



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 27 June 2006.

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DÁIL ÉIREANN

*Dé Máirt, 27 Meitheamh 2006.
Tuesday, 27 June 2006.*

Chuaigh an Ceann Comhairle i gceannas ar 2.30 p.m.

*Paidir.
Prayer.*

Ceisteanna — Questions.

Interdepartmental Committees.

1. **Mr. Kenny** asked the Taoiseach if he will report on the May 2006 meeting of the cross-departmental team on infrastructure and public private partnership; and if he will make a statement on the matter. [20933/06]

2. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on the most recent meeting of the cross-departmental team on housing, infrastructure and public private partnership; and if he will make a statement on the matter. [22691/06]

3. **Mr. J. Higgins** asked the Taoiseach if he will report on the most recent meeting of the cross-departmental team on infrastructure and public private partnership. [23314/06]

4. **Mr. Rabbitte** asked the Taoiseach if he will report on the most recent meeting of the cross-departmental team on housing, infrastructure and public private partnership; when the next meeting is due; and if he will make a statement on the matter. [23349/06]

5. **Mr. Sargent** asked the Taoiseach if he will report on the most recent meeting of the cross-departmental team on housing, infrastructure and public private partnership; and if he will make a statement on the matter. [24573/06]

The Taoiseach: I propose to take Questions Nos. 1 to 5, inclusive, together.

There was no meeting of the cross-departmental team during May. The team last met on 13 June. The items on the agenda were water supply, airports and ports. The Department of the Environment, Heritage and Local Government presented an overview and update of the water services investment programme. The Department of Transport gave presentations on State airports

and the national seaport infrastructure. The team also noted progress in several areas included the Planning and Development (Strategic Infrastructure) Bill, the roads programme and broadband. The team is scheduled to meet again on Thursday, 6 July.

The team's role is to assist in progressing and resolving issues related to infrastructure planning and delivery. Given the significance of the cross-departmental co-ordination in securing progress in this area, the team plays a valuable role in identifying appropriate issues to be addressed, and where necessary, in proposing possible solutions for consideration by the Cabinet committee and the Government. The lead responsibility remains with the relevant Minister and Department in respect of policy areas and individual infrastructural projects.

Mr. Kenny: I thank the Taoiseach for his reply. Following the meeting of 13 June did the cross-departmental team consider the question of the confusion over Cork Airport being released free of debt to work independently? Did the team consider a qualitative independent analysis of the implications of the cost and consequences of the proposed new second runway for Dublin Airport? Strong concern is being expressed that a quality cost benefit analysis should be carried out. Will the Taoiseach confirm that is happening?

Last week the Minister for Finance, Deputy Cowen, said the next National Development Programme 2007-13 would be based not on the regions but on the national spatial strategy. In the BMW region the Government's NDP spending programme shows a shortfall of €3.65 billion. Will that money, previously destined for cross-departmental and infrastructural projects in that region be made up and allocated to the region as the Government intended it to be, regardless of whether the new NDP is based on the spatial strategy?

Did the cross-departmental team consider the statistics which the Economic and Social Research Institute confirmed this morning, showing that house price growth has averaged 15% over the past ten years and the average house price has now risen to €280,000? In 1996 the difference in average house prices between Dublin and the rest of the country was €10,000, whereas now it is €130,000. That is a matter for serious consideration for Government given that last year only 1,833 affordable houses were acquired, only 730 shared ownership transactions were completed and 57 fully or partially redeveloped sites on foot of Part 5 of the Planning and Development Act 2000. These are serious matters for hundreds of thousands of people. Will the Taoiseach say whether the cross-departmental team considered these startling statistics?

The Taoiseach: I will try to cover all the points the Deputy has raised. Airports were discussed at the last meeting, particularly all aspects of airport

[The Taoiseach.]

development. There was no particular discussion about Cork Airport where the issue is not confusion but that the airport authorities want to get the best deal they can for development in the overall structure. The airport authority must consider the whole picture but wants to resolve this problem.

Aer Rianta invested heavily in the new terminal in Cork Airport which must be reflected in the new figures. The Dublin Airport Authority cannot undermine its own balance but all sides are anxious to resolve this problem and believe they will. The figures and analysis of that have been carried out in great detail for now and the future.

The new runway at Dublin Airport was not on the agenda. There have been a number of developments at the airport — pier D is under construction and will be open by Christmas 2008, the temporary facilities have been opened, the second runway has received planning permission and work is advancing on the second terminal. The location of a possible third terminal, in the longer term, is being considered. This is all designed to help the airport to move from its current position. Last year, the airport was working on the assumption that it would have approximately 18.5 million passengers in 2006. I understand that, based on the likely figures for the first half of this year — we are just a few days away from that — the number of passengers will probably be higher than 18.5 million. The airport is examining the infrastructure that will be needed over the next 14 years or so to accommodate approximately 30 million passengers per annum. It is not long since it was estimated that the number of passengers would reach 10 million by 2010 — there has been a significant change since then. That is where it is at. I am not aware of the analysis that is being done on the runway, to be honest, although I know all the projections show it will be badly needed. I assume the airport authority is working on it, although I have not been dealing with it in that level of detail because I was not on the committee.

The proposed new national development plan is under discussion. Deputy Kenny raised two issues relating to the national spatial strategy. The planning policy frameworks are in place. It was decided last year that the regional dimension of the next national development plan, which is being prepared, will be broadly based on the national spatial strategy. The priorities of the national spatial strategy are recognised in the regional planning guidelines and are included in the ten-year transport plan. They will also be included in the national development plan. I will pass on the Deputy's point about a certain figure in that regard. It is probably being considered in the discussions taking place at a very detailed level. It is hoped the new national development plan will be finalised towards the end of the year. The plan will need to address the investment

necessary if we are to maintain national competitiveness within a sustainable economic and budgetary framework. It is clear that the issues raised by Deputy Kenny are key to that region. I think it can be dealt with within that particular area.

As the Minister said, the next national development plan will strongly support the delivery of the national spatial strategy. In particular, it will support the development of the gateways of Dublin, Cork, Galway, Wexford, Letterkenny, Derry, Dundalk, Limerick, Sligo and the midlands gateway of Athlone, Tullamore and Mullingar. It will also encompass the hubs and the rural areas and will deal with the issues of regional development. That covers the point made by Deputy Kenny. The preparation of the new plan is being co-ordinated by the Department of Finance and the Minister for Finance. Practically everyone is involved in the preparation of the plan.

The Economic and Social Research Institute, which was contracted to conduct an *ex ante* evaluation of the proposed plan's investment priorities, has submitted a report to the Department. I presume the points made by Deputy Kenny were considered by the ESRI in its report. Housing was not on the agenda at the last meeting, but I discussed those issues at length here within the last week, as well as at a meeting of the housing infrastructure committee on 17 May last. The disparities between Dublin and the greater Dublin areas were highlighted on those occasions. This problem is being created by over-concentration and over-development in the greater Dublin area. There is a need for clear policies building on the national spatial strategy and the programmes trying to attract new investment and move investment outside of Dublin.

Caoimhghín Ó Caoláin: Will the Taoiseach give us a sense of how much of the work of the cross-departmental team is concerned with housing? I know it is not possible to go back over the various minutes of meetings. Will the Taoiseach agree that in response to previous questions on this matter, the housing issue was not a major concern of the cross-departmental team? Will he refer last week's Permanent TSB-ESRI report, which demonstrated an increase of 300% in house prices in the past decade to the team?

I hope the Taoiseach will confirm that housing is an integral part of our overall infrastructure. Why is it that tens of thousands of families are being denied the opportunity to achieve a home through either social and affordable means or other provisions? Affordability is a critical issue, particularly with soaring house prices. Will the Taoiseach ask the team to examine what measures it can introduce to seek to limit the massive profits of developers? With approximately 44,000 families on local authority waiting lists, will the Taoiseach set a definite target so no one must remain on such a waiting list for over

18 months? Will the Taoiseach agree that is what we should be aspiring to and working towards?

The Taoiseach: I will bring the issues to the attention of the line Ministers as it is a matter for them to answer in detail. I will bring the Deputy's views to the cross-departmental committee. It has set out what it will do in all these areas. It is for the responsible Ministers to deal with them through parliamentary questions. They are well aware of these issues. The main issue is affordability which is linked to supply and other related issues. I will bring any points made in the House to the attention of the committee.

Mr. J. Higgins: If I heard the Taoiseach correctly, he said the cross-departmental team on infrastructure and public private partnerships has a crucial role in identifying appropriate issues to be addressed. How is that role fulfilled in identifying global infrastructural needs in our society? Does the Taoiseach accept that social and physical infrastructure is disastrously lacking in areas with the most rapid population growth?

Mr. B. Lenihan: The Deputy's party will not even support a second runway at Dublin Airport.

Mr. Sargent: There is no call for that from the Minister, Deputy Lenihan.

Mr. J. Higgins: With respect to the Minister of State, Deputy Lenihan, he would be much better off finding school places for the 100 children who have none in the Dublin West constituency than venturing to Dublin Airport where there is already enough capacity. However, that is for another day.

Deputies: Hear, hear.

An Ceann Comhairle: Will the Deputy come back to the question?

Mr. J. Higgins: How can the Government allow a situation develop where thousands of homes in, for example, west Dublin, have no community facility where people can meet?

An Ceann Comhairle: Detailed questions about particular areas should be addressed directly to the line Minister. These are general questions.

Mr. J. Higgins: My question is in the way of being general but it is honing in on the identification of appropriate issues. The creation of social infrastructure alongside the thousands of homes being built is an appropriate issue. I am asking the Taoiseach of the role of this committee in that.

It is a similar situation in burgeoning commuter towns. This morning I was in Laytown and Bettystown in east Meath where 98 children will

not have a classroom in which to start school in September. That is incredible.

An Ceann Comhairle: Again, Deputy, that question should be addressed to the Minister for Education and Science.

Mr. J. Higgins: How does the Taoiseach propose to direct the cross-departmental team on infrastructure and public private partnerships to deal with this critical situation?

Mr. F. McGrath: The Taoiseach owes Deputy Joe Higgins an apology too.

The Taoiseach: The public capital programme deals directly with that area. We are now spending the better part of €6.5 billion on infrastructural deficits and new infrastructure in areas, be it water, sea ports infrastructure, airports or road investment. All local authorities have area development plans and these take account of the facilities that are necessary.

As Deputy Higgins is aware, as he was present, I recently had the opportunity to attend the launch of the Fingal County Council plan — many other plans have been produced also. It is a comprehensive plan setting out how it sees Fingal develop over the next ten to 15 years, in terms of housing, shopping, offices, industry, schools and facilities in this area with a rapidly developing population.

Ten or 15 years ago it was thought there would be only 3.5 million people in this country by 2010 but because of the strength of the economy and the effect of Government policies, that estimate has changed dramatically. That has been reflected and it has been necessary to build a historic number of new schools, roads and facilities, including community centres, which are not part of this committee's remit, but which are part of the plan in the area to which the Deputy referred. These are all crucial elements. Those plans are developed. Local authorities make the cases for them.

The cross-departmental team does not deal with community centres but is concerned with big projects to provide the necessary infrastructure across Departments and the other agencies involved through the managers' system. It has a significant impact on the high level of investment in various forms of infrastructure, including airports, rail, the metro, the Luas and roads, which are being developed under that umbrella.

Mr. J. Higgins: Are schools under its umbrella?

The Taoiseach: Schools come under the capital programme. While, once a year, the team reports on the schools programme, it is separately handled by the Department of Education and Science. The dramatic increase in resources at primary, secondary and third level is due to the increased population numbers. We are now at a stage

[The Taoiseach.]

where more projects are being developed in one year in primary and secondary level schools than was the case in any ten-year period in the history of the State. This shows the enormous increase in investment in these areas.

Mr. Sargent: Given the high level of infrastructural deficit areas not referred to by the Taoiseach, why did no meeting take place in June? For example, in terms of waste management, three quarters of recyclables go abroad and there is a lack of producer responsibility. Does it occur to the Taoiseach, in speaking of the issues on the agenda, that we will need probably a 60% reduction in CO₂ emissions over the next 50 years? That is the general global figure and, unfortunately, it has been revised upwards as more evidence becomes available. Does that impact on his considerations in the committee meetings in regard to infrastructure?

The Taoiseach referred to water supply. Did he mean to say, “water management” rather than “water supply”? Is it not the case that if he is serious about that issue, the priority should be management rather than supply? Given that there are budgetary constraints, does the Taoiseach regard it as acceptable, in dealing with infrastructure projects, that there is no consideration of cost-benefit analysis? Is this not an issue the committee should address in regard to the provision of such facilities as housing and schools as well as expensive projects such as the runway at Dublin Airport? Is the Taoiseach not concerned that there has been no cost-benefit analysis, not to mention a health assessment, of such a major project, financially and in terms of its impact in the area in which it is planned to be constructed? Given that the Department of Finance has said a cost-benefit analysis should form part of all infrastructural developments of this order, why has none been conducted to date?

The Taoiseach: Deputy Sargent’s question relates to the details of a specific project.

Mr. Sargent: Why is a cost-benefit analysis not required for all major projects?

The Taoiseach: The Deputy should put down a question to the relevant Minister on the details of this matter. On energy and waste issues, the cross-departmental team has focused its discussions in recent months on climate change and the overall policy direction to be given to the Environmental Protection Agency in preparing the second national allocation for the emissions trading scheme. The deliberations of the cross-departmental team helped prepare the way for the Government’s careful consideration of the necessary balance between environmental protection and the protection of competitiveness. It brought forward recommendations to the EPA in regard to the average allocation of allowances

and argued that 10% should be held back by the EPA for new entrants. It also recommended that close attention be paid to the EPA’s allocation process for the protection of competitiveness in sectors exposed to global competition, that firms which rationalise are not unduly penalised and that closing installations will be allowed retain up to 75% of their intended allocation for future years. It further advised that the Government should purchase allowances on the international market to ensure we are in possession of sufficient allowances to comply with the Kyoto Protocol.

All these issues have been under discussion by the cross-departmental team for some time. If they were not discussed at the June meeting it is that—

Mr. Sargent: How much will all that cost?

The Taoiseach: —on that occasion the team was concerned with water supply, airports and ports. The Minister for Communications, Marine and Natural Resources recently launched an initiative to increase the use of renewable energy. I am sure Deputy Sargent has put down questions to him on the details of that programme, which aims to more than double the contribution of renewable sources of electricity production, from 5% two years ago to more than 13% by 2010.

Mr. Sargent: I asked about reducing CO₂ emissions, not about renewable energy.

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

The Taoiseach: That is in line with the EU directive on the promotion of electricity production from renewable energy resources and our aim to increase the total capacity of renewable energy technologies to 1,450 MW.

Responsibility for water services lies with the Minister for the Environment, Heritage and Local Government and work is ongoing in this area by the cross-departmental team. In particular, it considered the need for a continuing expansion of water supply and waste water infrastructure and a strategy is being pursued to ensure capacity is put in place to facilitate economic development and housing construction to respond to population growth. The necessary funding will be provided under the national development plan to build on the major improvement in recent years in the quality and scale of the water services infrastructure. This improvement has provided crucial support in all sectors of the economy.

An enormous amount of capital investment is going into this area, not only in terms of the major projects that have been completed in Dublin, Cork and Limerick but also in about 100 other developments throughout the State where work is taking place this year. In addition, many

other projects are being planned and approved for development in the next year or two.

Mr. Naughten: With regard to transport infrastructure and its delivery, the focus has very much been in the hinterland of Dublin and, to a lesser extent, the other urban centres around the country. In light of this, what steps will be taken in the forthcoming national development plan by the departmental team to ensure delivery in the BMW region? It appears that a cooking of the books is taking place. For example, if one looks at Iarnród Éireann, it has invested in the BMW region by building maintenance sheds in Drogheda and Portlaoise to service trains that are serving the southern and eastern regions, but not the BMW—

An Ceann Comhairle: A detailed question would be more appropriately put to the Minister for Transport.

Mr. Naughten: What is the committee doing to deliver infrastructure in the BMW region, including roads, rail and particularly the western rail corridor and the Athlone-Mullingar rail line? Delivery does not seem to be part of the ethos of the Government when it comes to the BMW region.

The Taoiseach: To answer Deputy Naughten's question, one only has to look at the roads system. If one looks at the list of projects for this year outside the Dublin area, it includes the Dundalk-Border road, the Monaghan bypass, the Castleblayney bypass, the Edgeworthstown bypass, which was opened last week, the Kinnegad-Athlone road, the Ballyshannon-Bundoran road, the Mullingar bypass, the Mullingar-Belvedere road, the Cavan bypass and the Letterkenny bypass, all of which are in the BMW region. That list does not take account of some of the bigger projects. The next stage of the road Dublin-Athlone road is proceeding, as is the enormous stretch from Athlone to Ballinasloe on the Galway main road.

Mr. Naughten: That is a very important stretch of road.

The Taoiseach: I agree. It will cost in the order of €400 million. It is an enormous project and is moving ahead, in the planning stage, at pace. Work has also begun on the Atlantic corridor, linking rail and road. The first section of the rail line will link Sligo and Ennis. Work on the road network between Limerick and Galway is also advancing.

These projects are enormously costly. Approximately €1.5 billion is being spent on road infrastructure. All these projects, which are enormously important, are moving ahead apace. It is important that these projects are advanced at planning level in local authorities so that if other

projects are delayed, they can be quickly supplemented. This year, for example, the N3 project, to which considerable resources were allocated, should have started and that money must now be used on other projects. I do not know for how long the delay will continue but it is important that other projects are ready to proceed. There is no attempt by Government to save money, the object is to spend the full infrastructural budget so the more advanced projects are, for example, the Clare-Galway road in the west, the better.

The cross-departmental team and the agencies are determined that Transport 21 will be delivered on time. Most projects are now being delivered on time or ahead of time, as well as coming in on budget, with very few exceptions. Of the last 20 projects, only two went slightly over budget and in both cases, for very good reasons — there were many difficulties. A total of 18 projects were within budget and all were delivered ahead of time, bar one. That process is continuing.

Mr. Kenny: The Taoiseach mentioned ports having been discussed at the 30 June meeting. Perhaps he might expand on that, stating which ports and developments the cross-departmental team discussed. In Killybegs recently, €400 million of trawlers were tied up. Fishermen and businessmen made the point that the port is not open for business owing to the Dublin-run bureaucracy attached to such facilities. It means that business worth millions of euro is being lost, and the cross-departmental team should consider that. The Government has spent substantial sums on the port, totalling €50 million or more. It is not open for business, and that should be examined seriously.

I would also like to ask the Taoiseach about one of the largest — if not the largest — infrastructure projects in Europe in many years, which far exceeded its budget and which affects the Taoiseach's constituency, namely, the Dublin Port tunnel. Has the cross-departmental team examined what appears to be the \$64,000 question? How does one get 2,500 or 3,000 trucks out of that tunnel and into the slow lane to join the M50 without the wholesale disruption of traffic? Every taxi driver I meet—

An Ceann Comhairle: It would be more appropriate to table a detailed question for the Minister for Transport.

Mr. Kenny: The Taoiseach will know this because the cross-departmental team will have considered the issue. The project is worth €800 million. Its entrance and exit appear to be wrong side of the infrastructure. Hundreds of thousands of cars and other traffic driving out to the airport will be faced—

An Ceann Comhairle: This is a general question, and such details are for the Minister for Transport.

Mr. Kenny: In that case my question is this. Did the cross-departmental team consider the practicalities of the entrance to and exit from the port tunnel, which by all standards will cause traffic chaos if implemented as planned? Did the team consider what everyone else is discussing?

The Taoiseach: The team has done a great deal of good work on ports in recent years, all of it predicated on their importance, since we depend on seaborne trade. Ports are of great economic significance to the country's prosperity, being vital gateways for commercial freight and sea passengers. Almost all our overseas trade goes by sea, underlining ports' commercial significance and strategic importance.

That point is not always well understood, many people believing that airports are more important because they move through them personally. Measured by volume, 99% of Ireland's foreign trade uses maritime supply chains. Excluding Northern ports, through which a fair proportion of our trade still moves, the value of imports and exports through sea ports last year was estimated at €130 billion compared with approximately €7 billion through airports.

The cross-departmental team has been attempting to develop clear policies to equip the port sector and stakeholders to meet national and regional capacity and service needs over the next ten, 20 or 30 years. In particular, it seeks clearer, more focused, commercial mandates for the ports and boards to overcome some of their difficulties, including what Deputy Kenny mentioned, the encouragement of private sector investment and involvement, sanction in principle for the use of non-core assets to fund new port development, the encouragement of continued healthy competitive conditions, better consultation, and dispute resolution. It has examined in detail what will happen when Dublin Port hits its capacity limits and issues relating to the Harbours Act 1996. It has formulated a clear strategy to develop some of the other ports. There is a major development plan for the port in Drogheda, and for Greenore which has a different structure being a more private port. They are trying to maximise the use of the ports and to resolve some difficulties.

The Dublin Port tunnel is a major new element of the Dublin road network and will significantly benefit traffic flow in the Dublin area. We are very conscious that issues will arise following the completion of the port tunnel, pending the upgrade of the M50. The port tunnel was first mooted in 1992. At that time the issue was two ports, and there was a big row over the matter in the early 1990s when I was Minister for Finance. People should remember what the argument was about. It was proposed that the State build one and the private sector the other. The State built

its tunnel but the private sector abandoned its contribution entirely. The argument concerned which project the State should build. The State decided to build the airport tunnel because it fitted in with the plan in 1990-91 to commence a route from Rosslare to Belfast. The other tunnel was the one going from Alexandra Basin to Heuston Station. At one stage, the private sector was well ahead in its preparatory work and was very interested in carrying it out. However, it abandoned the tunnel project in 1993 on the basis there would be insufficient traffic for two tunnels — we all know whether that was an excellent call. It was always envisaged that two tunnels would be built, a view with which I concur and in which I have tried to interest people. I still believe that no matter how late it is, another tunnel is needed because it is the only way to remove heavy traffic from Dublin. I still believe it should be built at some stage.

In light of the fact that only one tunnel is being built and that the M50 upgrade has commenced but will take between three and four years to complete, Dublin City Council has prepared its traffic strategy for the management of heavy goods vehicles, which will be implemented following the opening of the port tunnel. The council has put a considerable amount of work into this over the last 12 months to ensure optimal use of the port tunnel by HGVs, minimise adverse effects of movements within the city and manage the movement of vehicles outside the city. However, there will be difficulties in the short term. Deputy Kenny and I know the road. Based on the volumes, there will be difficulties until the M50 upgrade is completed, which will take between three and four years, until barrier-free access using more modern technology is provided, which will take a few years, and until the huge interchange on the Belfast Road above the port tunnel is built. There will obviously be difficulties until these necessary infrastructural projects are completed. Work on the M50 upgrade has commenced. The plaza, the introduction of better electronics and the new interchange are all essential parts of the infrastructure. Perhaps they are not necessary based on the current volume of vehicles but they will certainly be necessary by the end of this decade. I have successfully pressed in the capital programmes for these projects to take place. They can all be completed by 2010. It will take another four years to complete them but the interchange, the upgrade of the M50 and the plaza are all necessary.

Mr. Kenny: I would like to make a point.

An Ceann Comhairle: I would prefer to call on Deputy Rabbitte, who has not spoken yet.

Mr. Kenny: When the trucks exit the port tunnel, they must go through the fast lane onto the slow lane to get onto the M50.

An Ceann Comhairle: That is a matter for the Minister for Transport.

Mr. Kenny: They must cross from the slow to the fast lane to get into the tunnel. This will be a practical problem of enormous proportions.

An Ceann Comhairle: Before the Taoiseach replies, Deputy Rabbitte will ask a brief question. We are running out of time.

Mr. Rabbitte: Like many motorists, I am intrigued by the question Deputy Kenny raised. Is it not the case that the penalty points system will exacerbate this because the trucks emerging from the tunnel have to cross to the left lane. Will the effect of this not be that the traffic will be backed up to Whitehall?

Is it true that, due to the absence of provision of certain safety mechanisms for the release of noxious fumes, the tunnel will only be able to function at 20% of its capacity when operational?

The Taoiseach: On the first point, I do not want to answer for our traffic engineers, particularly those who worked out the strategy for how traffic will work in Dublin city.

Mr. Naughten: Someone must answer for them.

The Taoiseach: They have put a great deal of work into this and I am sure they have dealt with the issue. From the driving point of view, the alternative of staying in the outer lane would not make sense for trucks coming out of the tunnel at the point north of Santry.

Mr. Rabbitte: The tunnel's traffic could come out on the inside lane.

An Ceann Comhairle: These questions would be more appropriate to the Minister for Transport.

Mr. Rabbitte: The two tunnels come out on the middle of the road——

The Taoiseach: They do.

Mr. Rabbitte: ——and one must cross the lanes to get into the left lane.

An Ceann Comhairle: This matter does not arise from these questions.

Mr. Crawford: It will arise when someone is killed.

The Taoiseach: If trucks must cross lanes, then they must. I will not get——

Mr. Rabbitte: It is easily known that the Ceann Comhairle takes the new route to Monaghan.

Mary Coughlan: It was a good investment by the Government.

Mr. Kenny: Nor does he need to drive in the tunnel.

An Ceann Comhairle: Detailed questions should be addressed directly to the Minister.

The Taoiseach: That is a good road, as there are bypasses of all three towns for the Ceann Comhairle to use.

Mr. Kitt: It is a very good road.

The Taoiseach: I have heard presentations on the Seveso directive on noxious fumes and so on. That matter was gone through some years ago. I understand that the traffic flows and all of those matters have been addressed and resolved to satisfaction. We cannot pack the tunnel with vehicles, but the capacity has been worked out in each case.

Mr. Rabbitte: What is the Taoiseach's reply on whether the tunnel will function at 20% of its capacity?

The Taoiseach: All of the issues around the Seveso directive and the capacity of the tunnel based on number of trucks per hour and how to schedule for such were worked out approximately four years ago. From the presentation, I understand that nothing has changed in respect of how to deal with this matter. The team has not cited it to the committee as a new difficulty. It has not said there are any new difficulties.

Mr. Rabbitte: At what percentage does the committee consider the tunnel will work?

An Ceann Comhairle: Those questions are more appropriate to the line Minister.

The Taoiseach: The number of vehicles per hour was the measure used by the team.

Mr. Rabbitte: Do we know what will be the number of vehicles per hour as a percentage of capacity?

An Ceann Comhairle: We did not go into detail on the question.

The Taoiseach: Off the top of my head, I do not know. The team does not consider it to be a major difficulty based on present laws.

Mr. J. Higgins: All of its members will finish up permanently in the Department.

Priority Questions.

Proposed Legislation.

29. **Mr. Naughten** asked the Minister for Agriculture and Food the status of the implemen-

[Mr. Naughten.]

tation of the animal medicines regulations; and if she will make a statement on the matter.
[24579/06]

Minister of State at the Department of Agriculture and Food (Ms M. Wallace): The Animal Remedies Regulations 2005, which are designed to transpose EU Directive 2004/28 as well as to amend certain provisions in our national legislation, came into effect on 17 November last. The EU directive provided, among other elements, that veterinary medicines for food-producing animals may only be supplied on the basis of a veterinary prescription unless exempted from this requirement under criteria to be drawn up at EU level before 1 January 2007.

However, the directive also included a provision permitting member states to retain existing national prescription arrangements pending a decision at EU level on the exemption criteria. My Department has decided to avail of this provision, which is reflected in the 2005 regulations. In light of this, all existing off-prescription medicines will remain off-prescription until the end of this year and farmers are continuing to get such medicines over the counter at pharmacies and licensed premises.

