from my Department for the purchase of the site and for the building of a premises to meet the needs of the project in question. Planning permission has been obtained in accordance with the plans and specifications. Once the purchase of the site is complete, the tender process for the construction of the premises will commence. I am advised, by our legal representatives, that there are some minor issues still to be addressed, however, they are confident that the purchase will be finalised very shortly.

#### **Asylum Applications.**

259. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that in the case of a person (details supplied) in County Dublin, the applicant

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withdrew their application to the Belgium authorities when it was learned that the applicant's sister was a nurse working here and that the applicant's best interest could only be served where a family member was available and particularly when such a person had a medical competence appropriate to caring for a person with serious medical issues; if, in view of same he will allow the investigation of application for refugee status to take place here while in the care of their family; and if he will make a statement on the matter. [12480/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my replies to the numerous parliamentary questions from him on this specific case — Parliament Question No. 149 of 26 January 2006, Parliamentary Question No. 181 of 9 February 2006, Parliamentary Question No. 249 of 16 February 2006 and Parliamentary Question No. 215 of 2 March 2006, a reply given to an Adjournment Debate on 23 February 2006 and Parliamentary Questions Nos. 192 of 9 March 2006 and 659 of 21 March 2006 on this case.

There is little more that I can add to what I have stated in response to those parliamentary questions. The allowing of the entry of persons, who otherwise would have no right of entry, to EU states in order to claim protection is in accordance with international protection obligations imposed on all EU states. I need not repeat that the Dublin II Regulations and its predecessor, the Dublin Convention, were created to prevent the phenomenon of asylum shopping and asylum seekers in orbit which had existed in the EU prior to their creation.

The person who is the subject of this question is being treated, and will be treated, in accordance with those solemn obligations. The person concerned arrived in the State claiming asylum and was found to have claimed asylum previously in Belgium. The sole basis of the person's current status in Ireland is that she came here as an asylum seeker. In accordance with the Dublin II Regulations and to uphold the integrity of the asylum and immigration processes in this State, it is entirely appropriate that the person concerned should be returned to the first EU state where she claimed asylum, namely, Belgium. It should be noted also that the Belgian authorities have agreed to take back the person concerned.

#### **Garda Investigations.**

260. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if he will agree to meet with the family of the late Terence Wheelock who died following an incident in a cell in Store Street Station, Dublin 1. [12554/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** In their communications with

me to date on the tragic death of their late son Terence, the Wheelock family members are being represented by a firm of solicitors. The issues raised to date in that context did not include a request for a meeting with me.

I am willing to consider a request for a meeting and if they wish to pursue the matter, the family can either contact my office directly in writing or through their solicitor. I note that there is a pending inquest and in that context I have arranged for legal representation for the family.

#### **Inquiry into Child Abuse.**

261. **Mr. Ring** asked the Minister for Education and Science when the people who were in Artane can expect to have their cases heard under the Residential Institutions Redress Board; if she will request extra judges to expedite matters in order that these people can get finality to their cases; and if she will make a statement on the matter. [12300/06]

**Minister for Education and Science (Ms Hanafin):** The Residential Institutions Redress Board is independent in the performance of its functions in accordance within the terms of the Residential Institutions Redress Act 2002. It is not open to me, nor would it be appropriate, to intercede on behalf of individual applicants. Based on the most up-to-date information available to my Department, the board has completed the process in a total of 5,240 out of 14,800 applications received. Each application is assessed individually and applicants are entitled to contact the board directly, or through their legal representatives, to inquire about the progress of their applications. The board has indicated in its guide to the application process that it will give priority to applicants born before 1 January 1936 and to applicants who at the time of making their application are suffering from a life threatening medical or psychiatric condition. Since the establishment of the Residential Institutions Redress Board in 2002, the number of board members has increased from four to 11. In consultation with the board, and following a competitive interview process, I have provided for the establishment of panels of potential board members from which any further appointments can be considered should the need arise.