With regard to the exemption criteria, the European Commission began a public consultation phase on draft criteria last February. Our analysis of the draft criteria suggested they would place severe restrictions on the range of medicines which could remain off prescription. In view of this, my Department made a submission to the Commission last March setting out the disadvantages associated with its draft criteria and arguing in favour of a more flexible regime under which greater discretion would be given to member states in determining scientifically the appropriate route of supply for veterinary medicinal products based on the risk benefit profile of individual products.

Although the draft criteria were considered by experts from member states at the end of March, the Commission has not yet adopted the draft criteria as formal Commission proposals. When they are eventually formally adopted by the Commission, they will be subject to further consideration and vote at the regulatory committee in Brussels. My Department will continue to press its position and seek to have criteria adopted which give the maximum discretion to member states in determining whether individual veterinary medicines should become prescription only.

Additional information not given on the floor of the House.

During the negotiations on the regulations last autumn, the Minister gave a commitment to review the national distribution arrangements in consultation with stakeholders and in light of the outcome of the exemption criteria and, in particular, to consider whether persons other than

vets should be permitted to prescribe veterinary medicines. In light of this, it is evident that, if the criteria are not altered significantly, my Department will revisit the prescribing aspects of the 2005 regulations.

Mr. Naughten: I raise this issue because farmers have told me they believe the bureaucracy and red tape in agriculture has gone too far, citing this regulation as evidence. As the proposals at European Commission level stand, wormers and medicines such as vaccines will require prescription as of 1 January 2007. Does the Minister have the support of other Ministers for the proposals she has put forward to the European Commission and the Council of Ministers? My understanding is that she has very little support. In case the Minister fails to overturn the Commission's current position on the introduction of prescription-only medicines, will she now put forward draft proposals on the implementation of new regulations to allow for people other than vets to write prescriptions?

Ms M. Wallace: All the issues are being considered. One area of concern was the expectation that the Commission would adopt the draft criteria proposals after the meeting at the end of March, but no formal decision was taken and we still await one. At the end of this year we can go in one of two directions, depending on the result of the Commission's deliberations. We will have to consider the Deputy's suggestion that people other than vets be allowed to prescribe items such as wormers in the context of the criteria the Commission sets, because the answer to his question hinges on them. If we are successful in our proposal that the position on wormers remain as it is today, the question will not arise. It will only arise if the criteria turn out to be as strict as the Commission currently proposes. We are fighting the case because we would prefer the *status quo* to remain.

Mr. Naughten: Is it not the case that the majority of the Minister's colleagues in Europe are opposed to the Irish position and that they want the position to be as proposed by the Commission? In light of that, is it not irresponsible of us not to have a plan B in place, with draft regulations and involving a consultation process during the summer months? If the Minister fails to convince the Commission on the Irish position, she can then quickly bring forward proposals and new regulations to ensure that not only vets but also licensed merchants and pharmacists can write prescriptions in certain circumstances, rather than waiting until the eleventh hour and failing to have them in place by 1 January 2007.

Ms M. Wallace: We have succeeded to the extent that, if we had not taken the stance we took, we would have had to designate the range of medicines as POMs 14 months earlier than at

present. At least the *status quo* remains for the moment and will do so until the end of this year. If we had changed the regulations last year, we could have been accused of undermining our negotiating position with the Commission on the argument that the majority of existing non-POMs should remain off prescription, which is still our position.

Nothing has been lost by postponing our decision on the prescription issue and pursuing the exempted mechanism because existing off-prescription arrangements can remain in place in the interim, which is important. Following the result of the criteria debate in Brussels, we will work on what is decided.

Farm Incomes.

30. **Dr. Upton** asked the Minister for Agriculture and Food her views on the fact that only 22% of those engaged in farming obtained their full income from farming; and if she will make a statement on the matter. [24641/06]

Minister of State at the Department of Agriculture and Food (Mr. B. Smith): The Teagasc national farm survey 2004 indicates that on 78% of holdings, the farmer and-or spouse had some source of off-farm income, be it from employment, pensions or social assistance. The survey indicates that 36% of farmers had an off-farm job while 22% of farmers' spouses had off-farm employment. The presence of off-farm employment was most common among cattle and sheep producers where family farm income tended to be low and there was surplus labour on farms.

There is an ongoing trend towards farmers participating in economic activities outside the farm, which reflects both push and pull factors including incomes factors, surplus labour and the much greater availability of off-farm employment. Many farmers now supplement their incomes from off-farm sources while continuing to farm successfully.

Both full-time and part-time farmers make important contributions to the rural economy. While the decoupling of direct payments will provide farmers with more flexibility and freedom, a clear focus on production costs and their optimal level of production will be critical to maintaining the viability of all farm holdings.

This Government is committed to maintaining a core of competitive, full-time farmers, while at the same time providing an economic environment which enables smaller-scale producers to avail of both on-farm and off-farm opportunities to secure their future. Full-time farmers are looking to the new flexibility offered to them under decoupling to develop and intensify their commercial farm enterprises while many small-scale producers find that combining farming with off-farm employment is an effective way to ensure the viability of their holdings.

This trend away from full-time farming towards the part-time option is expected to continue. The recent report of the Agri Vision 2015 Committee states:

Off-farm employment and income are now standard parts of farm family work and income patterns. There seems to be no doubt that present patterns and trends will continue and that farm household income reliance on off-farm employment will increase under the newly reformed CAP.

This Government is focused on ensuring that farming families have the best possible options available for them to stay on the land. That may mean remaining as full-time farmers if their farm size and resources are sufficient and if they choose that option. Alternatively, it may be through the combination of on-farm and off-farm income, which many small-scale producers find the best route to a viable life on the land. This Government is committed to supporting and encouraging our farm families in whichever option they choose.

Dr. Upton: Does the Minister agree that the fact that only 22% obtain their total income from farming should concern us? Only large-scale ranchers will be viable into the future. What actions can the Government take now and in future to ensure adequate off-farm employment? What if there is a downturn in the economy affecting the availability of such employment and what would be the likely outcome for farmers?

Mr. B. Smith: Average family farm income on 38% of farms is classified as full-time farming. This measurement is based on labour input. I have met different farming groups and other people in rural areas and discussed off-farm income options for farmers over recent months. At regional food fora there has been particular interest in small-scale food production from small-scale farmers and others who have not worked on the land for some time but have been involved in other economic activity. Farmers who do not have viable holdings are not confined to farming activities as they would have been in the past. There were no off-farm sources of employment then but, thankfully today, there are such opportunities in substantial numbers. Many primary producers, including small-scale farmers, are also involved in food enterprises. There are approximately 135,000 family farms in addition to 800 industrial units involved in the agrifood industry, which is particularly important. By definition, those enterprises are spread throughout the country.

Dr. Upton: I have a brief question concerning this country's self-sufficiency in food production, given concerns that have been raised on a number of occasions about imports from third countries. Is the Minister confident that the continued pro-

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duction of foodstuffs here will be adequate to meet local demand?

Mr. B. Smith: The Minister, Deputy Coughlan, has emphasised at every fora available to her, at the EU and the World Trade Organisation talks, the absolute necessity for the green box to be protected as regards direct payments. In 2005, €1.6 billion was paid out to the farming community in direct payments. It must be recognised that there was an overlap with some of the payments from the previous year concerning some of the schemes that were being wound up. Direct payments, however, are of crucial importance to farmers. Over the next few days, the Minister will be attending the WTO talks where she will seek the support of other EU members to protect the CAP and European agriculture generally. That is of critical importance to us. The Taoiseach and Ministers, including those present in the Chamber, have raised this matter with other EU Ministers at all available fora. We have emphasised the importance of protecting European agriculture and that policy will be pursued relentlessly by the Government.

EU Directives.

31. **Mr. Crawford** asked the Minister for Agriculture and Food the status of the nitrates directive and its implementation; and if she will make a statement on the matter. [24580/06]

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 Minister, Deputy Roche, sent proposals to the European Commission in May for amendments to the regulations he made in December 2005 giving legal effect to Ireland's nitrates action programme. The new proposals, which the Minister, Deputy Roche, has outlined publicly, were developed in conjunction with my Department and with the input of Teagasc. They address a range of important issues identified by submission and raised by the farming bodies.

There have since been direct discussions and other contacts between officials of Departments, Teagasc and the Commission. I understand that those discussions are close to being concluded successfully. I am satisfied that the outcome will be of major benefit to Irish farmers in that the changes being discussed with the Commission will provide them with greater flexibility in complying with fertiliser limits and will simplify certain aspects of the regulations. The changes, when agreed with the Commission, are likely to recognise that farmers in REPS are already farming to a high environmental standard. They will also provide an essential breathing space for the pig and poultry sectors, giving them extra time to adapt and to explore alternative ways of dealing with the manure produced on their holdings.

Once the discussions on the regulations are concluded, my priority is to proceed with negotiations on a derogation to allow certain farmers to operate, under appropriate conditions and controls, up to a level of 250 kg of organic nitrogen per hectare. The derogation proposal was given an initial presentation to the EU nitrates committee in December 2005 and there were bilateral discussions with the Commission in January, but no further progress was possible while the regulations were under review. The proposal will have to be discussed further at future meetings of the nitrates committee before approval can be obtained.

Mr. Crawford: I thank the Minister for her reply. Is there any truth in the rumour that has been circulating in the past few days that the regulations as presented to Brussels are not acceptable? Are they being sent back for further change, especially regarding fines and other penalties on farmers? Currently, those penalties are tough. How will the new situation deal with pig and poultry farmers? Will manure from those farms be allowed to go on other farms involved in REPS? What regulations will apply and how will they be affected? Is any effort being made to get litter and manure treated in the same way as fertiliser? As a farmer, it is unacceptable that one can buy whatever fertiliser one likes at the local store and spread it on the land, yet one cannot take a much superior product from local farms in the form of pig or poultry manure.

Does the Minister accept that farmers are in limbo because they do not know where they stand? As the Minister has said, the derogation cannot be given until the agreement is made. That means that many people are half way through this year's season but still do not know what regulations they have to deal with.

Mary Coughlan: There has been no finality to the regulations that are being discussed by the Departments, Teagasc and the Commission. A number of proposals have been put forward, particularly with regard to REPS. As they involve an environmental methodology of farming anyway, one of the concerns was about the use of organic nitrogen on REPS farms, that is, inclusive of the pig and poultry sectors. If the proposals currently with the Commission are accepted, they will certainly alleviate many of the concerns that have been expressed by REPS farms.

In the pig sector, we are seeking an elongated timeframe to allow people to adapt. In particular, we are exploring alternative methodologies for using organic nitrogen. That derogation will allow people to adapt to change and will be most beneficial. Some weeks ago, I announced a farm investment programme which is geared specifically to new technologies. I am hopeful that the pig and poultry sectors, particularly in the Deputy's area, will be involved in that new tech-

nology framework. That will allow us to deal with some of the current concerns.

Fines and other penalties are ultimately a matter for the Department of the Environment, Heritage and Local Government and the European Commission. The framework within which we work, the European Communities Act 1972, will not allow any further increase in fines. Concerns have been expressed but we are approaching finality in the discussions between the Departments and the Commission. We have put forward our concerns pragmatically as regards how we wish to see those regulations being amended and I hope they will be dealt with quickly. I am concerned, as we all are, that there had been a time lapse on the derogation which causes angst for farmers.

Once these regulations have been signed off, I intend to meet farmers to discuss all the outcomes, although I realise that summer is not a great time to meet farmers who are at their busiest then. I intend to work with the pig and poultry sectors and REPS farmers so that people will be well informed. Hopefully, the outcome of these discussions will ease some of the current concerns in farming circles.

Mr. Crawford: When will the nitrates committee meet again? Does the Minister accept that there is a need for a genuine and commonsense approach here? We are moving into a major change in circumstances whereby farmers' main income is the single payment. If a farmer loses that payment, he or she would have to change to the farm assist programme. It is vital that time is afforded to ensure that people can work within the system and be fully advised on it. I welcome the Minister's suggestion of having advisory meetings to deal with pig and poultry issues. The Minister must realise serious anxiety exists as to the direction we are taking. The sooner this matter can be sorted out, the better. Regardless of what she says about the Minister for the Environment, Heritage and Local Government, does the Minister for Agriculture and Food accept she must deal with the issue of family income at farm level?

Mary Coughlan: As a Minister who has met many people throughout the country, I am acutely aware of the concerns that exist. I have taken the opportunity to quell some of this anxiety by providing full information. The Deputy and I agree that information meetings and sectoral meetings will be very important. In the context of the discussions that will take place next Wednesday on the reform of the Common Agricultural Policy, which is not appreciated among the public, it is important to note that one of the reasons people receive a direct income under the single farm payment is that there are cross-compliance measures.

I want to proceed in a pragmatic format with regard to the framework under which these issues

are pursued. That is why it is important that I have met all the farming organisations during my tenure in office. It is also important that we have a charter, a review clause and a kind of a yellow card system to deal with minor misdemeanours. There will also be a major reduction in the number of inspections that will take place. We will continue to consider new ways to deal with these issues, like other member states in the decoupled system.

The Deputy can rest assured that we will use the most pragmatic methodology in dealing with this issue in consultation with the farming organisations but within the legal framework as set down.

Mr. Crawford: It would help if the Minister told that to her inspectors.

Mary Coughlan: I have also included the training of my inspectors with that matter.

Mr. Crawford: There are one or two who could do more.

Mary Coughlan: I will opt for universality.

Animal Welfare.

32. **Dr. Upton** asked the Minister for Agriculture and Food her views on the EU Presidency conclusions which insist on the setting up of a European network of scientific institutes and laboratories responsible for questions relating to animal welfare and that the need to legislate shall be based on the results of sound scientific studies; the support she will ensure Ireland offers towards this goal; and her further views on the high priority assigned by the EU Presidency conclusions to establish objective and measurable indicators on animal welfare. [25007/06]

Mary Coughlan: As the Deputy will be aware, an action plan on the protection and welfare of animals was produced by the European Commission earlier this year following a wide consultation process and represents a road map for the Commission's planned animal health initiatives for 2006-10. Some of these will take the form of reviews of current legislation, while many will consist of reports to the Parliament and Council on various aspects of animal welfare.

The plan foresees five important areas for action, the upgrading of existing minimum welfare standards for those species not currently covered and general legislation applying to all farmed animals, examination of alternatives to animal testing, introduction of standardised indicators which will allow for the recognition of production systems providing for higher welfare standards and the possibility of labelling which would indicate this, an information programme to ensure that keepers and the public are more aware of animal welfare requirements and action in the international arena supporting initiatives of

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international bodies such as OIE and Council of Europe, and engaging with developing countries on developing trade based on welfare friendly production systems. The EU will also press for acceptance at WTO of animal welfare as a non-trade concern in agricultural trade.

Since the matter was first discussed in Council in February, my Department has been involved in discussions at various fora on drawing up Council conclusions on the Commission's proposal. The draft conclusions that had been developed formed the basis for the EU Presidency conclusions on the draft action plan at last week's Council of Ministers' meeting. At the Council I stated clearly that I am in favour of improving animal welfare standards, first, on moral and ethical grounds but also because of the reality of the ever-increasing demand from consumers across the EU for assurances in regard to animal welfare. I am happy that the action plan responds to those demands. I am also pleased to note that the vast majority of member states feel the same way as I do on this subject.

As regards the specific issues referred to by the Deputy, I confirm that I welcome the conclusions on the setting up of a network of European scientific institutions and laboratories relating to animal welfare. Legislation should be based on sound scientific studies and on the establishment of objective and measurable indicators for animal welfare.

Additional information not given on the floor of the House.

In my contribution at this Council, I highlighted the need to maintain a balance between improving animal welfare and protection standards, on the one hand, and the continued sustainability of the various sectors of agriculture on the other. EU producers are already operating in a very competitive environment where there is considerable pressure from products from third countries. In many cases, these products are not subject to the same rigorous production conditions as those applying within the EU. We need to be prudent, therefore, about introducing more demanding conditions which involve additional costs for EU producers unless we can also require third country operators to meet similar standards. We must avoid repeating the recent example of conceding third country markets for cattle exports to operators who are not subjected to any significant welfare rules.

Dr. Upton: I am glad the Minister stated she supports these measures but my understanding from the report on last week's meeting was that Ireland was among the countries that criticised the ambitious plan of Commissioner Kyprianou on improving animal welfare. That criticism seems to have been based on the economic consequences which it was perceived would arise if the conditions proposed by the Commissioner

were imposed. There was a further commentary that a number of countries felt that if these conditions were put in place, it would leave Europe wide open to imports from third countries where conditions were not as good.

A number of issues arise, in particular with regard to the problem of discovering exactly what happens in third countries, not only with regard to traceability but also with regard to animal welfare. Will the Minister comment on the suggestion that Ireland was one of the countries that criticised the Commissioner's action plan on improving animal welfare?

Mary Coughlan: If I had time to finish my original answer, I would have said that I was very balanced in my remarks at the meeting and that I believe there should be a balance between improving animal welfare and protection standards, on the one hand, and the sustainability of the various sectors of agriculture on the other. It is equally important and quite right to state that, as a non-trade concern, the European Commission and the Community should avoid the mistake that has taken place involving the substitution of live animals from Ireland and the European Union with animals from third countries, in particular developing countries where the same standards do not apply. From an animal welfare perspective, as labelling was very important in the context of the broiler debate that took place in the Commission, there should also be an EU and a non-EU labelling system, in particular in the poultry sector. This must be appreciated as an all-party concern.

I did not in any way criticise the animal welfare requirements. As I stated in my original response, I supported those requirements but I also feel there should be a balance in the discussions taking place.

Dr. Upton: With regard to imports from third countries, it is surely incumbent on us to put in place a system of standards, or at least to try to insist at European level that such a system will apply in terms of what the FVO is supposed to do with regard to animal welfare as well as traceability. This would remove from the equation concerns we might otherwise have about third countries. This brings us back to the issue of ensuring that the FVO or an equivalent body does a substantial job by ensuring that the products, whether in the context of traceability or animal welfare, are what they are supposed to be.

Mary Coughlan: I agree, which is why I took the opportunity to write to Commissioner Kyprianou once again on this issue to re-express my concerns *vis à vis* the importation of meat products. I sometimes sing a lone tune with regard to non-trade concerns because many of my colleagues of necessity wish to have cheap imports. Some of my colleagues will speak of the necessity of having animal welfare regulations,

traceability regulations and food safety standards while at the same time they have a cheap food policy. This can create difficulties for those such as myself.

I will continue to pursue vehemently the non-trade concerns which exist at present and I will take every opportunity to raise these issues with Commissioner Kyprianou. I have forwarded to him all relevant documentation and information that has been available to my Department and the media in requesting him to reconsider once again the outcomes of the inspections that have taken place in third countries. On the basis that this issue has been raised *ad infinitum* in the House, we must pursue it vigorously. At the same time, when I speak to Mr. Lamy he always tells me that the EU creates difficulties for those like him because, for example, it bans the use and importation of meat products with hormones.

The Deputy will understand the difficulties in this regard. I will continue to be vociferous on non-trade concerns within the European Commission.

Other Questions.

EU Regulations.

33. **Mr. Naughten** asked the Minister for Agriculture and Food if she is satisfied that the same regulations are applied on the import of lamb direct from the UK or via Northern Ireland from the UK; and if she will make a statement on the matter. [24199/06]

Mary Coughlan: EU legislation governing intra-Community trade in sheep prescribes the conditions for trade, which vary by reference to the category of sheep involved. For all categories it is a requirement that a veterinary inspector must certify, *inter alia*, that the sheep were resident on the holding of origin for 30 days, or 21 days for slaughter sheep, and that no sheep were moved on to the holding during the previous 21 days. However, as part of the development of an all-island animal health strategy, a derogation is applied from these requirements in the case of trade in sheep to and from Northern Ireland which are for immediate slaughter. In addition, certification of the residency and standstill requirements may be given in all cases on the basis of farmer declarations.

All sheep involved in intra-Community trade must be properly identified and accompanied by the necessary intra-Community health certification. While movement of lambs between Great Britain and Northern Ireland is not regarded as intra-Community trade, I understand specific measures are operated by the Northern Ireland authorities to control and monitor the movement of sheep into Northern Ireland from other parts of the United Kingdom. Under EU rules, sheep

from Great Britain may be imported legitimately into this State provided they are accompanied by the necessary intra-Community health certification. Identification and other checks are carried out on all sheep presented for slaughter at meat plants here.

Mr. Naughten: The reason I raise this issue is that in the past ten years one quarter of sheep farmers — four farmers per day — have abandoned sheep production. Is the Minister aware that Irish farmers receive €7 less per head of lamb than farmers in the United Kingdom and €16 less per head than farmers in France?

The movement of lambs from the UK to the Republic via Northern Ireland is a cause of genuine concern and frustration, particularly given the red tape and bureaucracy with which farmers here must contend. One of the specific concerns raised with me is that a farmer may legitimately travel to the UK, buy and store lambs there, import them into Northern Ireland for feeding and then send them across the Border into the Republic for slaughter. The difficulty lies in how one defines the term “further feeding”. How is it defined in current regulations? Is it the case that if one gives one bag of lamb crunch or nuts to sheep arriving from the United Kingdom, they qualify as meeting the criteria laid down under the definition and may, therefore, be transported into the Republic for slaughter?

Last week, while visiting Raphoe mart, farmers raised with me the issue of exporting sheep to slaughter to Northern Ireland via the mart. Is the Minister satisfied that current regulations facilitate this movement?

Mr. Crawford: The Deputy hit close to home with that question.

Mary Coughlan: Let us call a spade a spade. The Deputy’s last question runs contrary to his earlier argument. The importation from the United Kingdom of sheep, lambs and hoggets for slaughter is a legitimate activity which can be done through Northern Ireland. The importation of sheep from Northern Ireland is also legal and legitimate, as is the export of sheep from South to North, provided it takes place within set parameters and the relevant documentation is in order.

Between 1 January 2005 and 24 December 2005, 94,554 lambs from the South were slaughtered in the North and, as Deputies will be aware, a cull is under way in Britain. Returns received from export plants show that 281,314 sheep were imported from Northern Ireland for slaughter in 2005, a decrease on the 2004 figure. This clearly indicates a change in the balance of trade between North and South.

New regulations introduced by the European Union in response to the foot-and-mouth disease crisis gave Northern Ireland and the Republic a special derogation on the basis they would pursue

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an all-island policy. I am aware of the inconvenience faced by those exporting sheep from County Donegal and other Border counties to Northern Ireland created by the requirement that animals must be unloaded and checked. These procedures form part of the current safety framework but do not apply to animals exported from South to North which are moved directly from a farm to a slaughterhouse. The regulations were introduced on the grounds of animal health and while they create inconvenience, it is appropriate that we monitor the issues arising from the outbreak of foot-and-mouth disease. This area must be dealt with on the basis of intra-Community trade and the derogation in place for the North and South. I am satisfied the regulations are being adhered to and the necessary paperwork is done for imports from Great Britain via Northern Ireland. I am not *au fait* with what constitutes “further feeding” but I will contact the Deputy on the matter.

Mr. Naughten: I am aware it is difficult to address this issue in the context of the current political vacuum in the North. We would all welcome a true all-Ireland animal health regime as it would address the concerns arising in this area. While I accept that the paperwork may be in order, it is critically important that checks and balances are introduced to ensure proper procedures operate for lambs being imported from the United Kingdom via the North, as opposed to animals originating in the North. I also acknowledge that the balance in cross-Border trade is changing.

I hope the parties in the North will resolve their current differences and an all-Ireland animal health regime will be introduced as a result because farmers on both sides of the Border would benefit. In the interim, is the Minister satisfied that all procedures are being implemented as envisaged?

Mary Coughlan: I assure the Deputy that the Department and Northern Ireland authorities cooperate closely, particularly on animal health and welfare. I agree that the re-establishment of an Executive would be beneficial in terms of developing an all-island animal health policy. In itself, however, such a development would not address the issues the Deputy raises because the British authorities would have to accept that trade between Britain and Northern Ireland in this area would be designated “intra-Community”. This issue and the designation of Larne as a port of import and export would have to be addressed in the context of any discussions that may take place.

Having said that, a system of checks and balances is in place and all sheep arriving at slaughter plants are checked to ensure the paperwork is in order and the animals are tagged and traceable. We will continue to review legislation

in this area in the context of the satisfactory position prevailing here in the area of animal disease. We have already done this in the area of breeding sheep and have received sanction to change the procedures governing the movement of animals from one farm to another. The Department will keep the matter raised by the Deputy under review.

Price Inflation.

34. **Mr. Coveney** asked the Minister for Agriculture and Food the average rise in the cost of steel over the past five years; if her attention has been drawn to the impact which same is having on the cost of construction of farm buildings; and if she will make a statement on the matter.

[23602/06]

Mary Coughlan: I have recently forwarded to the Deputy detailed figures in regard to the increase in the cost of steel over the past five years, during which it has risen significantly. I am fully aware of the impact of increases in the costs of labour and materials on the cost of construction of farm buildings. In launching the new farm waste management scheme in March this year I indicated that the standard costs on which the grant payments were to be based were under review. Payment for work under the scheme will be based on the new standard cost levels when they have been approved. The standard costs review involves checking up to 120 items of expenditure to ensure reasonable and sustainable increases in those costs are reflected in the amount of grant paid.

Developments in the cost of materials used in on farm development have not in any way hampered or dampened the enthusiasm for what is a very extensive and generous farm waste scheme which has been widely publicised. Already, approximately 4,300 applications from all parts of the country have been received and some 1,800 approvals have been issued. While work is progressing on the installation of the structures needed to store farm waste, to enable us to comply with EU regulations it is important that applications under the scheme are received before the end of December this year. I urge all farmers contemplating availing of the scheme and its companion scheme relating to demonstration of on-farm waste processing facilities to make sure this deadline is respected. No applications after 31 December can be accepted.

More than €43 million has been provided in the Department’s Estimates for the scheme for this year and I am pleased with the high level of take up so far for this grant aid. The scheme offers grants of up to 75% of the eligible investment costs and recognises the special issues arising for the four zone C counties and younger farmers.

Mr. Naughten: I accept the Minister’s acknowledgement that the price of steel has increased by

more than 30% in the past two years, not including the significant rises since the start of this year, and the rise in the price of concrete. Will the revised costings take into account the significant rise in concrete prices since January and the rises in the costs of steel and labour? Will the new costings take into account the dramatic changes in the specifications? The amount of steel that must be used has been significantly increased by the new specifications. Clearance between the slurry and the slats has increased from four inches to six inches, and this is more than the Environmental Protection Agency's previous specifications for pig slurry. Will that be taken into account in the costings? An issue was raised with me last week in the Finn Valley and last night in County Roscommon. A farmer I spoke to last night expects to have his approval from the Department on 17 July. He has a contractor in place and the work will cost €100,000. What will he do if this issue is still under review on 17 July? Will he receive a grant of 60% of €100,000, 60% of €60,000 or some other figure the Department comes up with? That is a genuine question that farmers have. They cannot make decisions until the Minister decides on that review. That it will be back-dated to 1 January does not make a difference to many farmers who are looking at putting in significant investment to comply with the nitrates directive and which will not benefit their production and efficiency.

Mary Coughlan: I suggest the significant increase in the grant will make a difference and it was this Government and my party that pursued it. Let the Opposition not forget that. Sometimes they do not like to hear the good news about the amount of money that will be invested in the programme.

Mr. Naughten: The Minister should answer the question.

Mary Coughlan: In the context of the standard costings, these will revert to the beginning of the scheme. The last costing I have is 154.9 in March 2006, an increase of 0.2 from the February level of 154.7. Some 120 mechanisms in the standard costings will also be reviewed. My difficulty is that we have not brought the partnership talks to finality. If these could be concluded quickly we could resolve the costings issue and, I hope, support the Deputy's constituent who wants to make a decision. The decision will be based on the standard costings and will be put back to 1 January, the date by which the new farm waste management scheme, as presented, begins. The Deputy's constituent will deal with the standard costings from the previous time. As he or she will be part of the review, if there is an increase that will be reflected and the grant made available to that person. Good as they are in Roscommon, I assume that person will not have the contract completed within a two to three-week framework

whereby we can deal with the payment once it has been inspected. It will be included in the payment.

Mr. Naughten: It is pointless to explain to any constituent that if the farming organisations do not sign up to the partnership agreement, farmers will not know what the grant scheme will be. That is unacceptable. The Minister should not hold a gun to the farming organisations' heads to try to get the issue on partnership resolved before she signs off on this. It is critically important to farmers. The Minister, as part of the derogation negotiations will argue that farmers are implementing the nitrates directive and are putting the storage in place, but she is delaying that happening by not implementing whatever review has taken place. Surely that review is completed. It is time to start implementing it and indicating to farmers the grant that will be available to them.

Mary Coughlan: I refute the Deputy's statement. I intend that we move on standard costings as quickly as possible. It is therefore incumbent on other parties to come forward. I must sign off a large investment programme with the Minister for Finance, who has been more than forthcoming in his support of agriculture since his appointment. It is my hope and aspiration that we will conclude these talks quickly and that we will be able to deal with the issues Deputy Naughten outlined vociferously. Whether or not it is acceptable to the Deputy, I have the €43 million and I will spend it—

Mr. Naughten: We want to know when.

Mary Coughlan: I intend that this will take place very soon. If we do not have an outcome I will have to reconsider my position.

Food Labelling.

35. **Mr. Kenny** asked the Minister for Agriculture and Food the discussions she has had with the Food Safety Authority of Ireland on the enforcement of the food labelling laws; and if she will make a statement on the matter. [23647/06]

Mr. B. Smith: The enforcement of food labelling regulations is centralised in the Food Safety Authority of Ireland, FSAI, which ensures that the appropriate controls are carried out by the relevant official agencies. The official agencies include the Health Service Executive, my Department, the Department of Communications, Marine and Natural Resources, the Office of the Director of Consumer Affairs and the local authorities.

My Department is in touch with officials of the FSAI on an ongoing basis and regular meetings are held to discuss a wide range of issues. Any issues that arise in the enforcement of food legislation, including enforcement of labelling legislation, are discussed where necessary, in this con-

[Mr. B. Smith.]

text. For instance, during the drafting of the recently made country of origin labelling regulations extending requirements in this area to the catering sector, my Department had extensive consultations with the FSAI including a number of meetings on the specific issues arising and in particular regarding the enforcement provisions in the legislation.

Mr. Naughten: I have raised this issue with the Minister of State before regarding the 92 food businesses surveyed by the FSAI in 2004. During that survey it was found that consumers were regularly being misled on the country of origin of beef, chicken and salmon. Salmon is not relevant to this debate. South American beef was being labelled and marketed as Irish. Belgian chicken was being labelled as produced in Ireland. In one fifth of shops and supermarkets the information on loose and packaged beef was inadequate to meet the beef labelling regulations. That issue was brought to the attention of the Department of Agriculture and Food almost 18 months ago. What steps have been taken to ensure that type of abuse no longer happens and that when the FSAI completes the subsequent study it was supposed to complete last year and which will be done this year, these anomalies will not arise again?

Mr. B. Smith: As Deputy Naughten knows, the Food Safety Authority of Ireland Act 1998 contains the enforcement provisions the FSAI can implement, including enforcement orders and improvement notices and orders. The FSAI was established under that legislation and is a statutory, independent body whose job is to protect food hygiene and safety for consumers. It does that well. The specific issues the Deputy raised are matters for the FSAI and do not come under the Department of Agriculture and Food. I thought the Deputy's question would relate to the welcome measure introduced on 3 July on the country of origin of beef. Deputies Naughten and Upton and many Members on this side of the House consistently raise the need for these measures to be implemented. We are glad that the necessary primary legislation was put through by the Department of Health and Children.

Mr. Naughten: We welcome it. It is better late than never.

Mr. B. Smith: We appreciate the work and interest of the Tánaiste in that regard. People in general are concerned about labelling, as surveys have shown. The Minister has raised at European level the need for further advances in this area. We have made advances on beef and the regulations will be in place from 3 July. The Minister has also raised with the Commissioner for Health and Consumer Protection the need to make progress on labelling, particularly of poultry, and on

substantial transformation which has been regularly raised here.

In recent weeks the Commission has been reviewing food labelling. We told the public, different organisations and individual Members of the Oireachtas that they should contribute their views to this consultative process. The Food Safety Authority of Ireland, FSAI, also issued an invitation to groups or individuals to submit their views.

It is significant that the Commission has accepted the need to review this legislation. We would like to achieve substantive progress at European level on more safeguard mechanisms for food labelling and transparency etc. Legislation passed by these Houses earlier this year included the provision that we can extend our labelling from beef to the other meats, such as sheep and pig meat, and to poultry. We have been extremely active in the area of labelling.

The labelling group report published at the end of December 2002 contained 21 major recommendations, 19 of which have been implemented before the new regulations on labelling of beef are introduced. The remaining ones relate to the country of origin of other meats too. There has been substantial progress in this area. We continue to push hard at European level for further advances, particularly in respect of substantial transformation and the inclusion of poultry and other meats in the context of labelling.

Mr. Crawford: I welcome the agreement on beef labelling but the meat that most seriously needs labelling is poultry. When will that be brought into force? The information given to the Joint Committee on Agriculture and Food suggested that very little progress was being made. Poultry producers and consumers are anxious about this because they have no idea where poultry meat comes from, what label it wears and what changes of label are being made on boxes brought in here.

Mr. B. Smith: The Minister consistently raises substantial transformation at the Council of Ministers meeting and at meetings with the Agriculture Commissioner and with Commissioner Kyprianou as well. Yesterday a week ago she raised it at the most recent meeting of the Council of Ministers. It is of interest to the producer, the processor and the consumer.

We have put forward our concerns on this issue very strongly and identified the areas where we believe it needs to be addressed. We hope progress will also be made on the basis of the recent consultative document produced by the Commission. We will keep this issue at the top of the agenda.

Dr. Upton: While I welcome the progress being made for 3 July, it is long overdue. Scarcely a week goes by without some issue arising about labelling, lack of it, or mis-labelling on foods. For

example, a couple of weeks ago it was found that Irish honey contained honey from China. The best way to establish the origin of a carton of eggs is to take a peek at the underside of the carton and if one can interpret the code number one will know whether it comes from Ireland, the Czech Republic, Germany, or wherever.

The Food Safety Authority lacks resources to ensure that all Irish products can be guaranteed to be what they should be and that the labelling is adequate. I urge the Minister of State to ensure those facilities are provided to the Food Safety Authority, in so far as he is involved in that decision.

Mr. Naughten: I accept the Minister of State's point about labelling but the Food Safety Authority has highlighted the Department's failure to police and licence the legislation. What is the Minister of State doing to ensure the current legislation is enforced?

Mr. B. Smith: The enforcement of food labelling regulations is centralised in the Food Safety Authority of Ireland which ensures that the appropriate controls are carried out by the relevant official agencies.

In response to Deputy Upton, the FSAI stated that in a survey of 20 randomly selected Irish honeys sourced from various manufacturers four were found not to be Irish. The FSAI is working with the various people involved with the retailers to ensure the affected products are removed from sale. It will apply the sanctions appropriate to this issue.

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 McCormack — the need for the Minister to outline the situation of management companies in housing estates; (2) Deputy Connolly — the need for the Minister to discuss the Irish-Vietnamese adoption process; (3) Deputy Catherine Murphy — the arrangements for the provision of access for Oireachtas members to council offices; (4) Deputy O'Shea — the need for the Minister to give a report regarding the position of the development of the satellite radiotherapy unit at Waterford Regional Hospital; (5) Deputy Gormley — the need for the Minister to ensure that Waterways Ireland clean the Grand Canal regularly in order to enhance this wonderful amenity; (6) Deputy Perry — the need for the Minister to appoint a concessionary teacher to solve an accommodation problem; (7) Deputy Healy — the need for the Minister to introduce a ministerial order to amend Section 35 of the Credit Union Act 1997; (8) Deputy Cowley — the need for the Minister to ensure that 98

children in the Laytown and Bettystown area have school places; and (9) Deputy Joe Higgins — the provision of classrooms for almost 100 children from the Laytown and Bettystown area who need to start school this September.

The matters raised by Deputies O'Shea, Gormley, Perry and McCormack have been selected for discussion.

Leaders' Questions.

Mr. Kenny: These are interesting times in Irish politics. Last week I asked the Tánaiste if there was any trouble in Paradise. I remind the Taoiseach that today is the feast day of Our Lady of Perpetual Help. It might be a good idea for him to start lighting candles on his side of the House because it seems that with every passing day this Government needs more help from some quarter.

A few weeks ago the Taoiseach told Dr. Bird on RTE that he would be happy to have his Government benchmarked against the performances of other Governments. He should be careful about what he wishes for because he has got it with a vengeance in the Euro Health Consumer Index report in which, despite this being the second richest country in Europe, it comes in as second last on health care rankings, behind Latvia, Slovenia, Estonia, Hungary and the Czech Republic. Only Lithuania performed more poorly than we did. On the survey's bang for the buck score card this country finished last of 26 and that report showed up rampant MRSA infection in hospitals, bad scores for infant deaths, and very bleak medical outcomes.

That is a collective failure of the Taoiseach's Government which, when combined with his previous Government, will have been in office almost ten years next year. The Taoiseach has appointed three Ministers for Health and Children, one as bad as the other. Is it any wonder that today the Tánaiste on national radio distanced herself from her predecessors by saying that for the first time in many years decisions are being made on the basis of what is best for patients? That is a ringing endorsement of the former Ministers in the Department of Health and Children, Deputies Cowen and Martin. It is good to see that Cabinet collegiality is alive and I suppose, kicking.

Mr. Allen: Kicking is right.

Mr. Kenny: Health is not the only area in crisis because the Central Statistics Office figures released today show that murder, rape and assaults are up by one third between 2000 and 2005. Does the Taoiseach not accept that the reports of increasing murder rates etc. are not only an indictment of the Government's performance but also an indication it is in freefall from chaos to chaos? Does he agree it is perhaps time

[Mr. Kenny.]

for him to move over and let the people have their say?

Deputies: Hear, hear.

The Taoiseach: I said to Dr. Bird — that is not what I usually call him — that I would be glad for our resources, our economy and where we are going to be benchmarked as part of an independent assessment. I do not consider the Euro Health Consumer Index 2006, which was produced by a private organisation that is obviously doing its best with limited resources, according to what it has said——

Mr. McGinley: Shoot the messenger.

The Taoiseach: No, I think it has been doing its best. I thought Deputy Kenny made some good points. I remind him that a great deal of the data used in the survey related to 1997, when he was in Government.

Mr. Timmins: The Taoiseach is saying we are responsible.

Mr. Neville: He might as well go back to 1916.

Mr. F. McGrath: Is it much better now?

The Taoiseach: According to the report, a great deal of the data on which it is based dates from 1997.

Mr. English: It uses 2004 data.

The Taoiseach: I can benchmark where we were in 1997 with where we are now.

Mr. McGinley: The Taoiseach should admit that we have been relegated.

The Taoiseach: I am simply reminding the House of what the report states.

Mr. Howlin: The Taoiseach is afraid to look at the data.

An Ceann Comhairle: The Taoiseach, without interruption.

Mr. Howlin: The report uses current information.

An Ceann Comhairle: Deputy Kenny is entitled to hear the Taoiseach's response.

The Taoiseach: The survey states that its conclusions should be considered "with great care". It makes it clear that one part of its analysis is "an academic exercise" and "certainly lacks scientific support". That is what it says. Those who compiled the report did not make any contact with the permanent representatives in Brussels on the matter. The Department of Health and Children

has been unable so far to find any evidence of requests for information.

Mr. Crawford: The Taoiseach's team will not find the same.

The Taoiseach: In other words, a report on our health service was written without any information whatsoever.

Mr. Howlin: There was nobody answering the telephone that day.

The Taoiseach: The report makes it clear that cross-national comparisons of health care systems, outcomes and delivery are notoriously difficult and are based on standardised statistical indications and data. The survey is based in part on published data from international organisations, such as the Organisation for Economic Co-operation and Development and the World Health Organisation, between 1997 and 2002. That data is benchmarked against up-to-date data from other countries. For example, the data used in respect of the Netherlands is from 2005. I acknowledge that the organisation which produced the report did its best, but it did not take account of the most recent comprehensive survey of patients' views, which was conducted in 2004. Some 4,820 patients responded to that survey, which was conducted by the Irish Society for Quality and Safety in Health Care. The survey found that nine out of ten patients would return to the same hospital for treatment and would recommend that hospital to a friend.

Ms Burton: That is just one survey.

Mr. D. Ahern: The Deputy does not want the truth.

The Taoiseach: Nine out of ten patients were satisfied with the level of privacy and confidentiality they received and nine out of ten were satisfied with the manner in which their diagnosis had been communicated and found that information easy to understand.

Mr. Crawford: Were any of them from Monaghan?

Mr. Howlin: There is no problem at all, according to the Taoiseach.

The Taoiseach: Some 95% of patients felt they had been treated with dignity and respect.

Mr. Quinn: Those results are Ceaucescu-like.

The Taoiseach: The report mentioned by Deputy Kenny refers to none of that. It takes no account of life expectancy, which is the most basic indicator of health. People in Ireland are living longer.

Mr. McGinley: They are not living for much longer.

The Taoiseach: Life expectancy increased from 75 years to 78 years between 1990 and 2002.

Ms McManus: That is quite low.

The Taoiseach: It is in line with increases in every developed country. The part of the Euro Health Consumer Index report that relates to general practitioner waiting times makes a blanket statement that patients in Ireland do not enjoy same-day services from family doctors. That is simply wrong. Irish patients are able to avail of GP services — over 42% of them have medical cards or GP medical cards. If the report in question gets something as basic as that so fundamentally wrong, I do not know why I am here answering about it at all. I have to do that because that is what I am paid to do. General practitioners in every parish and community in Ireland see their patients on a same-day basis on most days of the year.

Mr. Stagg: Where did the Taoiseach get the figure of 42% of people having medical cards?

Mr. Howlin: It is more like 30%.

Mr. D. Ahern: Where are the Deputies getting their figures from?

The Taoiseach: On the issue of direct access to specialist care consultants, the reports states it is not accepted internationally that the best way to organise patient care is for patients to go straight to consultants without the advice of their family doctors. It is not an accepted mark of quality in health care. The health care needs of the vast bulk of patients can be met through GP care. The practice in this country is that people go to their GPs and then on——

Ms McManus: Many people cannot afford to do that.

The Taoiseach: If our entire health care system is entirely wrong and we should not have GPs at all——

Mr. Howlin: Who said that?

The Taoiseach: If that is the benchmark the Deputies opposite would like me to adopt——

Mr. Stagg: The Taoiseach said 42% of people have medical cards.

Mr. Allen: Dr. Dolittle.

The Taoiseach: I will allow them answer the GPs in such circumstances.

Mr. Howlin: The Taoiseach has lost the plot.

The Taoiseach: I have enough problems getting them to work at night, even when I want to pay them to do so. If others want to tell the GPs they are not necessary, they can go ahead and do that. The Euro Health Consumer Index survey also mentions cancer treatment, but I do not have enough time to go into that in detail. The report misses the point, which is that the huge decrease in——

Ms McManus: What about BreastCheck?

An Ceann Comhairle: I remind Deputy McManus that this is a Fine Gael question. It is not her question.

The Taoiseach: I do not mind answering them all, a Cheann Comhairle.

An Ceann Comhairle: Deputy McManus's party will get an opportunity shortly.

Ms McManus: The Ceann Comhairle should tell the Taoiseach to stop provoking me.

Mr. M. Ahern: The Deputy is a closet Fine Gaeler.

The Taoiseach: The report ignores the fact that there has been a decrease in cancer mortality among people under the age of 65. I would like to inform Deputy Kenny, before I answer his second question, that if he wants me to stand over the findings of a few people who slapped a bit of a report together and put it up——

(Interruptions).

The Taoiseach: If he wants me as Taoiseach to take it seriously, on the basis that someday he might find himself over here answering that kind of stuff, although it is unlikely——

Mr. Timmins: We will be over there shortly.

The Taoiseach: I would not do that. This country's child mortality rate and maternity system, for example, are second to none.

Mr. M. Ahern: It is more negative campaigning.

The Taoiseach: I am happy to stand here and defend our health service against a crowd of geniuses who did not even bother to get facts — that is the point.

Mr. Crawford: What about teamwork?

Mr. Kenny: I am glad to know the Taoiseach realises that people in this country are living longer. I accept that fact, which everybody knows. I asked the Taoiseach to comment on the findings of the Euro Health Consumer Index report and he commented on them. The director who wrote

[Mr. Kenny.]

the report said this morning that he asked for information from the Department of Health and Children and the Health Service Executive, but he did not get it. When one looks for information but it is not supplied, one has to wonder whether it is because the Government did not want to make it available.

Mr. F. McGrath: That is right.

Mr. Kenny: The Taoiseach read out the usual litany that he reads out.

The Taoiseach: I gave the facts.

Mr. Kenny: The Government is on the verge of disintegration in some cases.

Mr. D. Ahern: The Taoiseach outlined the truth.

Mr. Kenny: The Taoiseach's comments will not reassure the sweet 16, some of whom are behind him at present.

Mr. M. Ahern: Is that what the Deputy was told to say by his US advisers?

Mr. Kenny: Even though there are 13 subcommittees, it is proposed to establish another subcommittee of backbenchers.

Mr. D. Ahern: The Deputy is waffling.

Mr. Kenny: They know, we know and the country knows that the current expenditure of €13 billion on health is subsidising problems rather than solving them.

Deputies: Hear, hear.

Mr. Kenny: They know, we know and the country knows that collectively, the Government has been found out. After nine and a half years in office, is the Taoiseach not prepared to admit there is a sense of desperation among Fianna Fáil Deputies who are knocking on doors? Those who are afraid to knock on doors have an egotistical ambition, the likes of which I have never seen before, which is causing chaos within the Government. It is dangerous, chronic and contagious. Will the Taoiseach comment on the Tánaiste's comment earlier today that for the first time in many years, decisions are being taken on the basis of what is best for patients? Can he stand over the decisions taken by his Government when the Ministers, Deputies Cowen and Martin, were responsible for the health portfolio? Were decisions taken under their leadership on the basis of the best interests of patients? The third Minister for Health and Children to be appointed under the Taoiseach's leadership says decisions were not taken on that basis.

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

Mr. Kenny: The Ceann Comhairle gave the Taoiseach a very long run.

An Ceann Comhairle: The Deputy has been given an equally long run.

Mr. Kenny: I will produce the timings for the Ceann Comhairle if he wishes.

An Ceann Comhairle: I should have asked the Deputy to conclude over a minute ago.

Mr. Kenny: I will finish by saying that we have had some drama, in the week in which the famous Hollywood producer, Aaron Spelling, died. The Taoiseach was forced to do a Mae West with the backbenchers — "why don't you come up sometime and see me?". The Tánaiste opted for Lady Thatcher — "I am not for turning". He who is not present here — the Minister for Justice, Equality and Law Reform, who does not want to come into this Chamber — turned to the tragic personality of Marilyn Monroe — "all of us are stars and deserve the right to twinkle".

(Interruptions).

Mr. F. McGrath: Deputy McDowell does not want to come to the Chamber.

The Taoiseach: That shows how seriously Deputy Kenny takes his reports. However, I will not go down the same road. There is a lot to be done in the health service and we have reformed much of it.

Mr. Howlin: A lot done all right.

The Taoiseach: Deputy Kenny's point is partly correct because the report stated we have, correctly, abandoned the health board system. I would rather consider the OECD report on health data. While the survey group worked from international data, it obviously picked up on the necessary reform of the outdated system of the health boards which existed for three and a half decades. The Government reformed that system.

Mr. Crawford: It was Fianna Fáil which introduced them first.

The Taoiseach: It took us time to change an old and dated system which originally replaced the local authority-based system. We have amended and centralised the old system into the Health Service Executive. The Government has also made large improvements in the health service along the way. Latest figures from the Health Protection Surveillance Centre show that national uptake rate for polio vaccination is 91%. This is not a poor performance by international standards. I am not in the House to berate

Members but to answer questions. However, the Health Consumer Powerhouse study used figures from 1997. That says where we were in 1997, but I will not go into that.

The survey states, when commenting on financial strains in the French health care system, ranked No. 1, the budget deficits in health care are more or less arbitrary and not significant. It is the first time I have ever read that in a report. No Government or taxpayer would agree that it was a matter of indifference whether health care budgets are managed profitably. I answer questions in the House regularly stating this should be dealt with. The survey used wrong figures for acute beds.

I know the order of these matters. Two reports were published yesterday; only one got the headlines. The OECD report used health data for this year. However, that would not suit the case, so the headlines were all about the 1997-99 figures. According to the OECD's Health Data 2006, published on 26 June, health spending has grown faster than gross domestic product in every OECD country except Finland between 1990 and 2004. The data show that health spending in Ireland accounted for 7.1% of GDP. The average spend across OECD countries was 8.9%. In terms of health spending *per capita* in 2004, Ireland ranked above the OECD average. The report stated:

Health spending *per capita* in Ireland grew, in real terms, by an average of 9.1% per year between 1999 and 2004, one of the fastest growth rates of all OECD countries and significantly higher than the OECD average of 5.2% per year.

It acknowledges the large increases and improvements introduced by the Government. Perhaps in the interests of balance, those who only read the one report should read the other significant report.

Mr. Allen: We still have a shambles of a system.

Mr. M. Ahern: The Deputy would know all about it.

Mr. Rabbitte: A Cheann Comhairle—

Mr. Allen: I do.

Mr. M. Ahern: I am sure he does.

An Ceann Comhairle: Allow Deputy Rabbitte without interruption.

Mr. Rabbitte: I want to ask the Taoiseach about the apparent disintegration of the Government and what signal that sends out to those hard-working families who are on the road at 6.30 a.m. How can those people expect a divided, dysfunctional and out of touch—

Mr. M. Ahern: Labour Party.

Mr. Rabbitte:—Government in which Ministers, even in the same party, will not talk to each other and whose backbenchers are in revolt, to address the issues of concern to them?

Mr. M. Ahern: What about the 1980s?

Mr. Rabbitte: Does the Minister of State, Deputy Michael Ahern, want to make his maiden speech at this juncture? If he wants to make an intervention, he should make it properly and I will give way to him.

Mr. M. Ahern: Deputy Rabbitte is just showing his ignorance. I made my maiden speech in this House long before he made his.

Mr. F. McGrath: Another dissident emerges from the backbenches.

Mr. M. Ahern: To which party does Deputy Finian McGrath belong?

Mr. Rabbitte: People are interested in whether their children will get a place in school this autumn. They are concerned about class sizes or their mother being left on a hospital trolley. They are concerned about the drugs misuse epidemic, now worse than it was when Veronica Guerin was murdered. They are concerned about energy resources, spiralling house prices, inflation, interest rates, neighbourhood safety, anti-social behaviour and gangland killings. How can a Government, in such disarray for the past month, address these issues? In *The Irish Times* this morning, I read the headline, "Ahern set to back new FF backbench group". I thought there were only 16 rebels but apparently there are 17.

Mr. F. McGrath: And they have the Minister of State, Deputy Michael Ahern, now.

Mr. Rabbitte: The Taoiseach will now be a member of the back bench committee in revolt. Just because we have enjoyed more than a dozen years of economic growth, the Taoiseach is of the view no problems need be attended to. Of course, we have enjoyed a dozen years of growth, but we have serious problems that must be confronted. Judging from the Taoiseach's response to Deputy Kenny, his view of the authors of the report that states Ireland is second only in health services to Lithuania is that they are talking rubbish and we can dismiss it. It only demonstrates the extent to which the Taoiseach is out of touch.

Ms McManus: Hear, hear.

Mr. Rabbitte: Half of what the Taoiseach told Deputy Kenny about medical cards and other issues is not in accordance with the facts. To dismiss the authors of a report that claims the health service is second only to Lithuania and argue they

[Mr. Rabbitte.]

are talking through their hats shows the Government is simply out of touch, especially when one considers the large amounts of money pumped into the system after nine years of this Government.

If that is the Taoiseach's conviction, will he seek a renewal of his mandate? Will he instead limp into the summer recess with the Government in disarray? Government partners are not talking to each other, party seniors describe their Ministers as dysfunctional, worsening problems need to be attended to and yet the Taoiseach tells the House breezily that people are living longer. I suppose he will claim credit for that too. They are certainly living longer on trolleys.

The Taoiseach: I hope I get the same attention as my colleagues have given to Deputy Rabbitte.

Ms Enright: The Taoiseach certainly will.

The Taoiseach: Deputy Rabbitte is dead right; people are concerned about the economy. They are heartened to see the country has had an annual growth rate of 6% and 7% over a series of years. They are heartened that employment continues to grow, taxes have been reduced, much resources have gone into building new hospitals and improving the education services at first, second and third level. They are heartened at the rate of house-building and the improvement in the standards of our energy resources sustainability. They are, however, concerned that this will all change, especially if Deputy Rabbitte gets his hands on power.

Mr. M. Ahern: Hear, hear — like the last time he was in power.

The Taoiseach: I am concerned about that too.

Mr. Howlin: This is like Dr. Strangelove.

The Taoiseach: I am not prepared to consider a report that makes blatant errors about the health service. As I have already said, the report states a general practitioner service does not exist. The survey asked whether a patient can have a same day service from their family doctor. To this the survey stated in Ireland it is a blanket "no". That is wrong. We have a GP service that will see patients on a same-day basis.

I have given the facts from people working in Irish hospitals and not those from an academic study in Sweden. While patients have said they are happy with services and hospitals, they are not with accident and emergency services. We have addressed this issue and invested significant resources in resolving it. Let us not take from the success in reducing waiting times for operations, which had dramatically fallen in 2002 from what they were in 1997.

Mr. English: People are on waiting lists for waiting lists.

The Taoiseach: It is wrong for the survey to conclude that Ireland has a severe waiting lists problems. We do not have one.

Deputies: We do have a problem.

The Taoiseach: We have made substantial progress.

Mr. English: People are waiting 15 months for treatment. The Taoiseach is telling lies.

An Ceann Comhairle: The Deputy must withdraw the word "lies".

Mr. English: I will not.

An Ceann Comhairle: The Deputy will withdraw the word or leave the House.

Mr. D. Ahern: It is a wonder he is in the House at all.

Mr. English: Only if the Taoiseach will clarify that people are waiting months on waiting lists.

An Ceann Comhairle: The Deputy must withdraw the word unequivocally or he will leave the House.

Mr. English: The Taoiseach is using mistruths. I withdraw the word "lies". People are on waiting lists for operations for 16 months.

Mr. Durkan: They are waiting three years in some areas.