#### **Vocational Education Committees.**

262. **Mr. Fleming** asked the Minister for Education and Science the position regarding implementation of the McIver report; and if she will make a statement on the matter. [12301/06]

**Minister of State at the Department of Education and Science (Miss de Valera):** Government commitment to the sector, by reference to the resources applied in teachers' pay, non-pay running costs, student support and certification costs,

is very significant. The McIver report contains 21 over-arching recommendations, incorporating 91 sub-recommendations. It has been estimated, in consultation with management and staff interests, that the recommendations for staffing would involve at a minimum the creation of at least 800 new posts at a cost of over €48 million. This level of additional provision cannot be considered in isolation from other areas of education.

In their consideration of the needs of the PLC sector into the future my officials have been examining, *inter alia*, the non-teaching educational tasks particular to PLC teachers, the demands on the management side and the challenges presented by the variation in size of the 200 plus PLC providers. When their deliberations have been completed further discussion with the management and union side will be necessary. The Government's support for this important sector is clear from the fact that it has increased the number of PLC places by 60% since 1996-97. The number of PLC places approved for 2005-06 is up by more than 1,600 on the 2004-05 level. The number of approved places in the sector now stands at 30,188. Government support for the sector is evident not only in the expansion of approved places and teachers, but also in the introduction of maintenance grants for students with effect from September 1998. Tuition fees for PLC courses are waived. The PLC maintenance grant scheme operates on the same basis as in higher education. There were nearly 8,000 PLC grant holders in 2005 and they received some €23 million in direct support. PLC students are included in the calculation of non-pay budgets issued to schools in respect of running costs. A supplementary non-pay grant towards running costs specifically for PLC schools is also payable. This amounted to €5.5 million in 2005. It is evident that Government commitment to the sector, by reference to the resources applied in teachers' pay, non-pay running costs, student support and certification costs, is very significant.

#### Schools Building Projects.

263. **Mr. Perry** asked the Minister for Education and Science the progress that has been made on the site for a new national school in Gurteen, County Sligo to accommodate the amalgamation of Mullaghroe and Carn national schools in view of the fact that there is a site available which is in State ownership with the vocational educational committee; the directive she has issued or will issue on the matter; and if she will make a statement on the matter. [12353/06]

**Minister for Education and Science (Ms Hanafin):** Officials of my Department have been in correspondence with the patron and management authority of the schools referred to by the Deputy regarding possible amalgamation. Discussions are ongoing locally between the patron,

the board and the school community about the issue. The final decision rests with the patron, subject only to my approval. Further deliberation is required on the issue of accommodation for the proposed amalgamated school before any final decisions are taken. Any building project which may be required to facilitate the proposed amalgamation will be considered in the context of the school building and modernisation programme 2006-2010.

264. **Mr. G. Murphy** asked the Minister for Education and Science if a school (details supplied) in County Cork will be included in the school building modernisation programme; if the school is being considered for assistance; when details of the successful applicants of the school building modernisation programme will be announced; and if she will make a statement on the matter. [12427/06]

**Minister for Education and Science (Ms Hanafin):** An application for capital funding towards the provision of an extension to provide ancillary accommodation has been received from the school referred to by the Deputy. The project has been assessed in accordance with the prioritisation criteria for large scale building projects. The project is being considered in the context of the school building and modernisation programme 2006-2010.

#### School Management.

265. **Mr. Carey** asked the Minister for Education and Science if she will arrange to have her officials communicate with a school (details supplied) in Dublin 11 on the issue raised in correspondence by the school principal on 12 October 2005, 20 January 2006 and 21 February 2006; and if she will make a statement on the matter. [12428/06]

**Minister for Education and Science (Ms Hanafin):** The matter at issue in the correspondence referred to by the Deputy has been the subject of communication, both oral and written, between my Department and the board of management of the school concerned for a considerable period of time. An inspector of my Department will be in contact with the board of management shortly on the issues raised in the correspondence referred to by the Deputy.