An Ceann Comhairle: The Deputy should allow the Taoiseach to respond.

The Taoiseach: I wish to answer Deputy Rabbitte. In 1997 three quarters of adults waiting for cardiac surgery waited for well over a year. Deputy Rabbitte was at the Cabinet table when that was allowed to happen. Matters got worse in the period in which the Deputy was at the Cabinet table. The waiting time for coronary—

Mr. Durkan: That was ten years ago.

The Taoiseach: Please let me answer Deputy Rabbitte.

Mr. Durkan: This is a history lesson.

The Taoiseach: The waiting time for a coronary angiogram is now no more than two months. A total of 11% of people wait no more than a year for cardiac thoracic surgery and most patients wait for only a few months. The number of patients waiting for cancer treatment is also down. I accept there are problems and difficulties. I am aware we have problems with gang-

land killings in some areas where drug dealers are fighting each other for territory and for drugs.

Mr. Stagg: People are afraid to open their front doors.

The Taoiseach: I commend the Garda for their daily successes in dealing with these issues. The Government is investing significant effort and resources in this area. I will not go into all the statistics of where that puts us internationally. We are working on these issues. I will not take it from Deputy Rabbitte that a Government I lead and colleagues and backbenchers who work extraordinarily hard are out of touch.

Mr. D. Ahern: Hear, hear.

The Taoiseach: This Government is determined to work to complete its mandate to continue to build a successful country. The Deputy may have an alternative strategy, but the only thing I know about the Mullingar strategy is that the Government has bypassed Mullingar in terms of roads and the people will do the same with the Deputy's policies.

Deputies: Hear, hear.

The Taoiseach: Deputy Rabbitte had his Sunday outing last Sunday, which I was glad to see, but it showed the huge contradictions on the age of consent. Perhaps he will tell the people about some of these issues. In the meantime the Government will deal with party activities in a structured, organised way unlike the heavy handed way the Deputy dealt with some issues in the past in terms of disciplining party activities. The Tánaiste and I are well capable of dealing with these issues in a democratic and open manner. Deputy Rabbitte will have to wait a year to see what will happen in a democratic election, and in the meantime I will deal with factual situations, not Deputy Rabbitte's rant.

Deputies: Hear, hear.

Ms Burton: We are losing our temper.

Mr. Durkan: Are they all upset over there?

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

Mr. Rabbitte: The Taoiseach needs a rest. He instanced decisions taken when I was at the Cabinet table, but I remind him that last week he eulogised a man with whom he shared the Cabinet table, who shut 22 hospitals between 1987 and 1989. I am not sure what a stroll down memory lane does to address the issues confronting people today. The Taoiseach is fearful about what will happen to the country when I get my hands on the levers of power, but the only

thing about which he is really fearful is that he will not be in there with me.

Mr. N. Dempsey: I think the Taoiseach said, "if".

Mr. Durkan: End of round two.

An Ceann Comhairle: Deputy Rabbitte should be allowed to speak without interruption, please.

Mr. Rabbitte: We will leave the hyena laughs out of it for the moment. I will return to the issues about which the backbenchers are concerned. It is clear that they are the same issues I have been raising in this House, which, according to their spokesman, they bring to parliamentary party meetings and, to quote him: "they never get any further". Now the Taoiseach is trying to tell us he welcomes this revolt on the backbenches and that he will talk to them about what kind of committee they will put in place.

Meanwhile, as Mr. Haughey said, this is the worst Government in the history of the State. He said it cannot do anything right. To bear out Mr. Haughey, today we read that, for example, the Government cannot even pay the refunds to people wrongly charged in nursing homes. It turns out that it was thought the job could be outsourced to India. Everybody knows that data protection laws apply.

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

Mr. Rabbitte: Everybody knows that the outsourcing of such a job must be certified by the European Commission. Now the Government finds it cannot make the payments and it must go back to the drawing board. The Government appears unable to make any simple decision or do any of the simple things well. When that happens a Government, the best thing the Taoiseach can do if he is really concerned about the interests of the country, as distinct from his own interests and those of his backbenchers who are running scared right around the country, is go to the people now, not after the summer. We have fallen back to 25th place on all these issues, not just in regard to the health services. We have fallen back similarly in the area of broadband.

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

Mr. Rabbitte: The Taoiseach referred to people who pay taxes. There are many tax compliant citizens who pay more tax than was bargained for in the budget, but what about the abuse of tax avoidance schemes by super-earners? We have been told for the past five or six years that these loopholes would be shut off. They have not been shut off and the situation is worsening. Ordinary people earning ordinary incomes try to make ends meet.

An Ceann Comhairle: The Deputy is moving on to a different question. He has already gone almost three minutes over time.

Mr. Rabbitte: They are working longer and harder than they ever did before and they want the Government to sort out the hospitals, deal with criminals, drug abuse, anti-social behaviour and the everyday problems they encounter in their communities. Instead of that we get a squabbling Government where in its deepest crisis the Taoiseach fled the country and left them at sixes and sevens. He talks to me about the age of consent when the Minister for Justice, Equality and Law Reform came into this House on Tuesday and said the age should be 16——

An Ceann Comhairle: I ask the Deputy to give way to the Taoiseach.

Mr. Rabbitte: ——and on Wednesday, said it should be 17. The Government is at sixes and sevens on every issue of significance that arises. How can the Taoiseach tell me he is not out of touch?

An Ceann Comhairle: I ask the Deputy to give way to the Taoiseach.

Mr. Rabbitte: The people know he is out of touch and he will find out that sooner or later.

An Ceann Comhairle: If the Deputy is not happy with the Standing Order governing Leaders' Questions, he should change it.

Mr. English: We cannot change it.

The Taoiseach: Deputy Rabbitte referred to the Government being out of touch and at sixes and sevens, but he covered eight Departments in his questions. I am happy to reply to questions on any Department, as I do every day.

The Deputy's attack on the policy of the former, distinguished member of the Labour Party, Barry Desmond, who introduced the hospital closure system, is uncalled for.

Mr. Durkan: Another history lesson.

Mr. Howlin: Name one.

The Taoiseach: For those Members who were not around in the 1980s, they will remember the announcements that were made. I think that is uncalled for.

Mr. J. Brady: The old Labour Party.

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

The Taoiseach: I am pleased to see Deputy Rabbitte has changed his mind about the former leader of this party, Mr. Haughey.

Mr. D. Ahern: He was in another party, or was it a party?

The Taoiseach: The Health Service Executive signed a contract with KPMG-McCann Fitzgerald to administer the public long-stay charges repayment scheme. The contract sum is based on the number of repayments processed by the company and will be capped at €15 million, exclusive of VAT. The scheme will make repayments to approximately 20,000 patients and the estates of between 40,000 and 50,000 people who were wrongly charged for publicly funded long-stay care. All the EU directives and tender requirements have been complied with by the HSE in the awarding of this contract. As usual, Deputy Rabbitte is entirely wrong.

It is understood from the Health Service Executive that a very small proportion of the work will be undertaken by a company based outside the European Union. This work is of a data entry nature and will not involve the operation of helplines, the provision of information or related matters. All work of this nature will be performed within the State. Deputy Rabbitte is completely wrong.

The Health (Repayments Scheme) Act, which was signed by the President last week, provides a clear legal framework for the system. Priority for repayment will be given to those who are still alive. The repayment system incorporates many features designed to make it more attractive than litigation. The overall cost of the scheme will be €1 billion. Because of the way we are proceeding efficiently within the regulations and supporting the HSE, we will be able to repay about €340 million this year. Deputy Rabbitte obviously believes we should not do that.

Mr. Crawford: It is only one year late.

The Taoiseach: I should not answer questions relating to internal Government party issues but I assure Deputy Rabbitte that both my colleagues and those of the Tánaiste want to successfully implement policies — and continue to do so after the next election — that will ensure this country continues to thrive. This will be done through the creation of jobs, continued strong economic growth and the building of a modern society with modern infrastructure.

Mr. Rabbitte: The Taoiseach is rattled. It is getting to him.

Mr. F. McGrath: He will need counselling.

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

The Taoiseach: Deputy Rabbitte has covered six or seven areas. However, we will continue as we have done——

Mr. Rabbitte: I hope the Government does. That is the best news I have heard today.

The Taoiseach: —by providing resources to recruit more gardaí and more teachers. There are now 14,000 gardaí and 12,000 teachers. There is also an extensive programme of capital investment. I assure Deputy Rabbitte that we will continue to work with the same determination we have always shown. Deputy Rabbitte will continue in Opposition, as he has done for most of his political life, growling about these issues. We will continue to work successfully. If Deputy Rabbitte ever gets his way, I will wish him well in it. In the meantime, however, you should acknowledge, as you never do, anything that has successfully been done anywhere. You are by nature, a negative person with negative policies.

(Interruptions).

Mr. Durkan: So speaks the socialist. Alone he stands.

An Ceann Comhairle: I have called Deputy Joe Higgins.

Mr. D. Ahern: I hope Deputy Higgins has put in his gumshield.

Mr. J. Higgins: That was a great cue from the Taoiseach. This is my last opportunity to raise a query on Leaders' Questions before the recess.

The Taoiseach: Mr. Positive.

An Ceann Comhairle: Deputy Joe Higgins should be allowed to continue without interruption.

Mr. J. Higgins: I wish to demand an overall account of the Taoiseach's stewardship of Irish society. Does he agree that two key headlines this morning aptly sum up his Government's record? Multimillionaires wallow in a tax break bonanza, but in the second-richest country in Europe, we do not need a report from Sweden but only the testimony of pensioners on trolleys to confirm that in terms of our health service we limp in behind all but one of the poorest ex-Stalinist states. Is there any doubt that in the nine years Fianna Fáil and the Progressive Democrats Party have been in Government, they have pursued a right-wing neo-liberal economic agenda, piling wealth on the greediest sections of society — that minority of super-rich and speculators — while working people are on a treadmill of monstrous house prices, commuter gridlock, expensive child care and a devastating lack of infrastructure.

The Government has wasted the fruits of the boom. This is the key issue. It slashes taxes on the super-rich but social and educational infrastructure in areas of booming population increases is stunningly absent. Children with disabilities, for example, are still denied occu-

pational and speech therapy. The Taoiseach has perhaps one year left in Government. What hope is there now of a resolution in any of these critical areas? What hope is there for a focus on the critical problems in the areas of health and infrastructure, in particular, when the past four weeks have shown that this Government has a sense of direction that lies somewhere between "Wanderly Wagon" and the ancient tribes of Israel wandering in the desert, but with no Moses and no burning bush?

The Taoiseach faces a mutiny on the Fianna Fáil ship. When the normally mild-mannered Deputy Johnny Brady begins to exude a whiff of political sulphur, one knows there is trouble.

Mr. J. Brady: I never ended up in Mountjoy.

Mr. J. Higgins: Whatever about Deputy Brady, several of his colleagues should have ended up there long ago.

Deputies: Hear, hear.

Mr. J. Higgins: Deputies McGuinness and Andrews are beginning to adopt the confident air of a Fletcher Christian.

An Ceann Comhairle: I ask Deputy Higgins to conclude.

Mr. J. Higgins: Like the ill-fated Captain Bligh, whose ill temper he certainly displayed last week, the Taoiseach might find himself adrift.

As for his partners in Government, the political dysfunctionals — not our description but that of their friends, the party trustees — the digging match between the Minister for Justice, Equality and Law Reform and the Tánaiste would do justice to two junior GAA teams down the country who have been at each other's throats for years trying to stave off relegation. It is a good job the two casualties were only bruised egos; imagine if the two of them finished up in an accident and emergency unit with only one trolley available. The Taoiseach would need more than one of Deputy Kenny's wet rooms to cope with that situation. Is it any wonder Deputy O'Donnell has a look of post-traumatic stress about her today and that the Minister of State, Deputy Parlon, does not know whether to be happy or sad, such is the disarray? The Minister for Justice, Equality and Law Reform, meanwhile, has taken to doing police duty in City Hall, policing everywhere but the streets of Dublin and elsewhere.

An Ceann Comhairle: Reluctant as I am to intervene when Deputy Higgins is in full flight, I ask him to give way to the Taoiseach.

Mr. J. Higgins: The Taoiseach has one year in which to make changes. Will he indicate three steps he will take in the interests of working-class people to resolve the critical issues to which I

[Mr. J. Higgins.]

referred, particularly in the areas of health and infrastructural deficits?

Mr. Durkan: It is time for the Taoiseach to man the lifeboats.

The Taoiseach: With regard to our policies, I hope we will continue to take people out of consistent poverty. The Deputy asked what we will do for those who are less well-off and are in need of assistance. Although some 65,000 remain in consistent poverty, our policies have removed 250,000 from that category. This is a major achievement.

The accident and emergency service is the one part of the health service in which an enormous amount of work remains to be done. However, a detailed programme of improvements to both services and infrastructure is in place. The Tánaiste and I will work diligently to ensure there is progress in the 14 or 15 hospitals out of about 35 hospitals, where difficulties remain. We are achieving significant improvements but a major challenge remains.

In regard to an area in which Deputy Higgins is particularly interested, we will continue to provide social and affordable housing for vast numbers of people. We have committed ourselves to accommodate 15,000 in coming years. We have also done much to target disadvantage in the area of education through the employment of several thousand additional teachers. We are building large numbers of schools to particularly target areas of disadvantage.

Mr. Durkan: What about pupil-teacher ratios?

The Taoiseach: We will continue to reduce the pupil-teacher ratio, particularly in disadvantaged areas where in many schools it is as low as 12:1 or even 10:1. These are significant areas of improvement. The Deputy asked me for three steps; I apologise for giving him five.

Mr. J. Higgins: I dealt last week with the impossible housing situation for tens of thousands of young working people. That situation remains the same. The Government has failed disastrously on the critical issue of infrastructure for burgeoning communities. Deputy Cowley and I, representing Independent Deputies, were in Laytown in east Meath this morning where 89 children do not have school places for September. Of the 150 children in west Dublin with no school place for September as of last month, some have now been accommodated and places are being sought for the remainder.

The Taoiseach has allowed developers to erect thousands of houses and apartments but he has not made available and insisted on the necessary accompanying infrastructure, whether social, educational or in terms of transport. This is one of the major downfalls of this Government and one

of the major issues on which it will be judged by ordinary working people in the next 12 months. The lives of working people, particularly in the commuter belts, cities and bigger towns, have increasingly become a treadmill in an attempt to survive.

As I related last week, that is a legacy of Fianna Fáil Governments and Fianna Fáil-Progressive Democrats Governments, allowing developers to zoom ahead, with super profits and speculation but not requiring the development of critical infrastructure. It is quite incredible that in a community like Tyrrelstown, with 2,000 homes, or Ongar, also with 2,000 homes, there is not even a community centre where the people can meet. There are also problems regarding education and transport.

These are the crucial issues and if the Government has 12 months left in its term, how will it resolve them?

The Taoiseach: I wish to correct Deputy Joe Higgins on one point. We are now spending €7.5 billion on education. In his area five new schools were built recently, dealing with the difficulty—

Mr. J. Higgins: We have had a doubling of the population.

The Taoiseach: There are five new schools dealing with the issue. We have put enormous investment into the area to which the Deputy refers. The Deputy said there was a problem but it has been resolved. His constituency has more new schools than any other in the country. I accept the population has been growing but people have to live somewhere and I do not think the Deputy has an objection to that. Good quality housing, private and public, is being built in the Deputy's constituency.

Under Transport 21, this year we are spending €1.5 billion on roads. Deputy Joe Higgins's area has done extraordinarily well in terms of a lot of the smaller roads.

Mr. J. Higgins: People are spending hours in traffic every day.

The Taoiseach: The position is the same all over the country. In Laytown, where the Deputy was this morning, the number of schools that have been built there is enormous and the school buildings programme—

Ms Enright: That is not true.

The Taoiseach: Under the largest school building programme—

Mr. J. Higgins: The Taoiseach should ask the former Minister, Deputy Dempsey, where the new school is in Laytown.

Mr. Rabbitte: Where? There is no new school in Laytown.

The Taoiseach: We have the largest school building programme in the history of the State—

Mr. J. Higgins: The pupils had to use the parish house for their classes.

Mr. Rabbitte: They do not have a new school.

The Taoiseach: We are spending nearly—

Mr. J. Higgins: There is no new school there.

The Taoiseach: When this Government took office in 1997 approximately six school projects were being built per year. Several hundred schools are now being built. The Deputy should come into the real world. We were spending a handful—

Mr. J. Higgins: The Taoiseach should come into the real world. In the real world there are hundreds of children who cannot find school places for next September.

An Ceann Comhairle: I ask the Deputy to resume his seat.

The Taoiseach: There are not hundreds of children—

Mr. J. Higgins: The Taoiseach should come into the real world.

An Ceann Comhairle: Deputy Joe Higgins cannot go five minutes over time with his question and then take up the Taoiseach's time as well.

Mr. J. Higgins: I spoke for less time than anyone else, but that is okay.

The Taoiseach: We are spending money on hundreds of projects and an enormous amount in Deputy Joe Higgins's constituency, and he stands up and says that is not the case. On the latest list, five schools have been built. Enormous resources from the €1.5 billion are being put into transport infrastructure. A sum of €500 million is being spent on education. Such spending is reflected in individual schools in individual communities. At a time when the population is growing, our capital and roads programme is far larger than anything that has ever been undertaken in the history of the State. These are the facts.

In Deputy Joe Higgins's area, a new accident and emergency unit has opened in Blanchardstown hospital. There have been enormous increases in the infrastructure and staffing at that hospital. These developments are helping significantly, as is the capital programme in housing and social and affordable housing. All these initiatives

by this Government are helping the Deputy's constituents every day.

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. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the continuing delay by the Health Service Executive in releasing to the Walsh family the report into the circumstances surrounding the death of Mr. Pat Joe Walsh at Monaghan General Hospital in October 2005; a report which has not been released to the family eight months later, despite an initial estimate of eight weeks for its compilation; a report which has been in the possession of the Health Service Executive for over six weeks without reference to the Walsh family; and call for the Pat Joe Walsh report to be released forthwith to the Walsh family prior to its general publication.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the reason officials of Ballina Town Council are responsible for the dumping of tonnes of earth on a green area at Canalside, Ballina, which is protected as part of SAC 002298, known as River Moy, and on which green area they intend to construct a car park by taking it over, completely against the wishes of the local residents, although it is the only green area left in the locality, is occupied by swans and wild herons, is on the banks of the River Moy, and where the only two other green areas have been lost through rezoning for a nursing home for a private developer and for a car park for fishermen, and where there is no need to destroy the only remaining green area because there is already more than ample parking in the immediate vicinity.

Mr. Costello: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the need for the Government to ensure that adequate provision is made to protect members of the emergency services from unprovoked attacks when carrying out their work and that an awareness campaign is put in place to highlight the critical importance of these services to the community.

Mr. Morgan: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, to provide an opportunity for the Minister for Transport to explain the inexcusable price difference in annual rail ticket price from Drogheda to Dublin at €1,620 versus Balbriggan to Dublin at €820; double the price despite a distance difference of less than ten miles; the need for equity in rail

[Mr. Morgan.]

fares and for the Minister to outline how he will achieve this equity

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

Business of Dáil.

An Ceann Comhairle: Before calling on the Taoiseach, I am pleased to announce that it is agreed by the Committee on Procedure and Privileges that from today, for a trial period, computers are available to Members in the Chamber in seats designated by the Whips. Deputies will now be able to read parliamentary documents such as the Order Paper, parliamentary questions, the Order of Business, Bills and amendments, read and send e-mails and use the Houses of Oireachtas website. I thank all the staff involved, in particular the e-democracy and ICT staff, who have been very progressive. Today's development is another landmark in that regard.

Order of Business.

The Taoiseach: It is proposed to take No. 12, motion re leave to introduce Supplementary Estimate, Vote 40; No. 13, motion re referral of Supplementary Estimate, Vote 40, to select committee; and No. 19, Criminal Justice Bill 2004 — Order for Report, Report and Final Stages. It is proposed, notwithstanding anything in Standing Orders that the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted not later than 10.30 p.m.; No. 12 and, subject to the agreement of No. 12, No. 13, referral to select committee, shall be decided without debate and any divisions demanded thereon shall be taken forthwith; Private Members' business shall be No. 31, Criminal Law (Home Defence) Bill 2006 — Second Stage, and the proceedings on Second Stage thereon shall, if not previously concluded, be brought to a conclusion at 8.30 p.m. on Wednesday, 28 June 2006.

An Ceann Comhairle: There are three proposals to put to the House. Is the proposal for the late sitting agreed? Agreed. Is the proposal for dealing with items Nos. 12 and 13 without debate, namely, the motions re leave to introduce the Supplementary Estimate, Vote 40, and its referral to the select committee, agreed?

Caoimhghín Ó Caoláin: No, it is not agreed.

Mr. Stagg: The amount involved here is €340 million. It was agreed at the Whips' meeting, although it is not indicated on the Order of Business, nor would I expect it to be, that when this matter came back from the committee, time would be made available for a short debate in the House.

Mr. Sargent: My point is similar. The sum of money entailed and the issue itself requires that it come back to the House. I understood there was an agreement to that effect and would like that to be clarified before we agree to the proposal on the Order of Business.

Caoimhghín Ó Caoláin: I do not believe we can agree to the Supplementary Estimate for the HSE being taken without debate. It must be taken in this Chamber in the first instance. We are dealing with extremely serious issues arising from the HSE's tendering process for administration of the repayment scheme for those who were illegally charged for nursing home care over the years. This is an absolutely outrageous situation, and we must——

An Ceann Comhairle: The Deputy should make only brief comments on the motion without going into detail on the Estimate.

Caoimhghín Ó Caoláin: ——have the opportunity to address it, since, as reported this afternoon, it was intended by the tenderer presumed to be favoured that it be contracted outside the country and the EU.

An Ceann Comhairle: It is not appropriate to enter into detail on what we will discuss when the Estimate comes before the House.

Caoimhghín Ó Caoláin: I am offering reasons for us to address it in the House, and why it should be addressed in this Chamber in the first instance. The relevant sums and the import of all that is involved require that it be addressed here. We should not support the Supplementary Estimate without first having that debate. It should not happen the other way around.

The Taoiseach: We understand the agreement to which Deputy Stagg referred has been finalised. On that basis, it will go to and be debated in the committee, following which it will return here and there will be a short debate here.

Question, "That Nos. 12 and 13 be taken without debate", put and declared carried.

An Ceann Comhairle: Is the proposal for dealing with Private Members' business agreed? Agreed.

Mr. Kenny: When is the defamation Bill, No. 13 on the Department of Justice, Equality and Law Reform's list, likely to be published? Can the Taoiseach confirm whether the Department of Justice, Equality and Law Reform is providing assistance to Senators drafting legislation? A Bill is currently before the Seanad.

An Ceann Comhairle: The business of the Seanad does not arise in this House.

Mr. Kenny: If the Ceann Comhairle will permit me to finish, he will see that it does.

The Taoiseach confirmed that the Bill before the Seanad is not a Government Bill and the Tánaiste confirmed it is not a Progressive Democrats Bill. I understand the Department of Justice, Equality and Law Reform provided assistance to the person involved. Will that level of assistance from the Department be available to everyone in the House who wishes to draft a Private Members' Bill, either on behalf of a party or as an individual?

Tá fhios ag an Taoiseach gur foilsíodh tuarascáil Harris faoi chaighdeán na Gaeilge labhartha sna bunscoileanna an lá cheana. An bhfuil sé in ord go mbeadh díospóireacht sa Dáil faoi sin? Tá a fhios ag an Taoiseach go bhfaigheann sé féin agus na Comhaltaí eile litreacha as Gaeilge anois agus arís. Níl aistriitheoir ar bith ar fáil do pháirtí ar bith chun litreacha Gaeilge a scríobh ar ais a bheadh i gceart. An bhfuil sé ar intinn ag an Rialtas go gcuirfí aistriitheoir nó aistriitheoirí ar fáil do Chomhaltaí ionas go mbeidh siad in ann litreacha cearta Gaeilge a scríobh ar ais chucu siúd a sheolann litreacha chucu ar dtús?

The Taoiseach: The defamation Bill is almost complete and will certainly be circulated this session. However, it might take another few weeks. With regard to debating the Harris report, I am not sure that it has been published. I believe that I answered on behalf of the Minister for Education and Science, Deputy Hanafin, some weeks ago, and I will ask the Whip to deal with that.

The Department of Finance grants a round sum for Oireachtas services, and it is a matter for the Houses of the Oireachtas Commission to decide how those resources are spent. If it has been agreed by members of the committee that the translation service be made available to Members, it is for the Commission to implement it. If it is a question of providing extra resources, that is another matter, but it is up to the Houses of the Oireachtas Commission to decide how to disburse the overall Vote. If it is on translation services, I have no difficulty if that is a service sought by Members.

Mr. Kenny: Was any assistance provided by the Department of Justice, Equality and Law Reform?

The Taoiseach: To my knowledge, it is not a Government Bill, so the Department of Justice, Equality and Law Reform would not have been involved in drafting legislation.

Mr. Rabbitte: I once again ask the Taoiseach why the Government is contriving to wait until the Houses are in recess before publication of long-awaited reports. In particular, what in heaven's name is the reason for the Barr report not being made available? It is not credible to say as

the Taoiseach did, presumably in good faith, that it is ready to go to the printers. In 2006, that makes no sense. I understand the Barr tribunal advised the Carthy family more than a month ago that it was ready for printing. Will that document be published, and will we have the opportunity to debate it?

What is going on with the Dalton report? After weeks of promises and half-promises about its going to Cabinet next week but having to be shown to the parties involved first, it is absolutely farcical that it is being hawked around the country and presented in partisan fashion to the media when Members do not have it. Did the Cabinet approve its publication this morning, and will we debate it in this House?

I would like to ask the Taoiseach about the O'Sullivan report on statutory rape, the goings-on in the Office of the Attorney General, and the breakdown involving him and the Minister for Justice, Equality and Law Reform. When will it be available? Its publication was promised within weeks. Will we have it before the House rises, and will we have an opportunity to debate it here?

An Ceann Comhairle: It is not appropriate to ask about reports unless they have already been promised in the House.

Ms McManus: They have been promised.

An Ceann Comhairle: The Deputy's first two questions were raised and answered in the House, but the third report has not been promised here.

Mr. Stagg: How could they be promised if one did not raise them?

An Ceann Comhairle: We would be here all day dealing with reports. I invite the Taoiseach to reply on the first two reports, which have already been raised.

The Taoiseach: I stated last week that my information was that the Barr report had gone to the printers and I undertook to check on Deputy Rabbitte's behalf. When I did so last Wednesday morning, I found that the report was still not available. I am told that it will probably be ready by Friday. I have asked that it be circulated in printed or other form. I hope we will be able to circulate the Barr report early next week.

The Dalton report has been before the Cabinet for several weeks. On legal advice, owing to the report's contents, we were advised that it had to go to those mentioned or referred to in it. That has happened, and I understand that several individuals have made replies, with which Mr. Dalton is dealing. It had been hoped that the report would be completed today, but that was not the case. We hope to clear and circulate it next Tuesday. From a Government perspective, we are finished with it.

[The Taoiseach.]

The O'Sullivan report has not been completed. Work on it by Mr. O'Sullivan and those working with him is continuing. They have been examining procedures from 1995 and changes to protocol since and talking to relevant staff including the Attorney General, the Secretary General and other individuals in the Department. Work is well advanced but not complete. It will not be that long — while the report may not be finished by next week, it will certainly be finished fairly soon.

I hope we will have the Barr and Dalton reports before the recess. If the O'Sullivan report is not issued before the recess, it will certainly not be too long thereafter.

Mr. Sargent: Between now and Thursday week, a limited number of days remain in which to pass several Bills. I understand one Bill that the Minister for Social and Family Affairs wishes to have passed has not been published. Can the Taoiseach elaborate on what is being discussed in citizens' information centres around the country? The Comhairle Bill was published. I was informed that this Bill was a dead duck.

An Ceann Comhairle: Deputy Sargent has just expressed concern about how little time we have left before the recess. I ask him to confine himself to comments about legislation.

Mr. Sargent: I will not take up the time between today and next Thursday. I simply wish to find out about the current status of what I believe is to be called the citizens information Bill.

An Ceann Comhairle: We do not have to go into the details of the Bill. You have asked your question and the Taoiseach is about to answer.

Mr. Sargent: I understand that the Minister wishes to see the citizens information Bill passed before Thursday week. Can the Taoiseach tell us whether that is his plan or that of the Government or the Chief Whip? Will he say whether the boards of the 40 citizens information centres around the country are to be consulted during that time or whether there is any intention to——

An Ceann Comhairle: I ask Deputy Sargent to resume his seat and allow the Taoiseach to answer his question.

Mr. Sargent: Is the Minister who is flying a kite——

An Ceann Comhairle: We cannot continue with the Order of Business until 7 p.m.

Mr. Sargent: Will the Bill be enacted before the recess?

The Taoiseach: The Bill has been published for a considerable time. As regards changing the

name of the legislation to fit in with the services provided nationwide——

Mr. Sargent: Is the Taoiseach talking about a new Bill?

The Taoiseach: There may be amendments to it but the Bill has already been published.

Mr. Sargent: Will it be enacted by the recess?

An Ceann Comhairle: I will ask Deputy Sargent to leave the House if he persists. We will not continue with the Order of Business until 7 p.m.

Ms Enright: When we discussed the case of Mr. A, the Taoiseach referred to the child protection rapporteurs who have been appointed recently and said that they may point out the need for legislation on child protection. Will the rapporteurs have a function in respect of the register of persons considered unsafe to work with children? If they point out the need for such legislation, which is a glaring need, will the Bill be expedited.

The Taoiseach and the Tánaiste were very quick to act last week in respect of indiscipline in their respective parties. Will they give the same urgency, priority and attention to school discipline, which is addressed in the Education (Miscellaneous Provisions) Bill?

An Ceann Comhairle: I ask Deputy Enright to resume her seat.

The Taoiseach: The Bill will be dealt with later this year.

Mr. Stagg: Last week, I raised the issue of the need for the Minister to sign the necessary order to bring in the individual educational programmes for children with disabilities and the Taoiseach said that he would investigate the matter. I raised the same issue with him on Thursday and he again told me he would investigate the matter but I have heard nothing from him yet. Will he ensure that is done.

The Taoiseach: My office has tried to obtain the information from the Department and I will pass it on to the Deputy as soon as possible.

Mr. Stagg: I thank the Taoiseach.

Caoimhghín Ó Caoláin: Given that the Hepatitis C Compensation Tribunal (Amendment) Bill has been brought forward within the current session, as was committed in the programme, does the Taoiseach intend to ensure that the child care amendment Bill, formerly known as the foster care guardianship Bill, which was also scheduled to be taken within the current session, will be accommodated before the conclusion of next week's business, before the summer recess? In light of the appeal by the Minister for Justice,

Equality and Law Reform to his colleagues to stop leaking information, does the Taoiseach believe that legislation would be of assistance in that regard given that the Minister has already set a bad example.

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

The Taoiseach: The Hepatitis C Compensation (Amendment) Bill will be debated this week. The child care amendment Bill will be published later during the summer.

Mr. Crawford: This House was promised that it would receive the report into the death of Pat Joe Walsh within eight weeks.

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

Mr. Crawford: It was promised in the House. When is it likely to be made available?

The Taoiseach: I understand that there are considerable legal issues attached to this report so it has not yet been passed over to the relevant people.

Mr. Crawford: Has the family of Mr. Walsh received it?

The Taoiseach: No.

Mr. Sherlock: I hope to receive a positive response from the Taoiseach to my question. I previously raised the fact that the Supreme Court upheld the constitutionality of the law permitting the purchase of ground rents from landlords. Will the Taoiseach restore the ground rents Bill to the list? Has he discussed this matter with the Attorney General, as I understand he agreed to do?

The Taoiseach: There are no new developments and the legislation is not proceeding at this stage.

Mr. Morgan: The Foyle, Carlingford and Irish Lights Commission, which was established under the Good Friday Agreement, is unable to function at even 50% of capacity because of a lack of promised legislation. This legislation has been in place in Northern Ireland for a considerable period of time but has been delayed here although it has been promised for a long time. Will this very important legislation be introduced before the end of this session? I support the republican side in the Progressive Democrats spat.

The Taoiseach: The Foyle and Carlingford fisheries Bill is a joint project with the authorities in Northern Ireland. The work is completed and we are awaiting the text from the authorities in

Northern Ireland so it is not possible to indicate a date for the legislation.

Mr. Neville: On two occasions earlier this year the Taoiseach promised that the Building Societies (Amendment) Bill would be published before Easter. When is it planned to publish the Bill?

The Taoiseach: The Bill is listed for this session. It was published two weeks ago. It is a matter for the Whips to agree whether it will be taken this session. I understand that they have not yet made a decision.

Mr. Costello: What has happened to the Building Control Bill, which was introduced in 2005, because it appears to have died a death? Is it being progressed through the House?

The Taoiseach: It is awaiting Committee Stage.

Mr. Costello: It has been awaiting Committee Stage for a long time. Will it ever be moved?

Mr. Gormley: The Defence (Amendment) Bill 2005 represents the most significant departure from our traditional defence policy and undoes the triple lock mechanism. Will all Stages of this Bill be taken in one day next week. If that is the case, it is disgraceful. It is disgraceful to spend one day on all Stages of this major legislation.

The Taoiseach: The answer is "Yes".

Mr. Gormley: That is absolutely disgraceful. Many traditional Fianna Fáil supporters will be shocked at the Taoiseach's blasé attitude.

An Ceann Comhairle: I ask Deputy Gormley to allow Deputy Durkan to speak. If he does not do so, we will move on the next item.

Mr. Durkan: During the halcyon days of the present Administration, a document entitled Delivering Better Government was published. Members on this side of the House were unsure about whether this was a promise or a threat. To put us at ease, will the Taoiseach tell us the present status of the minerals development Bill, which was an integral part of Delivering Better Government?

The Taoiseach: The Bill will be published very shortly.

Mr. Connolly: The Government promised the House in October 2005 that it would be provided with a copy of the report into the death of Pat Joe Walsh. This report has been with the Health Service Executive for over six weeks.

An Ceann Comhairle: That issue has already been raised and answered.

Mr. Connolly: The answer given was unsatisfactory. This report is now with the HSE.

An Ceann Comhairle: Deputy Connolly must find another way of raising this issue. If he has any questions, he should put them to the Tánaiste and Minister for Health and Children.

Mr. Connolly: The House should receive an answer to this question.

Mr. Broughan: The Minister for Communications, Marine and Natural Resources promised a review of exploration terms in respect of the minerals development Bill. Will that review be carried out before the next budget?

An Ceann Comhairle: To which legislation is Deputy Broughan referring?

Mr. Broughan: I am referring to the minerals development Bill 2005. This review was promised before the Bill.

An Ceann Comhairle: Is it promised to bring the review before the House? Deputy Broughan should submit a question.

The Taoiseach: It is a separate issue.

Mr. Boyle: Will the Taoiseach confirm whether the Building Societies (Amendment) Bill 2006 will be debated in the House next week? Is it still intended to deal with all Stages?

The Taoiseach: There is considerable demand that all Stages of the Bill be taken, but the Whips must agree.

Mr. Boyle: I am not suggesting that all Stages be taken.

Estimates for Public Services 2006: Leave to Introduce.

Tánaiste and Minister for Health and Children (Ms Harney): I move:

That leave be given by the Dáil to introduce the following Supplementary Estimate for the service of the year ending 31 December 2006:

Vote 40 — Health Service Executive (Supplementary).

Question put and agreed to.

Estimates for Public Services 2006: Referral to Select Committee.

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

That, subject to leave being given to introduce the following Supplementary Estimate for the service of the year ending 31 December 2006, the Supplementary Estimate be referred

to the Select Committee on Health and Children pursuant to Standing Order 152(3) and paragraph (1)(a)(ii) of the committee's Orders of Reference, which shall report back to the Dáil by no later than 6 July:

Vote 40 — Health Service Executive (Supplementary).

Question put and agreed to.

Criminal Justice Bill 2004: Order for Report Stage.

Minister for Justice, Equality and Law Reform (Mr. McDowell): I move:

“That Report Stage be taken now.”

Question put and agreed to.

Criminal Justice Bill 2004: Report Stage.

Mr. Howlin: I move amendment No. 1:

In page 13, line 5, to delete “POWERS” and substitute “FUNCTIONS”.

This is an amendment to the longest Long Title of a Bill I have seen in my time in the House, which is an indication of the amalgam of legislation that this Bill has become. It has grown like Topsy. Unfortunately, a great deal of that growth occurred on Committee Stage and much of the meat of the Bill has not had a proper Second Stage debate. With that in mind, I tabled this amendment to change the Long Title in so far as it related to the powers of the Garda Síochána to instead seek to mention the Garda's functions. The word “FUNCTIONS” is a broader term and covers both powers, as envisaged in the Bill as published, and duties.

I tabled the amendment to provide me with a brief opportunity to make the point that we need a fundamental review of the structure of the Garda Síochána and how it operates. Recently, I published a policy document on behalf of my party, in which I stated that we could examine a number of the fundamental changes that have occurred in policing in Northern Ireland, particularly the re-emphasis on democratising the police service and reconnecting it with communities. Some of these issues are being dealt with in respect of police liaison committees, local policing committees and so on, but there has been a fundamental alteration of the structure of the Garda Síochána to deal with policing from the bottom up.

The expert groups and specific task forces need to be in the face of the dangerous drug criminals who are unfortunately all too rampant across the country. In parallel, there is a need for a bottom-up approach to policing to reconnect all communities, be they alienated or others in rural or urban Ireland, to the police force. A properly functioning community policing system is

important in that respect and it is a pity that we are not taking that step. Due to the 413 amendments with which we must deal and the two days in which to do so, I will not labour this point beyond putting down a marker, that is, many criminal law changes are envisaged in this very large enactment, which grew like Topsy in the course of Committee Stage.

I commend the Minister on his engagement with the Bill. To some extent, he listened to the views of the Opposition parties and was not dogmatic in respect of many of the proposals that, by and large, brought about consensus across these benches. There is another day's work ahead of us concerning the structural changes in the Garda Síochána envisaged by the word my amendment would insert, which would act as a hook.

Mr. J. O'Keeffe: I also wish to make a preliminary comment. The Bill has been significantly improved after 12 days on Committee Stage and I commend all involved, including the Minister, because there was a joint effort to try to get as good a Bill as possible. It concerns me that we are facing 413 amendments on Report Stage together with three further amendments given out to Deputies on a white slip of paper just now.

Mr. Howlin: I have not seen those amendments. Where are they?

Mr. J. O'Keeffe: They are on their way.

Mr. Howlin: While I was talking.

Mr. J. O'Keeffe: It is worrying that the detailed efforts made on Committee Stage to considerably expand and improve the Bill may be damaged by not allowing sufficient time for Report Stage. It is unprecedented to have hundreds of amendments on Report Stage. I will put down a marker, that is, this is not the right way to pass such comprehensive legislation. That said and on behalf of Fine Gael, I will do everything I can to ensure that the Bill is as good as we can make it in the limited time available.

Mr. Boyle: I share Deputy Jim O'Keeffe's concern about Report Stage. The Green Party has no representative on the committee dealing with justice legislation. My colleague, Deputy Cuffe, who is our party's spokesperson in this area and will contribute later, has tabled approximately 25 of the 400 amendments before the House. The Green Party continues to be concerned about the overall thrust of this legislation and the intent of our amendments is to ameliorate some of the worst aspects of what is being proposed.

That said, I also agree with the Deputy that not only are approximately one quarter of the amendments in the name of the Minister — he would probably accept that some of them are owed to his taking on views that were expressed by a number of Opposition spokespersons on

Committee Stage — but he is also making further contributions by changing his mind between Stages.

Mr. Howlin: That is true.

Mr. Boyle: Before the House are three additional amendments, but I hope this situation does not set the tone for what remains of the consideration of this Bill.

Aengus Ó Snodaigh: I am fundamentally opposed to the Bill and have tabled quite a number of amendments to it, some of which are to delete sections that are abhorrent. Other amendments owe to my being realistic in that I am not a member of the House's majority and, therefore, am unlikely to change the Minister's mind at this late stage.

A number of my amendments try to row back on the additional powers the Minister will grant to the Garda Síochána, powers that are not currently warranted despite the considerable level of anti-social behaviour and crime. Much of what is contained within the Bill is disproportionate and unnecessary. The extension of Garda powers without the safeguards or measures to ensure transparency or accountability is a step too far.

The Garda Síochána should be properly resourced and have the equipment to deal with crime under existing legislation, much of which has never been properly used. There is a need for targeted resourcing of the Garda Síochána, a reform of that body — this has not gone far enough to date — and a restructuring. In particular, there should be proper investment in communities. This Bill and its Long Title do not address what is required. A number of my amendments are intended to try to row back from the extremes suggested by the Minister in the Bill.

This legislation comprises ten different Bills and we should have dealt with the issues in that way, namely, separately. Many of the issues have no relationship with one another. As stand-alone Bills, we would have been able to deal with them and give them the proper time and consideration required. Along with others, I asked that such be done. However, it was not and we are left with a large Bill of more than 160 pages and on which we spent a great deal of time on Committee Stage in our attempts to persuade the Minister of the wrongs of his Bill and the rights of our amendments. Now we will do so again but there are more than 400 amendments, with another three arriving today. The Minister will probably produce another few tomorrow morning just to confuse us further. He is asking us to deal with a huge Bill in one and a half days.

I will only ask one question. Will the Minister indicate at this early stage of the debate which of the Opposition amendments he will take on board, so that we can cross them off our lists and avoid the huge preparation involved in tabling

[Aengus Ó Snodaigh.]

them? We can then concentrate on the amendments that are to be debated or on which there is disagreement, so that we can try to reach agreement.

I understand Deputy Howlin's purpose in tabling this amendment. It would be more appropriate to extend the functions and the powers than substitute one for the other.

Minister for Justice, Equality and Law Reform (Mr. McDowell): I appreciate why Deputy Howlin tabled the amendment. I take the point that the Bill is very large. If I produced ten Bills, as Deputy Ó Snodaigh suggested, they would not be passed by this Dáil but would be for a future Dáil to consider.

Aengus Ó Snodaigh: Some of them would have been passed because we would have got through them quickly.

Mr. McDowell: Perhaps one or two might have been passed but not ten.

Mr. J. O'Keeffe: We might be lucky to get one passed.

Mr. Howlin: Is the legislature not tedious?

Mr. McDowell: The legislature is not tedious and I enjoy the legislative function very much. I thank the Deputies, whatever their views on the individual provisions of the Bill, for the very detailed consideration they gave to them on all Stages in this House. The Heads of the Bill were circulated in advance, as were all the amendments, which were discussed in advance of their tabling on Committee Stage. I do not believe any Bill in recent times has been discussed and considered to a greater degree than this.

I have some sympathy with Deputy Howlin's point about the length of the Long Title but if titles are to be long then they are to be long.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendments Nos. 2 and 3 are related and may, by agreement, be discussed together.

Aengus Ó Snodaigh: I move amendment No. 2:

In page 14, between lines 9 and 10, to insert the following:

“(3) The coming into operation of *Part 13* shall require the approval of both houses of the Oireachtas, Oireachtas approval shall be requested only after a review of the implementation of the Children Act 2001 has been completed and laid before both houses 5 years after all sections of the 2001 Act become fully operational.”.

This amendment tries to ensure the Children Act 2001 is implemented. The Act was progressive and was passed with all-party agreement. It was the culmination of a long debate in the sector, which resulted in agreement that its provisions represented the way forward. However, until recently many of its provisions were not delivered upon and most had not even been activated. Now anti-social behaviour orders, ASBOs, are to be introduced, despite the fact that we had already agreed a mechanism to deal with child and youth justice issues. It is not that the existing procedure does not work but that it has never been tried and tested by being made operational. If something is not broken there is no need to fix it but the Act in question has not been implemented, whereby we could judge whether it was capable of working on its own. If it had been operational for the five years since it was passed in 2001 we could make the determination that it was broken and that it was incapable of solving the problems of anti-social behaviour in our communities, which prevents our citizens from enjoying the quality of life they deserve. The Bill proposes a regressive measure on top of legislation which already exists.

This amendment requires a review of the implementation of the Children Act 2001 before Part 13 of the Bill comes into operation. On Committee Stage I suggested the review period should be ten years. That might be too long so I have rowed back and now suggest five years, which is a reasonable time in which to determine whether the operation of the Children Act is successful. Provided it is fully funded, ASBOs for children should only be considered after its operation for five years. While Sinn Féin is fundamentally opposed to ASBOs, our amendment would ensure they would only be introduced with Oireachtas approval, after the review referred to.

The ASBOs provisions allow for the serious and open-ended curtailment of some of the most fundamental rights of individuals. They are disproportionate and it is well documented that the principles that underlie them are inconsistent with the European Convention on Human Rights and the UN Convention on the Rights of the Child. They may also be unnecessary as we already have a raft of legislation to deal with crime, which needs to be implemented. If the Children Act 2001 were implemented perhaps ASBOs would not be necessary.

We do not need more legislation but more resourcing and the implementation of existing provisions. ASBOs have been proven to fail in their stated purpose, namely to reduce anti-social behaviour, in other jurisdictions. Studies in Liverpool demonstrate that ASBOs extend the discriminatory powers of police without improving accountability. They provide for the naming and shaming and the criminalisation of young people, the fast-tracking of young people into prison and the undermining of due process by allowing hearsay evidence. The Minister has not produced any

evidence to show that ASBOs actually work. We were lobbied heavily by a number of organisations that work with children or have human rights viewpoints, such as the Irish Youth Justice Alliance, the Human Rights Committee and the ICCL, which all raised major concerns about these retrograde steps. The Irish Youth Justice Alliance, a coalition of organisations and individuals who work towards reforming the juvenile justice system, outlined key problems with anti-social behaviour orders and their adoption by our society. Those issues included the fact that ASBOs involved the imposition of penal sanctions for the breach of an order made in civil proceedings, in which regard they were inconsistent with the European Convention on Human Rights. The conditions imposed by ASBOs may involve disproportionate interference with personal and private rights and civil liberties. Breach of an ASBO is a criminal offence but because an ASBO is a civil order the rules of evidence are reduced and the burden of proof is on the balance of probabilities, rather than beyond reasonable doubt. This constitutes the denial of the right to a fair trial. As regards criminal proceedings against children in particular, the normal safeguards should be augmented, not diminished.

I have gone through many of the arguments and presentations that have been made at committee meetings by such groups. They hold firm even after the Minister mellowed somewhat concerning anti-social behaviour orders for children and introduced some amendments. I am still of the opinion that we should not proceed down this route. That is why I request that, at the very least, we should introduce this review mechanism for the Children Act after five years of operation. Obviously, it must be fully resourced and implemented.

Mr. J. O’Keeffe: My point of view is very different from that of Sinn Féin. I believe there is a serious need for many of the provisions of this Bill and my concern is that there should not be any delay in implementing its provisions. I see Part 13 and the reference to the Children Act 2001 as a separate issue. I am in favour of the full implementation of the Children Act but I am concerned by the delay involved. I want both measures to be implemented at the earliest possible date and, therefore, I speak from a different perspective to that of Deputy Ó Snodaigh. I want the House, the Minister and the Government to be clear that Fine Gael sees a great need for the many of the Bill’s provisions to be implemented as quickly as possible. That is one of the reasons we were prepared to devote so much time to getting it through before the summer recess. The basis for my proposal is that there should not be any undue delay in the implementation of the Bill.

Mr. Howlin: Having listened to Deputy Ó Snodaigh, I wish to put the record straight. If one

looks at Part 13 and section 159 in particular, it is not a draconian measure for children. I have discussed it with a number of groups and have gone through it in detail. People were wound up about its consequences but their fears were allayed when they were taken through the measure step by step. It is not draconian and, in fact, some of those who advocated ASBOs regarded it as too weak a measure regarding children. In my judgment, however, I think the balance is now right. I greatly welcome the separation of adult’s and children’s ASBOs. Like Deputy Jim O’Keeffe, I strongly support the full implementation of the Children Act 2001 as well as its full resourcing, which is equally important.

Looking at the details, it would be of great assistance to a child embarking on anti-social behaviour if the pathway to serious crime were forestalled through the implementation of the new section 257C of the Children Act. It requires a senior Garda to convene a meeting. It also requires those who have charge of the child, parents or guardians, to be apprised of the situation and for them to hold some responsibility for the child’s behaviour. The reasonable procedure set out in that and subsequent sections in Part 13 can have a positive effect on behaviour if properly implemented.

There is always a debate about whether involving the Garda with children is a good thing. In some instances, however, it is required. I have listened at first hand to the testimony of vulnerable people who are under siege in communities. Deputy Ó Snodaigh in particular is aware of these communities. Such people’s quality of life is miserable because of the mindless actions of a few thugs. We must provide relief for such vulnerable people. This model might work and I support it for that reason.

Mr. Boyle: Various views have been expressed on the question of ASBOs. It must be accepted that the children’s ASBO is a much different animal from what was proposed when the Bill was initiated.

Mr. Howlin: It is.

Mr. Boyle: There is still an argument to be made about the philosophy of the ASBO — whether it is a useful measure or whether, as some of us believe, it is likely to prove counter-productive. The idea has been borrowed from the United Kingdom, although the Minister argues that his application of the concept will be markedly different from what has occurred in the UK. We can learn wider lessons from the experience of the production and application of criminal legislation in the United Kingdom. Since the New Labour Government was elected there in 1997 — it has been in office for the same length of time as the Fianna Fáil-Progressive Democrats Government in this country — it has introduced 40 separate criminal justice Bills.

Mr. Howlin: We have produced 47 in one.

Mr. Boyle: We seem to be going down a similar road. When one comes to versions 38, 39 and 40, one is writing new versions of the law that contradict those introduced in previous Criminal Justice Bills. The Minister seems to want to do this in the one Bill during the three Stages we are having in this House. I caution, however, that we should take the UK's lessons on board and not go for novel concepts. We should learn from the real experience that ASBOs have not worked in the United Kingdom.

Deputy Ó Snodaigh's argument is self-evident. We have agreed legislation, the Children Act, that addresses juvenile justice issues in a much more effective manner, but the Government has chosen not to implement or resource it. Instead, it has chosen, through the vehicle of this Bill, to introduce measures that will be counter-productive. On these grounds, Deputy Ó Snodaigh's amendment is quite worthy and should be supported, although I do not believe the Minister is likely to share that view.

Mr. McDowell: I will deal with Deputy Jim O'Keeffe's point first. As regards the implementation of this Bill, it is my intention to do what I did with the Garda Síochána Act last year, that is, set up some form of implementation monitoring group so that it does not gather dust. All steps must be taken as quickly as possible to ensure the legislation is brought into operation in its entirety. I am conscious that it is one thing to pass a Bill and enact it into law, but another matter to get all the provisions of that law up and running.

The suggestion was made that this is the only Criminal Justice Bill the Government has produced in ten years, but that is not so. Off the top of my head, I do not have a complete category but there have been plenty.

Mr. Howlin: Lots.

Mr. McDowell: There have been Criminal Justice Bills concerning public order, insanity and many other issues. Therefore, it is not as if this was just a one-off, mammoth Bill which substitutes for the absence of any other legislation.

I wish to respond to remarks made earlier in the debate about the three amendments, which are entirely typographical and grammatical and have no substantive meaning. It is our duty, as we have been warned recently by the Chief Justice, to do our best and to ensure what we do is done to the highest standard. If my officials see grammatical or typographical mistakes, it would be strange if they would leave them in the Bill.

Deputy Ó Snodaigh has yet again repeated a proposition with which I do not agree, that is, that ASBOs somehow criminalise people on a civil standard of proof. That is not so. ASBOs will be made in very restricted circumstances on a civil standard of proof. If anybody is ever prosecuted

for breaching them, they will be prosecuted on the criminal standard of proof. A person will not be convicted of breaching an ASBO or criminalised unless it has been proven beyond all reasonable doubt that the person has breached an ASBO made in regard to him or her. If there is any ambiguity in regard to the ASBO or to the facts of the matter, the benefit of the doubt will go to the accused person.

I pay tribute to the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Brian Lenihan. The decision to separate ASBOs for adults and children was a good one and I am happy to acknowledge in the House that he was the author of that idea. The Minister of State has, first, put considerable work into getting the Children Act further implemented and taking all the necessary steps to ensure it can be implemented. Some amendment of the Act was required to facilitate its implementation. Second, he has crafted what I consider to be a child oriented, family oriented and parenting oriented approach to behaviour orders in regard to children, which my original proposals did not include. To be fair, the Minister of State has produced good legislation.

We should implement the Children Act. I attended a probation service re-launch yesterday. I have no doubt that all of the pieces are now falling into place for a rapid implementation of the entire Act. This provision will enhance that Act rather than detract from it. I genuinely believe the course we are taking is the correct one.

Aengus Ó Snodaigh: It will come as no surprise that I do not agree with the Minister on this occasion. While his definition of anti-social behaviour orders is a marginal improvement on that used by the British, many core problems remain and it is still too vague. I welcome that the two aspects were separated, although I oppose the concept of ASBOs.

The section treats the alleged behaviour as if it were a proven fact rather than an allegation. While there are provisions for a meeting of the child and others with the Garda superintendent where the superintendent is satisfied that the child behaved in an anti-social manner, there is no stated provision dealing with a situation where the superintendent is not satisfied the child behaved in such a manner and that the behaviour order administered by the Garda would have to be revoked.

Many practical difficulties with this section have not been properly teased out. There are no provisions to monitor the gardaí administering these warnings or for steps to be taken against gardaí who abuse their power and administer the warnings on false grounds. This is necessary in the interests of the child as well as in the interests of the Garda Síochána and public confidence.

A question which has not been addressed and probably will not be is whether the new volunteers in the Garda reserve have the power to issue such warnings—

Mr. McDowell: No.

Aengus Ó Snodaigh: —and the implications of that. I will not delay the House because we will probably come back to this issue on discussion of later amendments when I will address some of the practical problems involved. This issue is one of my major objections to the Bill and why I specifically want this section struck from the Bill. Given that I do not have the support of the House, which is clear from the Labour Party and Fine Gael endorsement of the Minister's approach to child ASBOs, I table this amendment to try to delay it until such time as the Children Act becomes operational. If the Children Act is not fully operational and fully resourced, the ASBOs will come into effect rapidly.

The Minister has stated he is setting up a special task force to ensure that this Bill will be implemented in full. We did not see the same approach or urgency with regard to the delivery of the Children Act and all entailed in it. Even at this stage, I ask that the Minister reconsider and endorse amendment No. 2. It does not prevent his desire from coming to fruition. It simply prevents the section from being implemented without the full operation and review of the Children Act over a five-year period.