#### Schools Accommodation.

266. **Mr. Durkan** asked the Minister for Education and Science further to her recent visit to Naas in the matter of the extra facilities required at a school (details supplied) in County Kildare, her plans to meet the schools requirements as set out by the school authorities; when she expects to be in a position to meet the requests in full having particular regard to the fact that such require-

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ments were clearly visible in advance; the extent to which she has evaluated the entire primary and second level requirements in the Naas, Sallins and Kill areas having due regard for the rapidly expanding population in the area and the need to enable children receive their education in permanent classrooms instead of prefabricated structures; if her attention has been drawn to the continuous campaigning for extra educational facilities in the area over several years; and if she will make a statement on the matter. [12479/06]

**Minister for Education and Science (Ms Hanafin):** I am aware that Sallins, Naas and Kill, like many areas located within close proximity to Dublin, continue to experience population growth, a position that almost inevitably places some strain on existing educational provision. However, a range of significant measures has been undertaken by my Department to address the current and future need for pupil places in these areas. At primary level an entire new school has been provided at Killashee. A new 16-classroom school together with temporary accommodation has been provided at Scoil Corbain, St. Conleth's and St. Mary's NS and St. Conleth's Naofa in Naas. Temporary accommodation has also been provided at one of the two nearby national schools at Caragh. Approval has been given to Gaelscoil Nás na Riogh, Caragh NS and Kill NS for additional accommodation for September 2006. Gaelscoil Nás na Riogh has recently been approved to commence architectural planning for the provision of a new 16-classroom school.

At Sallins national school, a seven-classroom extension is complete and this extension has increased capacity from nine classrooms to 16 classrooms. An extension to bring the school up to 24 classrooms has commenced architectural planning. The property management section of the Office of Public Works, which acts on behalf of my Department on site acquisitions generally, is continuing, in consultation with the local authority, to explore all possibilities on the acquisition of a site for a new 16 to 24-classroom national school in Kill. Every effort is being made to ensure that a site is acquired as soon as possible. There are proposals to improve accommodation at St. David's, Two Mile House and Caragh national schools. The accommodation needs of the national schools at Ballycane, Convent of Mercy in Naas and Scoil Pádraig in Johnstown are also currently being assessed.

At post primary level, the management authority of St. Patrick's post primary school, County Kildare VEC, is currently progressing plans to relocate the school and extend capacity to 1,000 pupil places. An extension project is under construction at St. Mary's College, which will increase capacity at the school to 900 pupils. A similar extension is under construction at Meán-

scoil Iognáid Rís and a further extension at the school is currently in architectural planning.

These initiatives represent serious capital investment and demonstrate my commitment to meeting the needs of the area concerned. The school planning section of my Department will keep the position under review to ensure that any additional emerging needs are met as expeditiously as possible. The issue of extra facilities for the school to which the Deputy specifically refers is under discussion with the board of management.

#### **Special Educational Needs.**

267. **Ms C. Murphy** asked the Minister for Education and Science the number of unconcluded court actions before the courts in which her Department is participating regarding the provision of educational and support services to children with special needs; and if she will make a statement on the matter. [12556/06]

**Minister for Education and Science (Ms Hanafin):** The number of unconcluded court actions before the courts in which my Department is a defendant-respondent is 80. As the Deputy is aware, however, there has been enormous progress made over the past number of years on increasing the number of teachers and other supports in our schools which are specifically dedicated to providing education for children with special educational needs. At primary level approximately 5,000 teachers in our schools work directly with children with special needs, including those requiring learning support. This compares to fewer than 1,500 in 1998. One out of every five primary school teachers is now working specifically with children with special needs. At second level approximately 1,600 whole-time equivalent resource teachers are in place to support pupils with special educational needs. This compares to the approximately 200 teachers that were in place in the 1997-1998 school year for such pupils. There are approximately 6,300 whole-time equivalent special needs assistants, SNAs, in our primary and second-level schools supporting children with special needs.

In addition to the issue of resources at school level, the National Council for Special Education has also been established. This council has approximately 100 staff, the great majority of whom are special educational needs organisers, SENOs, who are locally based throughout the country. The role of the SENOs is to ensure that all special educational needs in their areas are addressed in an effective manner. In particular, the SENOs are a focal point of contact for parents or guardians and schools, and process applications for resources for children with special educational needs. I am satisfied that the establishment of the council and the work of the SENOs is transforming the delivery of special educational services in this country. I am confi-

dent that as a State we have faced up to the issue of providing appropriate educational provision for all children with special needs and that much work has been done to ensure that the necessary resources and structures are in place. I can confirm that I will continue to prioritise the issue of special needs education and, in co-operation with the National Council for Special Education, ensure that all children with special needs are adequately resourced to enable them to meet their full potential.