Mr. J. O'Keefe: I am glad the Minister has announced he intends to set up an implementation group to help make the Bill operational as soon as possible, which is a wise course of action. On that basis, I will not press my amendment. I hope the implementation group will be put in place as quickly as possible and that it will be given a reasoned timeframe to complete its work so we can, in effect, see the provisions of this Bill in operation immediately.

Some provisions of the Bill are urgent, namely, those following from the Dylan Creaven decision in regard to search warrants and issues of that kind. The Minister might be selective in areas where there is a clear need for urgent action. He should be prepared to take that action without waiting for the views of the implementation group.

An Leas-Cheann Comhairle: Is Deputy Ó Snodaigh pressing his amendment?

Aengus Ó Snodaigh: Has the Minister a reply to my question on the Garda reserve?

Mr. McDowell: As is clear from the Garda Síochána Act, volunteer reserve members of the force will only have such powers as are conferred on them by the Commissioner. As I indicated to

the committee last week, the powers conferred on the reservists at this point are those set out in the discussion document which was before that committee. They do not, at this stage, involve the issuance of warnings under the legislation.

Only a senior Garda officer can apply to a court for an ASBO. No volunteer reservist can be appointed to any rank other than reserve Garda rank.

Aengus Ó Snodaigh: The Government's proposals run counter to the central logic of the Children Act, which is regarded as setting a framework for a modern and progressive youth justice system reflecting best international practice. It took 30 years to produce that Act. This Bill is setting back the Act and undermining its central tenet. At this stage, we should not adopt any provisions which will undermine an Act which took so long to produce.

It would be popular in the community I represent and communities throughout the country to declare that we have the solution to anti-social behaviour and the problem of young thugs hanging around street corners. However, this is not the solution and it will not work. It runs counter to the direction we, as a society, wish to take.

I will be proven right in time, which is why I want a five-year period in which to prove that the Children Act, when fully resourced and implemented, will address the needs for which communities are crying out. These needs include fully resourced gardaí on the streets and responding to crimes in communities rather than providing a delayed response or signing passport forms, issuing dog licences and checking insurance details in Garda stations. Gardaí are fully trained and should be on the streets dealing with this issue and rebuilding community confidence. Communities that do not trust the Garda will have the proposed provisions, rather than the enlightened provisions of the Children Act, imposed on them, despite the fact that the latter would encourage greater co-operation from all sections of society with efforts to address social problems.

As we become more materialistic and both parents are forced into employment to try to create a quality of life for their families, children and the activities in which they engage are sometimes ignored, children's concerns are not addressed, people turn their backs on communities, and the spirit of volunteerism, which would allow society to address many of these issues, diminishes. The Government, in its approach, is failing communities, setting down a bad marker for the future of child justice and establishing a precedent which will exacerbate problems in this area and increase anti-social behaviour in communities. This provision will not improve the quality of life in the areas most affected by anti-social behaviour.

Amendment put.

The Dáil divided: Tá, 12; Níl, 111.

Tá

Boyle, Dan.
Cowley, Jerry.
Ferris, Martin.
Gormley, John.
Gregory, Tony.
Healy, Seamus.

Higgins, Joe.
McGrath, Finian.
Morgan, Arthur.
Murphy, Catherine.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.

Níl

Ahern, Bertie.
Ahern, Michael.
Ahern, Noel.
Allen, Bernard.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Broughan, Thomas P.
Browne, John.
Bruton, Richard.
Burton, Joan.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.
Collins, Michael.
Connolly, Paudge.
Cooper-Flynn, Beverley.
Costello, Joe.
Coughlan, Mary.
Cowen, Brian.
Crawford, Seymour.
Cullen, Martin.
Curran, John.
de Valera, Sile.
Deasy, John.
Deenihan, Jimmy.
Dempsey, Noel.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Durkan, Bernard J.
Ellis, John.
English, Damien.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Haughey, Seán.
Hector, Máire.
Hogan, Phil.
Howlin, Brendan.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Kenny, Enda.
Killeen, Tony.
Kirk, Seamus.

Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McCormack, Padraic.
McDowell, Michael.
McEllistram, Thomas.
McGinley, Dinny.
McGuinness, John.
McHugh, Paddy.
Mitchell, Olivia.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Donnell, Liz.
O'Donoghue, John.
O'Dowd, Fergus.
O'Flynn, Noel.
O'Keefe, Batt.
O'Keefe, Jim.
O'Keefe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
O'Shea, Brian.
O'Sullivan, Jan.
Parlon, Tom.
Pattison, Seamus.
Penrose, Willie.
Power, Peter.
Power, Seán.
Quinn, Ruairí.
Rabbitte, Pat.
Ryan, Seán.
Sexton, Mae.
Sherlock, Joe.
Shortall, Róisín.
Smith, Brendan.
Smith, Michael.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Upton, Mary.
Wall, Jack.
Wallace, Dan.
Wallace, Mary.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.

Tellers: Tá, Deputies Ó Snodaigh and Boyle; Níl, Deputies Kitt and Kelleher.

Amendment declared lost.

Aengus Ó Snodaigh: I move amendment No. 4:

Amendment No. 3 not moved.

In page 14, lines 11 and 12, to delete “the Garda Síochána” and substitute “An Garda Síochána”.

Ba mhaith liom an leasú seo a chur chun cinn. Ar Chéim an Choiste, chuir an Teachta Ó Cuív an leasú seo chun cinn. Bhí sé i gceist agam féin déileáil le gach áit a bhfuil “the Garda Síochána” ainmnithe sa Bhille seo ionas go n-athrófar é go “An Garda Síochána”, ach amháin nach raibh mórán ama agam.

Is pointe é seo a d’ardaigh mé agus muid ag déileáil le Bille an Gharda Síochána 2004, atá achtaithe anois. Is é teideal na heagraíochta ná “An Garda Síochána”, agus níl aon ghá é sin a athrú. Tá an “the” mícheart. Níl mé chun am na Dála a úsáid chun é seo a phlé agus a athphlé. Tá sé pléite, agus tá tacaíocht agam an uair seo nach raibh agam ag amantaí eile nuair a d’ardaigh mé ceist na Gaeilge agus teidil eagrais, eagrais Stáit ach go háirithe, maidir leis an traidisiún ó thaobh na teanga náisiúnta de gurb í an Ghaeilge a fhaigheann tús áite. Ba chóir go mbeadh an leagan Gaeilge de theidil na n-eagrais in úsáid, mar sin an leagan agus an teideal dleathach.

Nuair a bhí an tAire ag caint ar an trí leasú breise a thug sé isteach inniu, luaigh sé gur leasuithe teicniúla iad. Tá an ceart aige, ach is leasú teicniúil é seo chomh maith. Ba chóir dúinn an deis a thapú an uair seo glacadh leis seo agus an t-ainm a leasú tríd síos nuair atáimid ag déileáil leis an Bhille sula dtéann sé go dtí an Seanad. Amach anseo, aon áit a dtagann “the Garda Síochána” chun cinn, agus muid ag déileáil le haon Bhille eile nó á leasú, ba cheart an leagan ceart a úsáid.

Mr. McDowell: Tá mé buíoch den Teachta leis an méid atá ráite aige. Phlé muid an t-ábhar seo anuraidh le linn na díospóireachta ar an Garda Síochána Bill. Ní aontaím leis an Teachta. Ar leathanach 14 den Bhille, léann an sliocht, “be it enacted by the Oireachtas as follows”, ní bhainimid úsáid as an réamhfhocal “an” sa chomhthéacs sin. Ceist stíle atá ann ach tá mé sásta leis an téacs mar atá.

Mr. J. O’Keeffe: I proposed several amendments on Committee Stage in respect of the name and eventually came to the view that they would not be accepted and did not see much point in pushing it further. There is a case to be made but at this stage it will not be accepted and we should move on to more serious aspects of the Bill.

Mr. Howlin: Tá ábhair níos tábhachtaí le theacht ach níl sé soiléir dom ón méid atá ráite ag an Aire conas nach mbeidh “An Garda Síochána”, an teideal oifigiúil atá ar na gardaí, oiriúnach le dhul isteach sa Bhille. Dúirt sé gur ceist stíle í. Stíl an Aire féin nó stíl na Ranna? Cén fáth nach bhfuil an teideal oifigiúil ar an fhórsa, “An Garda Síochána” úsáidte againne sa Bhille seo agus mar ghnáth-theideal ar An Gharda Síochána i rith na díospóireachta?

Mr. McDowell: Níl stíl pearsanta i gceist. Sa Garda Síochána Act 1925, úsáidtear “the Garda Síochána” agus dúirt an Teachta O’Keeffe faoi sin that if it is alright for Kevin O’Higgins, it is alright for him.

Aengus Ó Snodaigh: Ní chaithfidh níos mó ama ar an ábhar seo ach toisc go ndearna botún i 1925 ní chóir dúinn leanúint ar aghaidh leis an botún céanna. Toisc nach bhfuil an tAire sásta glacadh leis seo, tarraingeoidh mé siar an leasú.

Amendment, by leave, withdrawn.

Mr. McDowell: I move amendment No. 5:

In page 14, between lines 20 and 21, to insert the following:

“(6) The collective citation “the Misuse of Drugs Acts 1977 to 2006” shall include Part II (other than section 7) of the Criminal Justice Act 1999 and *Part 8*(other than *section 86*) and those Acts and those Parts (other than the sections specified) shall be construed together as one.”.

This is a brief citation amendment to include “the Misuse of Drugs Acts 1977 to 2006” as a collective citation for the Misuse of Drugs Acts as they are now, together with the relevant portion of this Act for ease of reference and so that the terms in the various provisions should be construed in the same context.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 6, 46 and 409 are related and will be taken together by agreement.

Aengus Ó Snodaigh: I move amendment No. 6:

In page 14, line 37, after “prescribed” to insert the following:

“in doing so the Minister shall have regard to the provisions contained in *Schedule 1*, human rights standards and international evidence indicating the likely effectiveness and social and economic costs of all potential regulations”.

The purpose of this amendment is to place a binding requirement on the Minister to ensure that any regulation he considers producing under this Act is based on the best available evidence and is human rights compliant. There has recently been a history of abuse of many of the powers of the Garda Síochána by certain elements within the force. It is therefore important that when dealing with legislation giving the Garda Síochána additional powers we ensure at the earliest stage of making regulations that they are based on proper evidence and standards rather than that they are produced and disappear. Regulations should comply with the principles of human rights.

[Aengus Ó Snodaigh.]

The Minister produces many of the regulations and he is therefore not obliged to seek the opinion of the Human Rights Commission on the regulations. This is a way of bypassing proper scrutiny.

Amendments Nos. 46 and 409 relate to section 14 which allows for the taking of bodily samples, a topic to which we will return later. I want to ensure that proper safeguards are in place. I have listed these in amendment No. 409. They already exist, for example in the Criminal Justice (Forensic Evidence) Act 1990. The amendment brings this part of the Bill into line with existing legislation. This was in line with what the Human Rights Commission said when it raised concerns about the proposal.

The legislation allows the Minister to make regulations regarding the taking of samples along the lines recommended by the Human Rights Commission. It would be preferable to have any such safeguards written into primary legislation so that they would not be applied at ministerial discretion or changed without any legislative oversight. There should not be any major problems with this amendment, given that I propose a direct quotation. The inclusion of comprehensive guidelines is aimed at safeguarding the individual, who is subject to these forensic procedures and the members of the Garda Síochána who administer them to prevent wrongful accusations being made against them.

Mr. McDowell: B'fhéidir go bhfuil an Teachta ag déanamh dearmaid. Tá sé mar dhualgas orm an Bunreacht agus an European Convention on Human Rights a leanúint má tá mé ag déanamh regulations faoin Acht seo. Dá bhrí sin, níl mé in ann na leasuithe a ghlacadh.

Aengus Ó Snodaigh: Tuigim cad atá an tAire ag rá ach ní thuigim cén fáth nach féidir. Cuireann na leasuithe seo coinníollacha atá ann cheana féin in Achtanna eile i bhfeidhm sa chuid seo den Acht. Bheadh sé simplí agus ní bheadh air bheith buartha faoin convention nó faoin Bhunreacht mar bheadh sé san Acht agus bheadh sé bunreachtúil ach amháin dá mbuafadh duine éigin ar an Acht i gcás cúirte amach anseo. Níl i gceist ach go bhfuil mé ag lorg go mbeidh seasamh níos daingne maidir leis na gcoinníollacha ina dtarlaíonn sé seo. Ba chóir go mbeimid in ann a rá ar a laghad go bhfuil siad ann. Tá siúl agam nach mbeidh Aire ag teacht amach anseo chun leasuithe a dhéanamh ar na gcoinníollacha sin as a stuaim féin, chun dlíthe nó rialacháin a thógáil isteach nach mbeidh de réir an méid atá ráite agam anseo, nó chun teacht salach ar pé rialacháin a mbeidh an tAire tar éis teacht suas leo amach anseo.

Amendment put and declared lost.

An Leas-Cheann Comhairle: As amendments Nos. 48, 56 and 206 are related to amendment No. 7, they may be discussed together, by agreement.

Aengus Ó Snodaigh: I move amendment No. 7:

In page 14, to delete lines 38 to 40 and in page 15, to delete lines 1 to 4 and substitute the following:

“(2) Every regulation under this section shall require the approval of both Houses of the Oireachtas.”.

Tá mo thrí leasuithe beagáinín bainte leis an rud a bhí á rá againn roimhe seo. Ba mhaith liom a dhéanamh cinnte nach mbeidh Aire ann amach anseo a bheidh ag mí-úsáid an cumhacht atáimid chun a bhronnadh air sa mBille seo. Beidh air aon rialacháin nó a leithéid a thógaint os comhair tithe an Oireachtais. Measaim go bhfuil sé seo réasúnta. Tá sé ceart go dtagann rudaí ón Aontas Eorpach os comhair an Tí seo gach lá. Measaim go bhfuil sé ceart, i gcás córas dlí ach go háirithe, go mbeidh na rialacháin seo ag teacht os comhair Tithe an Oireachtais. Níl mé ag lorg go mbeidh plé iomlán i gceist gach uair, ach go mbeidh an Teach ag déileáil leo i mbealach amháin nó bealach eile. Má tá siad foirfe, beidh an Teach sásta tacaíocht iomlán a thabhairt don Aire sna cásanna úd.

Ba chóir go mbeidh plé ann i gcónaí nuair atáimid ag cur coinníollacha no rialacháin i bhfeidhm, ar eagla go mbeidís ag teacht salach ar cearta daonna an phobail, nó ar ceartaí aonair. Mar sin, ba chóir go dtiocfaidh rudaí den shórt sin os comhair an Tí chun gur féidir linn a rá go bhfuil an ceart ag an Aire a leithéid de rialacháin a dhéanamh. Tá rudaí eile a thagann os comhair an Tí ar bhonn rialta toisc go bhfuil siad ag teacht salach nó go bhfuil rud éigin ó thaobh cearta daonna de i gceist. Measaim, i gcás na rialacháin atá luaite agam sna trí leasuithe seo, gur chóir go mbeimid ag teacht ar ais os comhair Tithe an Oireachtais chun a rá go bhfuilimid, mar Pharlaimint, sásta tacú leis an Aire, nó gan tacú leis. Má fheictear go bhfuil fadhb ann — is í seo an áit ina chóir go mbeimid ag aithint go bhfuil fadhbanna ann — ba cheart gur féidir linn iarraidh ar an Aire leasú a dhéanamh ar na rialacháin sin.

Mr. McDowell: Is cúis bhróin é dom arís nach bhfuil mé in ann aontú leis an Teachta.

Mr. Howlin: I am sure it is a “cúis bhróin” for the Minister.

Mr. McDowell: Níl am gan teorann ar fáil don Teach seo. Ní shílímse go mbeadh comhaltáí an choiste dlí agus cirt i bhfabhar dualgas a bheith orthu gach rialachán a phlé, mar atá molta ag an Teachta.

Mr. Howlin: Ba mhaith liom focal nó dhó a rá ar an ábhar seo. Ní aontaím leis an méid deireanach atá ráite ag an Aire. A significant amount of

legislation is now introduced by means of secondary legislation. When I first became a Member of the House many moons ago, there was an all-party committee on secondary legislation. I think the courts have examined this matter. Enabling legislation that has been debated and been the subject of great scrutiny in this House is often vastly outweighed by the authority divested by this House, which is the constitutional body for making law, to a Minister who makes secondary legislation by means of statutory instrument.

We are talking about the possibly vast extent of the regulations to be made under this legislation. As a member of the Houses of the Oireachtas Commission, I am very conscious of the generality of oversight and scrutiny. The Minister has rightly stated nach bhfuil go leor am ná airgead ag na Teachtaí, ná na coistí atá ag obair sa Teach seo agus sa Seanad, chun an jab a dhéanamh go rí-mhaith. We have to consider the issue of resources if we are to provide the proper democratic scrutiny of secondary legislation. The Minister often rightly says that the Joint Committee on Justice, Equality, Defence and Women's Rights would not be too pleased to be given a certain job. A hugely voluminous and demanding amount of secondary legislation is coming from the EU by means of instrument and we have to organise this democratic House to cope with such legislation, rather than reduce the level of scrutiny we give to it.

Mr. G. Murphy: While I support the argument that it would not be possible under the current structures to scrutinise properly all the regulations setting out secondary legislation — such regulations can have a basic effect on the actual legislation that is passed by the Dáil — I agree with Deputy Howlin that there should be some system whereby Deputies who are concerned about particular issues or the impact of certain regulations on the original legislation can bring such matters to the floor of the House so they can be teased out and debated properly.

Mr. Boyle: I agree with the previous speakers that the amount of legislation that comes before the House on a regular basis is becoming more voluminous and that the precise mechanisms which have been mentioned are needed as a result. If it is not possible to provide for regular votes on such matters in both Houses of the Oireachtas, we should put in place mechanisms such as the use of the appropriate Oireachtas committee or the introduction, where necessary, of sunset clauses when various sets of regulations are being applied. Given that we are introducing a Bill of this size, which allows so many regulations to be brought into being, it is regrettable that we have not spoken until this late stage about the need for such mechanisms and about the probability that such mechanisms will not be brought into use for this Bill.

Aengus Ó Snodaigh: Ba mhaith liom críochnú ar seo. Tá mé mar bhall den choiste Eorpach. Déanadh sórt cáineadh beag orm sa Teach seo toisc nár fhreastail mé ar an oiread sin cruinnithe den choiste, ach ní raibh mé in ann a bheith i láthair mar go raibh mé ag an choiste dlí agus cirt agus ag glacadh páirt i ngach rud eile a théann leis an gcoiste sin. Ní féidir an dá thrá a fhreastal. Aontaím leis an Aire nach mbíonn go leor ama againn go minic. Dhein an choiste eile ina bhfuil mé mar bhall déileáil le 400 píosá de dlíthe na hEorpa cuíosach gasta. Chuaigh an coiste ar aghaidh, ceart go leor, ach bhí sé in ann déileáil leis an European scrutiny sub-committee, a bhfuil ina fho-choiste den choiste. Is féidir déileáil leis. Muna bhfuil aon fhadhb mhóir leis na rialacháin, ní cuirfear aon mhoill orthu sa Teach. Níl sé i gceist go mbeidh díospóireacht ó thús i gcónaí, ach go mbeidh duine éigin in ann ceist a ardú agus go mbeidh an tAire in ann a rá “is é seo an fáth go bhfuil an chuid sin den rialacháin ag seasamh” agus “is é seo an fáth go bhfuil sé sin ann”. Ar a laghad, beidh ar an Aire teacht os comhair an Tigh — beidh sé freagrach do Tithe an Oireachtais faoi na rialacháin. Níl sé freagrach faoi láthair, mar deir sé “a chinneadh féin”, toisc go bhfuil muid ag cur i reachtaíocht go bhfuil an cead sin aige. Ba chóir go mbeadh deis againn i gcónaí féachaint caidé tá ar bun. Níl muid á rá go mbeadh díospóireacht mhór sa Teach seo faoi chulaith éadaigh na ngardaí agus an dath uirthi——

Mr. Howlin: Nó balaclava dubha.

Aengus Ó Snodaigh: ——ach thiocthadh sé os comhair an Tí agus bheadh daoine in ann a rá nach bhfuil fadhb acu leis sin ag dul tríd.

I gcásanna eile, ba chóir dúinn féachaint ar a leithéid. Sna cásanna seo, an rud atá i gceist ná go mbeadh na rialacháin i gceist tábhachtach maidir leo siúd atá ag teacht os comhair an chórais dlí. Ba chóir go mbeadh siad chomh foirfe agus is féidir sa tslí nach mbeadh seans go mbeadh daoine in ann teacht timpeall orthu toisc nár dhíriú muidne orthu i gceart sa Teach seo agus ag déanamh cinnte go raibh siad foirfe nó go raibh an Teach seo tar éis a thacaíocht iomlán a thabhairt do na rialacháin sin.

Tarraingeoidh mé siar na leasuithe mar níl cuma ar an scéal go bhfuil an tAire sásta glacadh leo.

Amendment, by leave, withdrawn.

Mr. Howlin: I move amendment No. 8:

In page 15, between lines 9 and 10, to insert the following:

5.—(1) Where a person is the subject of an unexecuted warrant for his or her arrest, it shall be lawful notwithstanding anything in the Data Protection Acts 1988 to 2003 for a member of the Garda Síochána to require

[Mr. Howlin.]

any data processor (whether in the public or private sector) to communicate with the member any information relevant to the person for the purposes of apprehending the person, or to notify the member or another member when the person interacts with the data processor, or both.

(2) In this section "bench warrant" includes any instrument, warrant or order requiring a person to surrender to a court, prison or member of the Garda Síochána."

This amendment arises from Committee Stage. I am conscious that, in the timeframe available between Committee and Report Stage, I did not have an opportunity to reshape the amendment. It is really the principle I want included in the Bill. It has been raised with me by several sources that an individual can escape arrest when a legitimate warrant has been issued for him or her, even though the individual is receiving a State benefit which in turn means his or her whereabouts are on a State computer system. For example, an individual could be signing on at the local dole office and be on the social welfare record. Anyone interacting with social welfare records could find his or her whereabouts. Despite this, that information is not automatically available to the Garda Síochána for the execution of a warrant.

I am aware from the Committee Stage debate of the downside and difficulties of such a provision. I detected from the Minister on Committee Stage that he accepted there was a kernel of an idea in the amendment. I had hoped he would have tabled his own Report Stage amendment on this matter.

It will be a cause of concern for people that individuals on the social welfare register for receiving State payments are not amenable to law enforcement when there are legitimate warrants for them for what can be sometimes serious offences. This week I was alerted to two such cases, one in which a serious offence had been committed. An outstanding warrant was not detected in that case. Better joined-up thinking is needed on this matter.

People concern themselves with a Big Brother scenario when computer systems are interrelated. I accept safeguards must be maintained in such matters. However, we can improve law enforcement and tip the balance more firmly on the side of the execution of warrants. The Minister would have strong public support for this provision without trampling on the individual's right to privacy or the intention that underscores the Data Protection Act — that people's private information is their own and information gathered can openly be used for the purpose for which it is gathered. In serious criminal offences, such as robbery, violence, sexual assault and murder, whatever is required to identify those individuals responsible should be at the disposal of the Garda Síochána.

Mr. G. Murphy: The public would find it difficult to believe that all State resources are not at the disposal of the Garda Síochána when it issues a warrant, especially one relating to serious criminal offences. It would be inexcusable if these resources were not at the disposal of the force at that stage. Will the Minister decide on how serious a crime must be before such a situation would arise? Despite the problems experienced with departmental computers, many of them work and may be of assistance to the Garda Síochána.

Mr. McDowell: A similar amendment was discussed on Committee Stage but several problems were attached to it. While I appreciate Deputy Howlin did not have the opportunity to refine his thinking on the matter, I accept his motivation in tabling this amendment. The Data Protection Act 1988 and Data Protection (Amendment) Act 2003 make specific provision on the sharing of information for the purposes of a criminal investigation. If an individual is wanted for an offence and a warrant has been issued, there is no problem with the Garda requesting a State agency on the whereabouts of that person.

Mr. Howlin: Is that ever done?

Mr. McDowell: I presume it is. If the Garda was attempting to find where I was, it would go through the usual channels.

Mr. Howlin: I think it would know that.

Mr. McDowell: It would have to consult one of its members. I do not believe there is a problem in the area of information sharing. I agree with the Deputy that a problem exists with unexecuted warrants. However, it is not related to whether people are signing on the dole. If the Garda wanted to know where a person was signing on, it could find it out. I will examine the principle in the context of the forthcoming criminal law miscellaneous provisions Bill and consider if it is necessary to provide for the sharing of information and qualifying the protections of the Data Protection Acts to achieve that end.

Mr. Howlin: I am grateful to the Minister because that is a sensible way to proceed. I accept the amendment, as crafted, is too broad and crude an instrument and would have implications I do not want. I should have re-read the Data Protection Acts but I am not aware of those provisions being used, even for serious offences. It may be interesting for the Minister to inquire whether the Garda routinely requests information from the social welfare authorities, or other State agencies, to identify an individual who may pose a particular danger to the public and for whom an outstanding warrant exists.

Amendment, by leave, withdrawn.

Mr. Howlin: I move amendment No. 9:

In page 15, between lines 9 and 10, to insert the following:

“5.—Notwithstanding any enactment, provision may be made by rules of court that a warrant issued by a judge of any Court for the arrest of a person shall continue in force until executed or cancelled by the judge or another judge.”.

This amendment was also discussed on Committee Stage. I re-tabled it because there is an issue about how to deal with unexecuted warrants. I understand a large number of them exist for trivial matters, which should be cancelled. The problem with them is that once they are issued, there is no mechanism for anyone to account for them thereafter. There is no process where a judge asks what happened to the X number of warrants he or she issued six months ago. No one stands up in court and says an individual named in a warrant was not found or the matter was resolved. There is a requirement for some finality in these matters. I suggest in the amendment that they would continue in force unless cancelled by a judge. In other words, that there would be some requirement for the matter to be brought back to the attention of either the issuing judge or another judge to deal with it.

7 o'clock

Debate adjourned.

Private Members' Business.

Criminal Law (Home Defence) Bill 2006: Second Stage.

Mr. J. O'Keeffe: I move: “That the Bill be now read a Second Time.”

I propose to share time with my colleagues, Deputies Kenny, Deenihan and Crawford.

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

Mr. J. O'Keeffe: I am delighted to introduce the Criminal Law (Home Defence) Bill on behalf of Fine Gael as the next step in a series of policies on law and order that we have begun rolling out. Article 40.5 of the Constitution states: “The dwelling of every citizen is inviolable and shall not be freely entered forcibly save in accordance with law.” This article provides the constitutional basis for the Fine Gael Bill.

Through this Bill, Fine Gael wants to promote its strongly held view that it should be the victim and not the criminal whose rights should be most protected by law. This Bill covers those who are the victims of intrusion into their homes. It does not cover those who experience others trespassing on their land. While Fine Gael does not

promote the excessive use of violence, we believe that an innocent person who is intruded upon in his or her own home, often in the dead of night, should not have the law weighted against him or her in his or her quest to prove that he or she acted reasonably.

The change proposed in the Bill to the law will, in effect, attempt to vindicate the rights of ordinary people who attempt to protect their homes and families in the face of knife or gun-wielding intruders who come upon them in their homes with intent to steal or injure the occupants. Once we implement this change in the law perhaps intruders will think twice before they embark on stealing sprees in innocent people's homes, often maiming and destroying lives in the process. We are not talking about an academic principle here. We are talking about a situation where, on average, we have approximately 500 burglaries every week, three quarters of them into people's homes.