#### **School Staff.**

268. **Ms Burton** asked the Minister for Education and Science her proposals to grant equality of conditions to primary school secretaries and caretakers who are currently being paid from school ancillary grants, with their colleagues, who are paid directly from her Department under the 1979 agreement. [12561/06]

**Minister for Education and Science (Ms Hanafin):** My Department provides funding towards the cost of secretarial and caretaking services in primary and secondary schools under two separate schemes. One is the 1978-79 scheme under which my Department meets the full cost of salary. These staff members are paid directly through my Department's payroll. The 1978-79 scheme is being phased out as posts become vacant and no new posts are being created.

The 1978-79 scheme has been superseded by a more extensive school support grant scheme towards the funding of ancillary services in schools including secretarial and caretaking services. The scheme is flexible giving boards of management and schools discretion as to the manner in which these services are provided. There are no plans to pay the school secretaries and caretakers funded under this scheme directly through my Department's payroll.

#### **Disadvantaged Status.**

269. **Ms Shortall** asked the Minister for Education and Science the reason a school (details supplied) in Dublin 11 is the only one of 11 schools designated disadvantaged in the Finglas area not invited to participate in DEIS; the criteria that were used to establish that the school would not be invited to participate; and if she will make a statement on the matter. [12562/06]

**Minister for Education and Science (Ms Hanafin):** DEIS, delivering equality of opportunity in schools, the new action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP. The process of identifying primary and second-level schools for participation in the new school support programme has been completed. As a result of the identification process, 840 schools

have been invited to participate in the new programme. These comprise 640 primary schools, comprising 320 urban-town schools and 320 rural schools, and 200 second-level schools. Letters of invitation were issued to all 840 schools in late February with a request to complete and return an acceptance form by 10 March 2006. The process of identifying primary and second-level schools for participation in the new school support was managed by the Educational Research Centre, ERC, on behalf of my Department and supported by quality assurance work co-ordinated through the Department's regional offices and the inspectorate. In the primary sector the identification process was based on a survey carried out by the ERC in May 2005, from which a response rate of more than 97% was achieved.

The analysis of the survey returns from primary schools by the ERC identified the socioeconomic variables that collectively best predict achievement, and these variables were then used to identify schools for participation in the school support programme. The variables involved were percentages of unemployment, local authority accommodation, lone parenthood, Travellers, large families with five or more children, and pupils eligible for free books.

The school to which the Deputy refers is not among the 640 primary schools selected for participation in the school support programme. However this school is among the schools receiving additional resources under pre-existing schemes and programmes for addressing concentrated disadvantage and will retain these supports for 2006-07. The efficacy of these supports will be kept under review.

As well as the provision being made under the new school support programme for schools with a concentrated level of disadvantage, financial support will be provided for other primary schools where the level of disadvantage is more dispersed. This support will be based on the results of the new identification process and the arrangements which will apply in this regard will be notified to schools early in the autumn.

A review mechanism has been put in place to address the concerns of schools that did not qualify for inclusion in the school support programme but regard themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion. This mechanism will operate under the direction of an independent person, charged with ensuring that all relevant identification processes and procedures were properly followed in the case of schools applying for a review. The school to which the Deputy refers has requested a review and a review form was issued to the school on 7 March 2006. The closing date for receipt of review applications is 31 March 2006.