Apart from the criminal aspects, we also propose to get rid of the ridiculous anomaly which exists in Irish civil law whereby a person who is an intruder into a person's dwelling can sue the owner of the dwelling for injuries incurred while illegally on the premises. The law at present is capable of rewarding the lawbreakers and punishing those who abide by the law. This situation cannot continue.

This Bill is a considered and reasonable proposal to amend the law in regard to the protection of home occupiers who confront intruders to their homes. It creates, in section 3, a rebuttable presumption that any force used by an occupier to protect his home or family is reasonable. This will clearly and significantly shift the burden in favour of the householder and will send out a clear message that the law is not on the side of burglars and thieves.

The Bill also removes, in section 6(c), any compulsion on occupiers to retreat from confronting intruders, by amendment to section 20(4) of the Non-Fatal Offences Against the Person Act 1997. This provision was designed with street disturbances in mind and is meant to encourage brawlers to walk away from potential confrontations. It has no place where a person disturbs a burglar in his living room while his wife and children are asleep upstairs.

In section 7, the Bill lays out the factors that must be considered by a jury if the prosecution decides to rebut the presumption of reasonableness. These extraneous factors include consideration of whether the householders had, at the time of the break-in, family members in the house, whether the householder only had a split second to decide what to do, or the fact that he or she may have had very few options to defend the home or family, or whether he or she honestly believed such.

The Bill specifically precludes providing a defence to murder or unlawful killing in section 5. This cannot therefore be described as a mur-

[Mr. J. O’Keeffe.]

derer’s charter or anything of the sort. The protections in this Bill will have no effect in a case where a householder kills an intruder in cold blood and the Bill does not seek in any way to justify actions that are over the top or pre-meditated.

Further to what the leader of Fine Gael, Deputy Kenny, said in the recent Ard-Fheis, this Bill will provide protection from civil liability to people who could potentially be sued by a burglar. A householder will now have no liability for an intruder who trips or injures himself in that person’s house, even if he is injured by the defensive actions of the householder.

A major factor in whether the Fine Gael Bill will pass into law is where the Fianna Fáil-Progressive Democrats Government stands on the protection of householders. Last March, in a debate on the Criminal Justice Bill, Deputy Andrews of Fianna Fáil asked what had happened to the Fine Gael plan to introduce a Private Members’ Bill to amend the Non-Fatal Offences Against the Persons Act 1997. Having alleged, incorrectly, that it had been forgotten about, he then claimed that it was a “hare-brained, crackpot idea”.

Deputies will also be aware that a member of the Progressive Democrats, Senator Morrissey, published a Private Members’ Bill in the Seanad a few weeks ago “to provide a full defence in criminal and civil law in cases where force is reasonably used by occupiers in dwellings to defend life or property against persons trespassing with criminal intent”. That is not 100 miles away from my Bill.

There has been some uncertainty as to the status of that Bill. At first, it appeared that it was a Government Bill but when probed on it on the Order of Business, the Minister for Finance, Deputy Cowen, told us that it was a Progressive Democrats Bill and that, “It is important that small parties keep their identities.” More recently, when the Tánaiste, Deputy Harney, was asked about the Bill last week, it was further downgraded from being a Progressive Democrats Bill to being “an initiative by Senator Morrissey”.

While the Progressive Democrats Bill has the same thrust as the Fine Gael Bill, it fails to deal with the broad spectrum of issues that are at hand. It would be helpful at this stage to have a clear statement from the Minister for Justice, Equality and Law Reform, Deputy McDowell, as to his position in regard to that Bill. Does he not accept that the Fine Gael Private Members’ Bill is sensible and reasonable and has the potential to deal effectively with this issue of so much concern to so many householders? Does he not also accept that it deals with the civil liability aspect which is also referred to in the Progressive Democrats Bill, or whatever it should be called? The Bill also deals with the issue of not holding against a householder his or her failure to retreat.

What is the Fianna Fáil position? On 8 June, the Minister for Finance, Deputy Cowen, claimed he supported the Progressive Democrats initiative. Are we to understand from that statement that Fianna Fáil will support this Bill? Is it, perhaps for the first time ever, going to put party politics to one side and follow the right course of action?

One of the problems I have with the “Government-Progressive Democrats-Senator Morrissey-Deputy McDowell” Bill, or whatever the label should be, is that it allows a defence to murder. The Fine Gael Bill has been most carefully drafted and we have been conscious of the many different scenarios that could arise under this legislation. For that reason, we have put a number of important provisos into the Bill.

In our Bill, the actions must take place strictly within the home. If a person follows an intruder into the garden and assaults him there, no protection is afforded under this Bill, but a home can be anything from a caravan to a shed as long as someone is living there. That is the essential criterion. The rebuttable presumption can, as its name suggests, be rebutted, so actions that are not necessarily reasonable can be held against a householder if they can be shown to have been excessive. If such is the case, no protection is provided under this Bill. The difference is that now it is the prosecution, rather than the person whose house was broken into, who must show this. The Bill also provides that a person who knowingly assaults a garda is not protected by its provisions. Nor does it provide protection for a person who murders an intruder. However, the ordinary protections of the common law in this area will apply in such instances. Although it is not covered in this Bill, such a person may claim his or her actions were in self-defence because that protection already exists.

The *raison d’être* of the Bill is to provide clear protection to those who find themselves in the unfortunate situation of confronting a criminal in their home. It is designed to protect such persons from prosecutions that would be considered by any reasonable standard to be unjust and unfair. The rainbow Government enacted the main legislation governing this general area, the Non-Fatal Offences Against the Person Act 1997. This fine legislation is applied universally and is widely praised by legal practitioners, but it is not perfect in affording protection to home owners. This Bill will update the Act to deal with those factors that were not in the mind of drafters in 1997.

In previous debates on this subject, the argument was made that there is no need for this legislation given that there have never been cases of householders being convicted for actions that would be seen by most people as reasonable. While it may be the case that there have not been any major miscarriages of justice in this area, one must consider the situation in other jurisdictions, where there have been many such instances. It is also entirely incorrect to suggest that the DPP

does not bring actions in cases such as those envisaged by this Bill. There are examples of people who have been charged with offences connected to their actions to protect home or family. This Bill will legislate in a more comprehensive and fairer way for those circumstances.

I am aware of a case some years ago where a father sought to protect his young son who was chased down the street by an adult and followed into his home. The father, in an effort to protect his son, grabbed an ornamental sword that was hanging on the wall in the hallway and wielded it as a threat to the intruder, telling him to leave the house. The intruder then grabbed the sword by the blade and suffered some injuries. A prosecution for assault followed and the father was convicted, though for a lesser offence. This man now has a criminal record as a consequence of taking what most of us would agree was the correct and understandable action of a parent protecting his child in his own home.

This Bill will remedy that lacuna and allow the courts to dispense justice rather than law. This is the important point. Are we here to establish justice or to support an existing law which is clearly deficient in protecting the position of home owners? Even if one accepts the argument that there have been no cases where someone was unfairly prosecuted — I have shown that is not the case — a change of the law in this area sends an important message to the public, and particularly to potential intruders, that the constitutional inviolability of the dwelling will now be statutorily protected in practice as well as in theory and that people's homes are a no-go area as far as the law is concerned.

Through this Bill, we must send a message to criminal communities that we will not tolerate them breaking into other people's homes. We will not continue to allow the law to be inequitable in this area. It must respect the inviolability of the dwelling, protect home owners and side with civilised, law-abiding members of society.

This is not an issue that is relevant only in this State. In researching the Bill, I found it has given rise to major debate and changes to the law in many other countries. It has been tackled in different ways in various jurisdictions but the central thrust of the approach to reform is always the same, to provide greater protection to home owners. In the United Kingdom, for example, the civil liability aspect of the relevant legislation was changed following the furore arising from a case where a burglar issued civil proceedings. Discussion in that country currently relates to a change the criminal aspect of the legislation relating to the expression "grossly disproportionate force". Other examples of legislative endeavours to address this issue include Article 122-5 of the French criminal code, the Crime (Self-Defence) Amendment Bill in New Zealand and the relevant changes in New South Wales. We are not ahead of the posse in trying to establish the situation in regard to this matter clearly and

fairly. Rather, we are taking into account changes that have taken place in other parts of the world in trying to ensure, as far as we can, that home owners will enjoy the protections they are entitled to under the law and the Constitution.

I referred in my earlier remarks to the views of different factions within the Government. Shortly before this debate commenced I was handed a notification of the Government's get-out approach — the stroke it intends to pull to ensure it will not have to face a decision on this issue. I understand the Government will try to get the Bill kicked to touch. If this is the reasoned response of an allegedly reasoned Government, God help the home owners of this State. This is a Government incapable of making a decision about anything. It is only in agreement on the question of not making a decision and in doing anything to cling on to power. Rather than hanging separately, Government Members will hang together for as long as possible.

I remind the Minister for Justice, Equality and Law Reform it was he who made a virtue of being radical rather than redundant. He is clearly on the road to redundancy if he has the gall to place before the House an amendment to have this Bill sidelined for an indeterminate period. I urge all Members to support this Bill. It will give home owners the protection to which they are entitled, ensure that the civil liability to which they are currently exposed will be obliterated and cannot arise in future, and establish in law the reasonable presumptions to which they are entitled in confronting intruders in their home.

Mr. Kenny: All this week we have seen from the Government what Mrs. Thatcher described as "treachery with a smile on its face". This treachery has not been directed at the Opposition but has taken place between the various factions, federations and pretenders, seen and unseen, within the Government ranks. We have seen the Fianna Fáil backbenchers, the not-so-sweet 16, who had their sudden conversion not on the road to Damascus but on the road to democratic devastation. It goes to show that it is ultimately the simple issues that matter. There is nothing quite like a doorstep and a ballot box to induce an outbreak of panic, or perhaps I should say "resolve", in the various ranks of what has become a compromised, fractured and fractious coalition.

These are interesting times in Irish politics. Three weeks ago, the alarm bells rang to signal a Government in crisis. We know now that this could well be a terminal crisis and we know the reasons for it. The only good in any of this savage, ridiculous and embarrassing saga is that the Government parties were forced to come clean. The various factions that have surfaced to date were forced to expose their true colours. Crucially, the people got a chance to see for themselves what is really going on at the heart of the Government.

[Mr. Kenny.]

The Opposition could simply sit back and enjoy this crisis but we do not intend to do so. This is a time for reflection on our future direction and on the need for leadership. There has been no Government action in this regard for some time and the fissures are growing and festering.

That is why Fine Gael and the Labour Party set a precedent by writing to the Director of Public Prosecutions seeking information that the Government, on seven successive occasions, did not provide, in the interests of the public regarding persons who may have been charged under two, now redundant, sections of the 1935 Act and who are still in the system. We are not sure what will happen to those people.

The Government amendment states that Dáil Éireann declines to give the Bill a Second Reading in order that consideration may be given to the issues raised in this Bill and in another Private Members' Bill recently introduced in the Seanad. The story around the House is that the Minister for Justice, Equality and Law Reform wrote the Bill that is in the Seanad in the name of Senator Morrissey. It is further alleged that the Department of Justice, Equality and Law Reform offered assistance to Senator Morrissey in the drafting of his Bill. If that is the case, it is very different from the treatment meted out to my party which produced a Private Members' Bill and, out of courtesy, sent it to the Department for its information, only for it to be leaked to the press.

The Taoiseach and the Tánaiste confirmed today that the Bill before the Seanad in the name of a Member is not a Government Bill, nor a Progressive Democrats Bill, but a Bill in the name of Progressive Democrat Senators, allegedly written by the Minister for Justice, Equality and Law Reform. I would have thought that if the Government was serious about the issues raised in the Minister for Justice, Equality and Law Reform-Senator Morrissey Bill, it would accept the Bill before the House this evening and allow it to be debated in Committee. It could then deal with the content of the Government amendment and allow time for examination, reflection and debate on the matters therein. The Government should accept the Bill, send it to Committee for consideration and discuss the issues raised therein and in the Senator Morrissey/Minister for Justice, Equality and Law Reform Bill.

It is time for politics and the law to come out of denial and see what the public sees, namely, the enormous gap between what people expect from the law of the country and what they get in its place. Such people are the silent majority who work hard and play by the rules. They are the very people who are fed up with a legal system that seems to obsess over the rights of the accused, the tiny minority, at the expense of the rights of the rest of the people, the law-abiding majority.

If this country is to have a mature debate on the nature of liberty and what it means in our lives, we must ensure that we balance rights with responsibilities — the right of the individual to a fair trial and the inalienable right to be held innocent until proven guilty, while not forgetting the responsibilities of the State to the rest of society. Justice cannot be for one side alone. It must be done, and seen to be done, for both sides. That is not as much about granting the rights of the majority as about publicly recognising those rights and making sure they are protected in the working and application of the law.

An old saying holds that the foundation of law is good faith. If we are honest we will admit that considerable work will have to be done to restore public confidence and faith in our criminal justice system. It is the spirit and not just the form of the law that keeps justice alive. In too many cases, the people see justice and the law as two distinctly different entities. Home defence is a clear case, from the people's perspective, where justice and the law could be a lot closer.

In addressing home defence through the Bill introduced by Deputy Jim O'Keeffe, we are focusing on an issue that could potentially face many house owners and parents, namely their right to protect and defend themselves, their families and homes in a reasonable manner against an intruder. For Fine Gael, "reasonable" must include the removal of the issue of retreat. Retreating in one's own home is not a reasonable option.

Imagine if one has heard a burglar. One might be willing to retreat but a myriad of what-if scenarios present themselves, those of elderly relatives, school children coming home during the day, teenagers returning home late after a night out, small children waking from a nightmare, babies waking to be fed. What happens then, in the thousands of houses that empty out at 6.30 a.m. and remain empty all day, which have become a burglar's paradise? Does one expose one's wife, son or toddler to the danger posed by a stranger in one's home? Does one deny them the right to protection in order to guarantee the rights of a person who has already broken the law by breaking into one's home in the first place?

This is not a question of doing what is acceptable but of doing what is right. It is utterly ridiculous and ludicrous that, as it stands, if a person does not retreat but defends his or her home and family against an intruder, that intruder might sue that person. A burglar breaks into a person's home, he or she defends him or herself, his or her children and property and the burglar could take that person to court. Where is the balance of justice in that? According to the Constitution, a person's home is inviolable and where a person acts reasonably in its defence, the balance of the law should be re-struck in the home owner's favour and against the intruder.

We want to create a presumption that the force used in defending one's home is reasonable and

that proving otherwise should fall to the prosecution. I know many people who, on finding an intruder in their house in the middle of the night, would not go down to the kitchen and say, "Carry on, take the television, the CD player and the keys of the cars." Most people would react very differently when in their own home. That is why the balance should be re-tilted to express the priority of the law-abiding citizen as against somebody who has already broken the law by breaking into a person's house.

Some people may claim this Bill is a charter arising from the recent case in my county involving Mr. Pádraig Nally but it has nothing to do with that. This Bill only applies in the case of an intruder breaking into the home.

I do not know if the Minister has ever been attacked. I was mugged once by two people, high on drugs, with a knife, which was a pretty daunting prospect. Until the day I die, I will remember the rasping sound of a knife being pulled from a leather scabbard and the impression that leaves on one's mind. For me, it was not a case of fear but of being prepared to fight for my life, literally. One can imagine the hundreds of thousands of people who have been absolutely terrified, given that there are 500 burglaries per week, happening at all times of the day and night. Public representatives from both sides of the House have heard stories of women waking up to find an intruder in their bedroom, knife in hand. What are people to do? Most would probably retreat, hide and hope the intruder goes away. Others who want to defend their castle, wife, property and children might take a very different view.

My party's approach to home defence is part of a broader rebalancing of the law which we would like to see applied throughout the criminal justice system involving sentencing and bail. Too often, people see the criminal justice system as a kind of no-man's land, with no obvious correlation between the crime and the sentence. It often appears that criminals are simply getting away with it. When it comes to sentencing, the people should have a voice. Every time a guilty verdict is handed down in a serious case, the prosecution should be able to propose, in open court, a sentence that reflects the people's view.

I would like the Oireachtas, whose Members are elected by people of all shades of opinion, to approve the sentencing tariffs for serious crimes, from minimum to maximum. The Judiciary would maintain its independence in setting a sentence but if that sentence does not match up to the view of the people, the judge should be required to explain his or her sentencing decision in open court. The process would retain and protect judicial independence, make the system more transparent and the Judiciary more accountable.

We should be very clear and tougher regarding bail. In the last two years, 11,000 crimes were committed by offenders on bail. We need new legislation to make it tougher to obtain bail in the case of a serious crime. Where bail is granted,

electronic tagging should be introduced as an extra facility, if the court so decides, so that gardaí can know where offenders are on a 24-hour, seven days a week basis. There is no doubt that in the past ten years this country has become a far less civilised place in which to live. I want to restore civility to public life and public space. We want to create strong and binding ties in our society. There is plenty of outrage among the public that crime has reached such a critical state in this country. The political challenge for Deputies is to transform that, and building a better society and a safer Ireland is the task entrusted to politicians. This Bill, in the name of Deputy Jim O'Keeffe and other Fine Gael Members, will contribute to that.

I hope that, when the Government responds, instead of tabling a holding amendment for its own sake, it will have the courage to accept the Fine Gael Bill and prove on Committee Stage that it has a different point of view. We can take the Seanad Bill in the name of Senator Morrissey and others, with the watermark of the Minister for Justice, Equality and Law Reform if that be the case, and argue in committee the issues in that Bill and this Bill, in an open, thorough and comprehensive fashion, perhaps seeking to amend it.

The Government should not have a holding arrangement. We will be gone from here in two weeks, not returning until the end of September, by which time we will be involved in all sorts of preparations for Estimates and politicking so that this will not appear on the Order Paper between September and Christmas. Thereafter, if the Government is still around, it will be hell for leather to the white tape.

Mr. Deenihan: I am delighted to see Senator Morrissey in the Visitors Gallery. No doubt he is taking a deep interest in this Bill, which is very similar to his.

Burglary has reached epidemic levels in Ireland, with an average of 3.5 such robberies an hour. A property is burgled almost every 15 minutes in this country. Every year, 30,000 properties, nearly 21,000 of which are homes, are raided, often while their owners sleep. Some householders have been murdered for their possessions, women have been raped and children have been terrified beyond reason, leaving them psychologically scarred for life, suffering from interrupted sleep and nightmares and always wondering whether there is an intruder in their homes. The trauma of a burglary continues for life, as Deputy Kenny said.

Between September 2003 and September 2005, 50,000 house owners and business people reported a burglary to gardaí. In 2003 alone, more than 16,000 residential raids were reported, but the real number of burglaries from homes is a third higher, since data from the Central Statistics Office reveal that fewer than 70% of people will report a break-in. The main problem with our statistics is that people simply do not report

[Mr. Deenihan.]

break-ins, and they should be encouraged to do so, allowing us to get the statistics right. No matter what is taken from their house, it should be reported.

Every day in this country, almost 60 home owners will experience the horror of an intruder in their homes. If householders fight back using any means possible, they leave themselves open to prosecution and jail sentences. We know that approximately €59 million was stolen from homes between June 2004 and June 2005. As I said, under present law, if householders fight back, they can be prosecuted and jailed. A garda told me two weeks ago that an intruder had complained to the local officer that he had been assaulted by someone protecting his house.

We have heard of horrific cases over the years, for example, that of the farmer Patrick Skehan, who was found hanging upside down in his home at Killaloe in County Clare in 1998. He was confronted by four intruders, beaten about the head, stripped to his shirt and pants and left hanging. He died a few weeks later in hospital. That is the type of burglary we are talking about.

The Non-Fatal Offences Against the Person Act 1997 allows someone to use reasonable force to defend his or her home, but it is often left to juries to decide whether an individual used undue force or stepped over the line when dealing with an intruder. In a very good paper, Homicide and the Plea of Self-Defence, Mr. Pádraig Dwyer stated that the Irish law of self-defence needed review for the following reasons. It requires a jury to engage in a complicated reasoning process to determine whether an accused acted in self-defence. In so far as it provides for a manslaughter verdict in respect of an accused who acts honestly although unreasonably, it is outdated in the light of developments in the doctrine of *mens rea*.

This legislation, similar to that which the Minister has drafted for his colleague, Senator Morrissey, at least affords the householder protection, which is what people want. I commend the Bill to the House and compliment Deputy Jim O'Keeffe on its introduction. It provides an excellent solution to an issue very much taken to heart by rural and urban Ireland.

Mr. Crawford: I welcome the opportunity to speak on this important legislation. Figures have been given regarding the number of crimes that it covers, but the Minister is well aware of the facts. As he said, people no longer report crimes because in many cases it is not worth their while. I came across a case not long ago where someone went to the barracks in Clones only to find it empty. When the gardaí were called, those on duty did their best, but they did not know the countryside, with the result that it took them a long time to arrive and act.

The purpose of the Bill is to provide for the protection of home occupiers who confront

intruders or trespassers within a dwelling. It creates a rebuttal presumption that any force used by an occupier to protect his home or family is reasonable and comprises protection from several liabilities for such actions in all circumstances. Deputy Jim O'Keeffe has attempted to introduce this in a simple form to ensure that it has the desired effect. It will remove any question of home owners having to retreat if they come across an intruder. It will prevent intruders suing a home owner who acts reasonably and will create the presumption that any force used in defending his home is reasonable, with the onus on the prosecution to show otherwise. It is awful that at present a person is supposed to retreat, yet if the intruder is harmed in any way, he can legally sue the home owner.

The Bill confines such protection to actions taken within the home and is in line with the Constitution, which states that a person's home is inviolable. It shifts the legal balance in favour of the home owner in a considered and reasonable manner. It is vital that the victim rather than the criminal comes first. The law must support those who support the State rather than those who wish to destroy it. Old people especially live in fear and must have rights, knowing that they can be supported. I will never forget the story of a close friend of my late mother who was lying in his bed one night when intruders struck him with a hammer, leaving him for dead. Had it not been for the telephone beside his bed, of which they were unaware, he would have been dead. He put up no defence but his case is an example of how these intruders treat people and life. They simply do not care.

I had hoped the Government would have supported this Bill. At the time we introduced the Bill to attach fines to earnings or social welfare payments, the Government promised that a Bill dealing with each of those areas would be introduced shortly. However, the Garda is still chasing fines rather than dealing with other crimes.

The gang of 16 or so Fianna Fáil backbenchers upstairs are trying to decide which way they will deal with the current crisis in Government. They make out that they are members of both the Opposition and the Government but it will be interesting to witness them following the Minister to vote down this simple Bill. I ask the Minister at this late stage to change his decision on this Bill and, for once, do what is proper. A few minutes ago, we voted with the Government because we saw it was the correct course of action. The Minister knows what Deputy Jim O'Keeffe is doing is right so I ask him to change his mind and do the right thing.

Minister for Justice, Equality and Law Reform (Mr. McDowell): I move amendment No. 1:

To delete all words after "That" and substitute the following:

“Dáil Éireann declines to give a second reading to the Bill in order that consideration be given to the issues raised in this Bill and another Private Members Bill recently introduced in the Seanad on the same issue, and to allow time for examination, reflection and debate of the matters therein with a view to drawing up proposals on the issues, if such be considered necessary, for inclusion in the proposed Criminal Justice (Miscellaneous Provisions) Bill.”.

In recent years, cases where intruders and people who have tried to tackle them have been either injured or killed have fuelled the debate whether the law as it stands strikes the right balance between the rights of occupier and those of the trespasser. There is a genuinely held belief in some quarters that the law does not give sufficient protection to a person who finds intruders in his or her home. I recognise the understandable public concern which exists in respect of this matter and I have no doubt that Deputy Jim O’Keeffe’s motivation in bringing forward this Bill arises from a similar appreciation on his part of that public concern.

Article 40.3.2° of the Constitution imposes a duty on the State to protect by its laws, as best it may, its citizens from unjust attack and, in the case of injustice done, to vindicate the person of every citizen. The legislative method we have employed in this jurisdiction relating to assault and self-defence in respect of someone who fears they may be the victim of an assault is the Non-Fatal Offences Against the Person Act 1997.

What is to be considered in the context of the Private Members’ Bill before the House is the efficacy of the current legislation in dealing with the kinds of situations which arise from the incidents involving occupiers and intruders, which have received a great deal of attention both in this jurisdiction and neighbouring ones in recent years. Deputy Kenny described the current law as utterly ridiculous and ludicrous. However, this law was introduced in 1997 by my illustrious predecessor, Nora Owen, at a time when Deputy Kenny sat at the Cabinet table and must have approved its content. A law that he describes as ridiculous and ludicrous in 2006 did not appear so in 1997.

As Deputy Jim O’Keeffe is aware, this is the second Private Member’s Bill in recent weeks to focus on the use of reasonable force in respect of the protection of a person’s property and defence against attack in one’s home. My colleague, Senator Morrissey, published a Bill in the Seanad on 8 June 2006 entitled the Defence of Life and Property Bill, which broadly deals with one of the issues in the Deputy’s Bill. Deputy Jim O’Keeffe tabled a parliamentary question in November 2005 seeking my views on whether the law as it stands is sufficiently balanced in terms of a person’s right to defend his or her home. He also asked if I had plans to put measures in place to

address the concerns of home owners on the issue. I draw the Deputy’s attention to my reply to that question. I will not read it into the record. In it, I stated that if Opposition Deputies had proposals for changes to the law in this area, I would examine them.

The purpose of Deputy Jim O’Keeffe’s Bill is to provide for the protection of home occupiers who confront intruders or trespassers within a dwelling. It proposes to create a rebuttable presumption that any force used by an occupier in such circumstances to protect his or her home or family is reasonable and comprises protection from civil liability for the actions of a home owner in all circumstances. This Bill would remove any compulsion on occupiers to retreat from confronting intruders and would provide a mechanism whereby a jury could consider the person’s specific circumstances when coming to a decision on the reasonableness or otherwise of the person’s actions — so far, so good.

The effect of section 3 of the Bill is that where the occupier uses force against a trespasser, there is a rebuttable presumption that the force was reasonable and, under section 4, no civil liability on the part of the occupier should arise in respect of any harm, whether serious or not, arising from actions referred to in section 3, namely, the use of force in one’s own home. The difficulty is that while section 3 purports to allow the trespasser to rebut the presumption in favour of the actions of the occupier, section 4 appears to have the effect of disallowing the trespasser’s right of rebuttal.

Mr. J. O’Keeffe: Yes. This is intentional.

Mr. McDowell: If this is the case, it means that in an action for damages, a trespasser cannot rebut the fact that massive and excessive force was used against him or her, for example, if his or her legs were broken or he or she was beaten to a pulp, because he or she refused to leave someone’s home.

Moreover, section 7 requires the court, in determining whether the actions were reasonable, to take into account the particular circumstances described in the section but the section fails to make any reference to section 4, which I believe is a mistake. The distinctive feature of the Occupiers’ Liability Act of 1995, which is the principal legislation in this area, is that it reduced the extent of the occupier’s obligations to trespassers. That Act broadly followed the recommendations contained in a report published by the Law Reform Commission in 1994. This report was preceded by a consultation paper published in 1993.