#### **Natural Heritage Areas.**

270. **Mr. Wall** asked the Minister for Defence



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if, in view of the serious concerns being expressed in regard to the state of the Curragh plains, his plans for protecting this great national asset; and if he will make a statement on the matter. [12433/06]

271. **Mr. Wall** asked the Minister for Defence the number of monuments and artefacts listed by his Department or the national monuments committee that are on the plains of the Curragh; his plans to refurbish this national item; and if he will make a statement on the matter. [12434/06]

**Minister for Defence (Mr. O’Dea):** I propose to take Questions Nos. 270 and 271 together.

There are some 70 monuments and places listed for the Curragh under the Record of Monuments and Places, as established under section 12 of the National Monuments (Amendment) Act 1994. The Curragh itself is classified as a recorded monument under the Act and my Department ensures that the terms of that Act are adhered to before any works or alterations are permitted. The military authorities comply with relevant planning legislation in relation to protected structures located at the Defence Forces training centre.

The main recommendation contained in the interdepartmental task force report on the future management and development of the Curragh of Kildare is that a statutory body should be established under the aegis of the Department of Defence to manage the Curragh, with the exception of the Defence Forces training centre. The necessary legislation to give effect to this, and to other recommendations of the task force report, is being drafted. My Department will continue to protect archaeological sites and historical features situated on the Curragh plains until the new authority is established within the legislation currently being drafted.

#### Road Network.

272. **Mr. Callely** asked the Minister for the Environment, Heritage and Local Government if, in view of the recent NCB report predicting that the number of cars on the road will double to 3 million by 2020, adequate provision has been made for road building to meet this demand. [12327/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The provision and improvement of non-national roads is a matter for local authorities to be funded from their own resources supplemented by State grants provided by my Department. Responsibility for national roads is a matter for the relevant road authority and the National Roads Authority, which operates under the aegis of my colleague the Minister for Transport.

The National Development Plan 2000-06 commits expenditure of €2.43 billion to non-national roads in the plan period — €1.08 billion in the BMW region and €1.35 billion in the SE region. Expenditure in both regions is well ahead of target for the period up to 31 December 2005. Total expenditure in the period 2000 to 2005 was nearly €2.594 billion against a target of some €2.176 billion.

State aid in 2006 for non-national roads, at almost €558 million, is the highest ever level of funding available and represents a very substantial increase of 13% on last year’s record allocation, or an increase of almost €62.5 million. The 2006 allocation also represents an increase of 313% on the 1994 allocation and an increase of 154% on the 1997 allocation. Total road grant allocations to local authorities for each of the years 1994 to 2006 are set out in the following table.

Year	Allocation €m
1994	135.10
1995	134.53
1996	186.48
1997	219.43
1998	258.57
1999	307.51
2000	341.23
2001	410.42
2002	438.46
2003	433.99
2004	476.80
2005	495.27
2006	557.73

273. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government if extra money will be allocated to local authorities for the maintenance of county roads especially in view of the fact that roads have been resurfaced to a high standard but insufficient funds have been made available for the maintenance of inlets and water-tables. [12329/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The improvement and maintenance of non-national roads is a matter for local authorities to be funded from their own resources supplemented by State grants provided by my Department. It is open to county councils to use their annual restoration improvement grant allocations to finance the provision and improvement of drainage on non-national roads. In 2006, the total restoration improvement grant allocation by my Department to county councils is €205.299 million.

The maintenance of drains on non-national roads may be financed from my Department’s discretionary maintenance and block grants. In

2006 the total discretionary maintenance grants to county councils and block grants to urban authorities are €28.7 million and €15.51 million, respectively. Very significant increases have been given to local authorities since this Government came into office in 1997.

Year	Allocation €m
1994	135.10
1995	134.53
1996	186.48
1997	219.43
1998	258.57
1999	307.51
2000	341.23
2001	410.42
2002	438.46
2003	433.99
2004	476.80
2005	495.27
2006	557.73

#### Ministerial Responsibilities.

274. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government his reason for recently referring statutes governing animal welfare, that is, the Protection of Animals Acts 1911 and 1965, including proposals for amendments, to the Minister for Agriculture and Food when his Department advised that the recommendations of the working group on the management of dog breeding establishments can be legally implemented through amendments of the current Control of Dogs Act. [12330/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The principal statutes governing animal welfare are the Protection of Animals Acts 1911 and 1965. Responsibility for that legislation, including any proposals for amendment, is a matter for my colleague the Minister for Agriculture and Food.

My Department's functions relate to the provisions of the Control of Dogs Acts 1986 and 1992. The main focus of these Acts is the control of stray and dangerous dogs, such as guard dogs, which could present nuisance or danger to the general public or to other animals. The implementation of the Control of Dogs Acts 1986 and 1992 is vested in local authorities which have power, *inter alia*, to appoint dog wardens, to provide shelters for stray and other dogs, to impose on-the-spot fines for a number of offences and to take prosecutions.

Section 19 of the Control of Dogs Act 1986, as amended by section 8 of the 1992 Act, provides for the making of regulations to specify standards for premises in which a guard dog or more than five dogs aged over four months are kept. It is in

this context that my Department is considering the recommendations of the working group established to review the management of dog breeding establishments and the responses received as a result of the recent public consultation process.

#### Housing Grants.

275. **Mr. Noonan** asked the Minister for the Environment, Heritage and Local Government the position regarding approval for a thatching grant for a person (details supplied) in County Limerick. [12431/06]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** An inspection, with a view to approval of a grant, if in order, is being arranged and will be carried out as soon as possible.

#### Local Authority Funding.

276. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent of funding provided by him to the various local authorities in regard to part-time or full-time fire services; and if he will make a statement on the matter. [12474/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The provision of a fire service, including equipment, training and the employment of both full-time and retained fire-fighting personnel, is a statutory function of the individual fire authorities and my Department has no direct role in this matter. My Department supports the local fire authorities through the setting of general policy, the provision of capital funding, the issue of guidance to fire authorities regarding fire prevention and operational matters and other such initiatives.

Over the past 25 years, almost €240 million has been provided by my Department to local fire authorities under the fire services capital programme for the provision of new and refurbished fire stations and the purchase of fire appliances and other equipment. At this stage, over two thirds of our fire stations, including almost all of the busiest stations, have been replaced, we have a modern fleet of front-line fire appliances and we have a modern emergency response communications system. The fire services capital allocation for 2006 is almost €20 million.

The Fire Services Council assists fire authorities through the provision of training courses and seminars to supplement the training provided by the authorities themselves. Since 2001, my Department has provided over €2.3 million to the Fire Services Council for this purpose. Since 2001, my Department has provided almost €4.2 billion in general purpose grants to assist the local authorities in carrying out their statutory functions, including the provision of fire services.

### State Property.

277. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the local authorities which have swapped lands with developers in the private sector in the past five years; the locations of the lands in question; and if he will make a statement on the matter. [12476/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** As these issues are primarily a matter for local authorities, my Department does not compile information on the extent or location of land exchanges by local authorities. Under section 211 of the Planning and Development Act 2000, land acquired by a local authority may be sold, leased or exchanged. The consent of the Minister for the Environment, Heritage and Local Government to a land exchange only arises where what is obtained by the local authority on the exchange is not the best reasonably obtainable, but not in all such cases. Under the Planning and Development Regulations 2001, such ministerial consent is not required where a local authority is of the opinion that, for economic or social reasons, it is reasonable that the disposal of land be carried out in accordance with the terms specified by the authority in the notice which is to be given to members of the authority regarding the proposed disposal of land in accordance with section 183 of

the Local Government Act 2001. In such a case, the notice in question must incorporate or be accompanied by a report from the manager setting out the economic or social reasons that apply in relation to the disposal of the land in question.

### Urban Renewal Schemes.

278. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the level of funding available for urban renewal in the Kilcock and Clane areas in County Kildare; and if he will make a statement on the matter. [12477/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** A strategy document prepared by Kildare County Council for the purpose of obtaining funding under the urban and village renewal measure of the Southern and Eastern Regional Operational Programme 2000-06 provides, *inter alia*, for renewal works at Main Street, Clane, and the Square, Kilcock.

There is a remaining balance of €1.534 million from Kildare County Council's overall allocation under this programme. The council submitted proposals on 24 March 2006 for renewal works in Naas, Rathangan, Ballitore, Kilcock and Clane, to be carried out over the period 2006 to 2007. From an initial assessment of these proposals it was deemed that further information is required before they can be approved for grant assistance.