The 1995 Act provides that an occupier owes a duty not to injure a trespasser intentionally and not to act with reckless disregard. However, section 4(3)(a) states that where a person enters onto a premises for the purpose of committing an offence or, while present thereon, commits an offence, the occupier is not liable for a breach of the duty imposed generally on trespassers unless

[Mr. McDowell.]

a court determines otherwise in the interests of justice. An overall saver in section 8(a) is the occupier's entitlement to use proportionate force for his or her self-defence, the defence of others or the defence of the property.

Undoubtedly, the 1995 Act cured some serious shortcomings in the law created by the Supreme Court judgment in the *McNamara v. ESB* in 1975. The facts of this case are fairly well known. The plaintiff, who was a young boy, climbed over a wire fence which surrounded a transformer station and was injured when he came in contact with a high tension cable. The High Court ruled that the plaintiff had not been guilty of contributory negligence in awarding damages in his favour. However, on hearing an appeal against the judgment, the Supreme Court held that the plaintiff was guilty of contributory negligence. The effect of this judgment, nevertheless, set out that the duty owed to trespassers was the duty to take reasonable care.

The 1995 Act helped to restore the pre-*McNamara v. ESB* common law standard that the duty owed to trespassers is not to injure them intentionally and not to act with reckless disregard to their person or property. The occupier is not required to discharge the same standard of reasonable care which visitors can insist on by virtue of section 3 of the Act. In determining whether an occupier has acted with reckless disregard for a trespasser on his or her property, a court must have regard to all the circumstances of the case, including nine factors specified in section 4(2) of the 1995 Act. These include the conduct of the person and the nature of any warning given by the occupier. It is also important to bear in mind that section 57(1) of the Civil Liability Act 1961 provides that it shall not be a defence in an action of tort to show that the plaintiff is in breach of the civil or criminal law.

Some commentators believe that the 1995 Act was quite radical in the changes it brought about in overhauling the law on occupiers' liability. The passage of time since then indicates that at the time, there was a need for a response from the Oireachtas in this important area of the law.

In so far as trespassers in general on property are concerned, the Bill now does two things on the civil side. It assumes reasonableness in difficult circumstances on the part of the occupier and places the onus of disproving that presumption on the trespasser. In attempting this, there are drafting difficulties with the Bill and questions to be answered about the extent to which section 4 gives occupiers exemption from all civil liability. These matters will require careful examination by me in consultation with the Attorney General.

Section 3 of Deputy Jim O'Keeffe's Bill creates a rebuttable presumption that defensive force used by an occupier of a dwelling in respect of a trespasser who has unlawfully gained entry to and remains within the dwelling is reasonable force.

In section 2, an occupier is defined as any person who could reasonably be considered to be resident in the dwelling or any person present in the dwelling with the consent and approval of an occupier. If a person gate-crashed a party held in a house, all the guests would be exempt from civil liability, irrespective of the force they used to throw the gate-crasher out. If they beat him or her black and blue and left him or her hospitalised, Deputy Jim O'Keeffe has told us that his Bill intends to leave that person with no protection whatsoever. That person would have gained entry as a trespasser and the guests who set upon him or her would be considered occupiers for the Deputy's purposes. Deputy Jim O'Keeffe is saying that if the person's bones were broken and he or she was beaten to a pulp, no civil liability should attach to any of the guests in those circumstances. That is a very far-reaching proposition—

Mr. J. O'Keeffe: The Minister is misreading the situation.

Mr. McDowell: —and one that most people would consider unreasonable, however tabloid the appeal the Deputy may consider it to have.

Mr. J. O'Keeffe: The Minister is deliberately misreading the situation.

Mr. McDowell: This is what the Deputy told us. He was clear. He intervened in my speech to say that—

Mr. J. O'Keeffe: I will deal with the Minister.

Mr. McDowell: —no civil liability would attach.

Mr. J. O'Keeffe: He is splitting hairs to try to find a way out of his predicament.

Acting Chairman (Mr. McCormack): The Minister without interruption.

Mr. McDowell: The Deputy is huffing and puffing. A dwelling is defined as including any building or part of a building used as a dwelling, including caravans. Funnily enough, Deputy Jim O'Keeffe would not allow this force to be used in the curtilage of a dwelling. Unlike Senator Morrissey's Bill, in which a person would have the same rights in his or her garden if someone was setting about that house or if the person was protecting his or her car from being vandalised, the Deputy says "No", it is of no interest to him. He just wants to refer to the house itself. I do not know why.

Mr. J. O'Keeffe: Is it because the Minister prefers his own ideas?

Mr. McDowell: We must consider why this Bill is being cast in these terms. In contrast with

section 18 of the Non-Fatal Offences Against the Person Act, section 3 does not set out the purposes for which force could be lawfully used. This would significantly widen the circumstances in which force could be used. For example, it is not stated that force must be in the defence of life or property or to prevent serious injury. In this case, the Bill would allow guests at a party to use massive force, to reduce someone to smithereens and fling him or her out on the road in a bloody mess.

Section 5 of the Criminal Law (Home Defence) Bill 2006 provides that provisions therein shall not be used as a defence against murder or manslaughter. Why? If I shove a burglar down the stairs, his or her head hits a sharp object at the bottom and the burglar dies, is it the case that I should not enjoy the protection of the law?

Mr. J. O’Keeffe: That scenario is already covered by self-defence.

Mr. McDowell: Manslaughter is committed by any unlawful use of force resulting in the death of the victim. The Deputy is saying that in those circumstances, none of the protections in this Bill would apply.

Mr. J. O’Keeffe: In this Bill.

Mr. McDowell: Yes.

Mr. J. O’Keeffe: One is already protected by the law.

Mr. McDowell: In those circumstances, this Bill is of no use to anyone. If one shoves a person out of one’s house and the person bangs his or her head and dies from the injury, this Bill is of no use. It has been consciously designed in that way, which occurs when there is hasty drafting, unlike the case of Senator Morrissey’s considered drafting.

Mr. J. O’Keeffe: Listen to the Minister. He is looking for the title of joker of the year.

Mr. Howlin: Pots and kettles. There are more than 400 amendments to the Minister’s Bill.

Mr. McDowell: Section 6 would amend section 13 of the 1997 Act by excluding a person from an offence of endangerment where the conduct takes place within a dwelling. The objective of Senator Morrissey’s Bill is to amend the civil and criminal law to allow the use of justifiable force by occupiers of domestic dwellings against trespassers who have criminal intent. This is another extraordinary aspect of the Deputy’s Bill. Crashing a party is not a crime, but the Deputy’s Bill technically renders the gate-crasher a trespasser on the premises. In contrast, Senator Morrissey’s Bill provides that this force and immunity should only apply where people have entered for the purpose of committing a crime. Which is the appropriate measure? I suggest that Senator

Morrissey’s approach is far more intelligent and reasonable than the approach presented here.

Mr. J. O’Keeffe: The Minister obviously was not able to convince the Tánaiste in that respect.

Mr. McDowell: The Bill proposes that where a householder uses force to repel or prevent trespass on the house or surrounding areas by persons who appear to be intent on committing a serious criminal offence, the entitlement to use justified force shall not be judged by reference to the opportunity to retreat. I have considerable sympathy for the proposition that the obligation to retreat within one’s house should be the subject of a reconsideration by the House. However, that measure was introduced by a Cabinet in which Deputy Kenny sat. For him to describe it in the House as an “utterly ludicrous” and ridiculous rule of law stretches political credibility a long way.

The provisions of this Bill do not apply to murder and manslaughter, but they should apply to the most serious offences. If one uses force in the defence of one’s home, life or whatever, the Bill should apply to the most serious offences just as it applies to less serious offences. The House must consider this issue. Deputies Kenny and Jim O’Keeffe said that proving force to be reasonable should be a matter for the prosecution. That is already the case. In a criminal prosecution in respect of the use of force in defence of one’s home, it is for the prosecution to prove beyond reasonable doubt that the amount of force used was unreasonable.

The issue of reasonableness has always dogged lawyers. In a case in the 1920s, the American jurist Oliver Wendell Holmes stated: “Detached reflection cannot be demanded in the presence of an uplifted knife.” The 1997 Act ensures that juries are given the option of rejecting a plea of legitimate defence where they are satisfied that it was unreasonable not to retreat. Removing the issue of retreat in the context of someone who commits an act of criminal trespass with the intent to commit a serious offence, as Senator Morrissey’s Bill proposes, is one matter, but doing what the Deputy is suggesting would leave us with another problem on our hands.

I believe the Labour Party will not support this Bill.

Mr. Howlin: Will we not?

Mr. McDowell: It will probably agree with me that in the drafting of the Bill, children fall within the definition of “trespassers”. Therefore, adults would be allowed to use any force in beating a child trespasser out of their house.

Mr. J. O’Keeffe: That is ridiculous.

Mr. McDowell: No matter how brutal or savage the force unleashed, any injury perpetrated on

[Mr. McDowell.]

that child could not be the subject of a civil action because the child was a trespasser. Is that reasonable or fair? I say it is not.

Instead of disregarding Senator Morrissey's Bill, Fine Gael would have been wiser to adopt it. It could have embarrassed me more by taking the Senator's reasonable text and tabling it before me instead of developing an unreasonable text.

Mr. J. O'Keefe: Is the Minister admitting his authorship at this stage?

Mr. McDowell: No. I assisted Senator Morrissey with that Bill just as I assisted—

Mr. Howlin: The Minister did not speak to the Tánaiste about it.

Mr. McDowell: —Senator Norris with his Bill on civil partnerships. On a number of occasions people from other parties have approached me and asked me for my advice and assistance on Private Members' legislation. I have always been willing to do so. For example, Senator Leyden approached me with his draft proposals on the registration of wills and I gave him every assistance I could in that respect. My time has almost concluded.

Mr. Howlin: It surely has.

Mr. McDowell: Actually, I have a few minutes remaining. My concern is that the emotive nature of an encounter with a trespasser or an intruder with what might be perceived by the occupier as a criminal intent would have the effect of rendering a person incapable of properly assessing the reasonableness of his or her response and a tragedy of serious proportions might then ensue. We must consider whether the law as it stands in the form of the 1997 and 1964 Acts is sufficient to protect the occupiers or whether change is required along the lines suggested by Deputy Jim O'Keefe or those suggested by Senator Morrissey.

I have concerns about situations that may not be as clear as the types of scenarios I have outlined, namely, cases of persons visiting a premises where their status is unclear. Perhaps someone is an uninvited guest to a house during a social occasion, such as a gate-crasher at a party. Under the Deputy's Bill, that person is considered a trespasser, as he or she has unlawfully gained access to the premises. To allow other guests who have been invited to the party to do extreme violence to that person and to deny him or her any civil remedy, no matter what their age, is unconscionable. This Bill has not been well thought through in that regard.

The issues raised by the Deputy's Bill are worthy of further consideration. It must be remembered that provisions in this area contained in the 1997 Act were drafted as a result of

the recommendations of the Law Reform Commission and generally have served us well. We must be careful in considering changes in this law, which is why I favour the reasonable approach taken by Senator Morrissey. I am very unhappy with some of the implications of the Fine Gael Bill, because I do not think they are reasonable. If Members bring forward Private Members' Bills in either House of this Parliament they should think through all the implications of what they suggest. This legislation provides that a child trespasser can be the victim of extreme violence but will have no right of redress whatsoever against a group of people who happen to be present in a house and gain the consent of the owner of the house. I do not think that is reasonable.

The Government's amendment proposes postponing the legislation for six months to allow it to be thought through. I assure Deputy Jim O'Keefe that this is not evasion. The issue is important and there will be a criminal law (miscellaneous provisions) Bill in the autumn, as I have told him on a number of occasions. The Government will consider whether the issue should be addressed in that Bill. It will also consider whether the approach suggested by Senator Morrissey is the right one to pursue. It will consider fully the Fine Gael Bill presented today but, as I have already said, it will not be very attracted to the areas in which it departs from Senator Morrissey's, wherein it is careless and excessive. I promised in this House that I would carefully consider any proposals brought forward in this House.

Deputy Kenny asked whether I had personal experience of an incident of this kind. Yes, I did. When I was 19 years of age, a burglar broke into the upper floor of the house in which I lived with my parents.

Mr. Howlin: Was the Minister wearing his FCA uniform?

Mr. McDowell: No. I had to hold him at bay with a poker while my parents summoned the police.

Mr. J. O'Keefe: The Minister should be careful. Anything he says might be taken down and used in evidence if he does not allow the Fine Gael Bill through.

Mr. McDowell: I would have used force to prevent him doing further damage to the house — he had already done some damage — and to apprehend him.

Mr. Howlin: I bet the Minister would.

Mr. McDowell: When the gardaí arrived he made a run at them and me and was dealt with appropriately by the gardaí. I understand exactly the position of a householder in such circumstances. The incident took place long before the

Non-Fatal Offences Against the Person Act 1997, but I certainly did not believe I was under any obligation to retreat and leave my parents exposed to that individual's attentions.

Is the Government right to say that this Bill is excessive, and would allow a group of guests in a house to beat a child trespasser or a gatecrasher to a pulp, leaving that child or gatecrasher with no protection whatsoever no matter how extreme the violence? Most people would not think so. Would people think it reasonable to afford the protection in this Bill to somebody who hospitalises another but to afford none to a person who shoves another down the stairs and causes their death? I do not think that is a reasonable distinction.

I said I would consider any reasonable proposals but, regrettably, this Bill contains unreasonable proposals.

Mr. J. O'Keeffe: The Minister is splitting hairs to get himself off a very big hook.

Mr. McDowell: I am not splitting any hairs but pointing out to the Deputy that his Bill does not even protect a child from being mutilated by guests in a house.

Mr. J. O'Keeffe: Let the Bill progress to Committee Stage and we will iron out any difficulties with it then.

Mr. McDowell: The Deputy admitted as much when challenged in the House. He said he was giving blanket immunity in respect of any civil action in those circumstances.

We must live in the real world and Senator Morrissey's approach is far better. He said the kind of trespassers with whom he was concerned were those who broke into a house to commit a crime, not just those who crashed a party, whom most people would consider to be a reasonable category of people to protect. Who is it more reasonable to divest of all civil law protections — a gatecrasher or somebody who enters a house as a criminal? Senator Morrissey's Bill deals with somebody who sees their car being vandalised or set alight and goes out to stop it, but the Fine Gael Bill abandons that person, ordering them to stay in their house. They must retreat and allow their car to be vandalised because outside their house a different standard applies. That is not reasonable.

Thinking Members of this House listening to the speeches delivered this evening, referring to difficulties and differences among the Government parties, might conclude there was a lot of opportunism in the way this Bill was presented. They might think it a tabloid, over-the-top effort to create a fuss, without the issue being thought through properly. I gave an undertaking that I would consider reasonable proposals but I have not received reasonable proposals. I deeply regret the fact that Deputy O'Keeffe, to whom plenty

of expert legal advice is available, came up with unreasonable proposals in order to cut a dash with the fringes of public opinion who he thought might be excited by a crude and blunt instrument of the kind he is now moving in this House.

Mr. J. O'Keeffe: What a sad, pathetic defence by the Minister.

Mr. McDowell: I know that the Labour Party, which has a slightly better grasp on reality and the rights of people, will not support this legislation. I would bet that the Green Party will not support it. I do not know what Sinn Féin will do. The great majority of the Independent Members will not support this legislation because they will see it for what it is, namely an unreasonable, excessive and headline-grabbing stunt, rather than a serious proposal to reform the law. When the Government parties come to consider what should be in the criminal law miscellaneous provisions Bill, which will be tendered in the autumn, they will be a lot more impressed by the approach taken by Senator Morrissey than that taken by the Fine Gael Party.

Mr. J. O'Keeffe: A sad, pathetic defence of the Minister's position.

Mr. McDowell: The more I think about this Bill, the more convinced I am that it is a tactic, a device and a stunt which has backfired. The more I think about it, the more the words used by Deputy Kenny about the obligation set out in the 1997 Act, put through when he sat at the Cabinet table, appear utterly ridiculous. The more considered and reasonable people think about it the more it will become apparent that what happened here tonight was not a demonstration of concern for homeowners but an attempt to throw shapes in public and to capitalise on Deputy Kenny's Ard-Fheis speech in which he asked people to trust him to be cruder, rougher and tougher than anybody else in the fight against crime. It will not work in any arrangement where the parties to the Mullingar accord run this Bill under the microscope. Two pieces of legislation have been put forward. One is measured, reasonable and sensible, but the other is not. The Government will consider both over the next few months. It will also consider whether it is necessary to qualify the law by removing the obligation that one should retreat when defending one's home, garden, the curtilage of one's house and things such as one's car parked outside the door, from criminal acts. I believe the Government will give sympathetic consideration to an amendment of the law of this kind, but I cannot speak on behalf of my colleagues—

Mr. J. O'Keeffe: That is very obvious.

Mr. McDowell: —unless they see—

Mr. J. O’Keeffe: The rug is being pulled from under the Minister.

Mr. McDowell: —a proposal in black and white.

Mr. J. O’Keeffe: The Minister will be kept on a leash from now on. That is obvious, too.

Mr. McDowell: They will certainly not be accepting Deputy Jim O’Keeffe’s legislation because to do so would be——

Mr. J. O’Keeffe: The Minister is a lame duck now.

Mr. McDowell: Daffy Duck calling me a lame duck is a new one.

Mr. Howlin: I seek the permission of the House to share time with Deputy Wall.

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

Mr. Howlin: I apologise for having been distracted during the Minister’s speech. I was practising on the new gizmos that we are supposed to be experts in.

Mr. McDowell: I was very impressed.

Mr. Howlin: It was a distraction from the Minister’s contribution.

Public safety and security in the home are real and important issues for people up and down the country. It is hard to take some of the Minister’s comments when he pours scorn on my colleague, the Fine Gael spokesman on justice. It would be impossible to find somebody cruder or rougher on criminal justice matters than the Minister. I regret he cannot stay in the Chamber for my few comments. Perhaps somebody will stay. Is it the turn of the Minister of State, Deputy Tim O’Malley?

Mr. J. O’Keeffe: Which cap is the Minister of State wearing?

Mr. Howlin: It is quite clear that one would not find anybody cruder and rougher on all these matters than the Minister for Justice, Equality and Law Reform. One would not have to go further than the Tánaiste to find out just how crude and rough the man can be on these matters.

As I said, public safety is an important issue. There is a growing feeling of vulnerability and insecurity across the country. My constituency is not particularly lawless but in the last few weeks I have been called to meetings in Wexford, Enniscorthy and Bunclody to discuss that issue. Therefore, urban and rural areas are experiencing pressures and vulnerability. We would do a grave injustice to people’s sense of hurt to treat this matter with anything less than full seriousness.

One must respond when a rural community like Bunclody musters a packed house to express to public representatives, including myself, and senior Garda officers, its great sense of vulnerability due to the number of break-ins in the area.

Last Thursday, the assistant Garda commissioner in charge of the south-east division was asked to attend a meeting in Enniscorthy with the elected representatives of the Wexford constituency and the local town council because of the vulnerability people feel on the streets of that town. I know from discussions on my local radio station that similar feelings are held in my home town of Wexford following a number of break-ins in settled housing estates there. These are real issues and while there may not be a complete solution to them, one can certainly have more effective policing. With that in mind, the Labour Party last week produced an updated, comprehensive set of proposals to deal with effective policing for the 21st century. Ireland is now very different from the country whose legislation shaped An Garda Síochána in 1928. We are no longer a rural, homogenous society. We have greater wealth, mobility and social interaction than ever before. The structure of An Garda Síochána should be based on the needs of a different Ireland in the 21st century. The most important component to make policing effective is to have police in, and of, the community. The police must be known to, and knowing of, the community. We do not have that now so it needs to be done, although it is not a simple matter.

For years, lip service has been paid to the notion of community gardaí. There are about 400 in the country but none of them has any long-term requirement to remain in and know the community, nor do most of them see a career path in being involved in community policing. If we continue on the path of separating policing from the community we will never solve the issue of increasing criminality. Our police force is structured like a fire brigade — it reacts to crime. It calls in the expertise and visits the burgled house or the assaulted individual. We must change the mind-set of policing so that it is part of the community rather than being a response to communal problems. Community policing should be active, knowing the pressure points and being alert to strangers and ne’er do wells. It would nip problems in the bud, providing a trusted ear for the community for sharing intelligence and knowledge. In many ways, that sounds like an old-fashioned idea but it is a fundamental one. Ironically, it is the idea at the heart of the most comprehensive analysis of policing in a developed western country, namely, the Patten report’s proposals. Those proposals set out to put community policing at the core of every police station and every police officer’s job.

We do not value or reward community policing. I suggest that in order to get people to commit themselves to a long-term career path in community policing we must value it which, in

our system, means providing monetary rewards. For that reason, we suggested the creation of a new rank of community garda. The idea would be to refocus the work of every garda to be a focused part of their own community.

In a policy document published six years ago, I proposed a structure that was rejected out of hand by the then Minister for Justice, Equality and Law Reform, Deputy O'Donoghue. Belatedly, some sections of that document have now been implemented. What I described six years ago as local policing liaison committees were modelled on my experiences in the Department of the Environment. Under the programme entitled Better Local Government, I established the idea of strategic policy committees, bringing together community and elected councillors to focus on issues. In that way, one could have joined-up thinking that was not exclusive to councillors, so that people who were knowledgeable about the community would have direct policy inputs. Apparently, those policing liaison committees are going to happen six years on. They are a feature of the Garda Síochána Act but will be called joint policing committees. I welcome the fact that they will be piloted in a number of local authority areas in the coming months. I hope we will have not only local policing committees but also the public policing fora that were envisaged in those proposals, whereby the community at large would be able to tailor its policing needs. Each community is unique and different. The policing needs of rural Bunclody are different from those of Wexford town, and far different from inner city Dublin or suburban Limerick. We need to be alert to specific pressure points in communities and policing plans must be flexible enough to cater for such requirements on a long-term basis.

The notion that one can have strategic national plans becomes farcical when one considers some of the Garda Síochána's plans. One such plan aims to increase explosive detections by 3% but it is meaningless to set such a target. Policing is not about setting targets. That is the mistake made in the United Kingdom, namely, that it is all about ticking boxes. When the PULSE system can measure one district against another, it will be seen that detection rates in one area are lower than in another area, so gardaí must gather a few speeders so their records are as good as those in the other area. That does not amount to good policing. We must change our mindset on these matters.

The Bill is well motivated and well intentioned. It seeks to address the real and genuine concern of people throughout the country who feel vulnerable. If the Minister is in any way complacent or frivolous about the genuine sense of fear, he should look no further than the CSO figures published today, which give comfort to nobody. Detection rates last year for crimes such as murder, fraud, burglary and sexual offences were 35.4% down on the last recorded rates. However,

54 murders were recorded last year, which is of particular concern and indicates the cheapening of life throughout the country. The most worrying statistic is that there were 75 murders with guns between 1998 and 2004 but proceedings were initiated in just 26 cases, or 35%, and convictions were recorded in just 12 cases, or 16%.

We must come to terms with these issues because they feed not only into the perception but the reality of fear. The Bill is an effort to do something in this regard. In as much as the Minister for Justice, Equality and Law Reform is prescient, I do not subscribe to the analysis that the Bill is a solution. There is a hierarchy of rights in which the most fundamental right is the right to one's bodily integrity and well-being. In the Constitution and natural law, that right is superior to the protection of property. That does not mean a person does not have the right to protect his home, property and family, he certainly does, but under current law, if an individual was to be prosecuted for defending his home, property or family, or his life, the onus is on the prosecution to prove that the individual committed a criminal offence, and there are wide defences available to an individual in this regard. That is why we do not often have prosecutions on the sort of issue that is at the core of the Bill.

We need further debate on these matters. We need to have joined-up thinking on providing a reconnection between community and policing so that communities are properly policed and secure, with a visible police force. That would allay many of the fears that cause the elderly, the vulnerable and those living alone throughout this land to be fearful. It is a state of affairs we all have a responsibility to address.

Mr. Wall: I have listened to the debate since it commenced and the main point that comes across is that there is a presumption in the Bill that all the persons involved are able persons and have the ability to defend themselves. However, in urban and rural Ireland, many of the cases which are too often portrayed in the national media involve intrusions and assaults carried out against the less well-off in our society, including the incapacitated, the wheelchair bound and senior citizens who are not in a position to defend themselves against an intruder.

I argued in the House last week about the protection of the home in the context of the Health (Nursing Homes) Amendment Bill. The same factor applies in this case, namely, everyone is entitled to the protection of his or her home and to reside in peace in that home. The Bill does not go far enough because it only deals with one section of the community, those who are capable of defending themselves. It does not include the need to further advance the community aspect that is necessary to protect people in their own homes. In moving forward, this debate, which has rightly been commenced by Deputy Jim O'Keefe and Fine Gael, must encompass a wider area that

[Mr. Wall.]

will link together neighbourhood watch schemes, community alert schemes and other schemes to create the situation outlined by Deputy Howlin with regard to community policing. Senior citizens who are handicapped or not in a position to defend themselves will feel safe in their homes if they know a mechanism is in place to protect them at any time.

I recently attended a meeting of the Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs at which the Minister of State, Deputy Noel Ahern, made an announcement with regard to aspects of home security, which should always be considered. We must ensure account is taken of everyone. The Minister in this debate referred repeatedly to a person going out to defend a car or protect the outside of a home, and Senator Morrissey's Bill covers similar ground. That is not the key point. In my experience, the most important aspect is to defend those who cannot defend themselves in their own homes.

This problem arises regularly. Deputy Howlin referred to community policing, which is now an extinct part of Irish policing. In rural Ireland, the only time one will see a garda is when he passes in a car, perhaps when travelling to the scene of an accident or to another town for a court case. There is no police presence in rural Ireland — I stand over this statement. One will see gardaí operating traffic controls and speed cameras but one will not see them visiting senior citizens in any part of the country to find out whether they are all right.

Rural life is slowly but surely ebbing away. With both husband and wife working, the community aspect of life is disappearing. In its disappearance, we are creating major fears for the senior citizens left behind, who do not know what will happen during the day because there is no police presence, which there should be. The Labour Party stated in recent weeks that we should have community policing, increased community involvement and a greater emphasis on defending those who are unable to defend themselves.

The Bill must deal with this situation. It should seek far greater protection of senior citizens who are not able to defend themselves. The Minister referred to defending a car. What hope would a person in a wheelchair have of defending against a person who would steal a car? The torment caused by such robberies means that people cannot feel happy in their own homes. We have not developed the mechanisms necessary to ensure community involvement in neighbourhood watch schemes, community alert schemes and other schemes, which should all be linked into the community policing system.

We should develop further the idea of community. The Government has allowed the desecration of community life, which has disappeared from the scene. I note *Macra na Feirme*

will hold seminars around the country next week entitled, "Know your Neighbour". It is unbelievable that an association finds this necessary and that people do not know their neighbours. If one does not know one's neighbours, one does not know what is happening in the locality. Many of the issues Deputies have raised must be addressed in legislation and I hope they will be.

Debate adjourned.

Criminal Justice Bill 2004: Report Stage (Resumed).

Debate resumed on amendment No. 9:

In page 15, between lines 9 and 10, to insert the following:

"5.—Notwithstanding any enactment, provision may be made by rules of court that a warrant issued by a judge of any Court for the arrest of a person shall continue in force until executed or cancelled by the judge or another judge."

—(Deputy Howlin).

Mr. Howlin: The purpose of the amendment is to ensure that warrants issued by the courts come to something, an issue we debated on Committee Stage. It is a cause of concern that a warrant could be in existence in perpetuity without being acted upon. The amendment proposes introducing a requirement that the Court that issued a warrant be updated on the position and the warrant either discharged or an explanation given to the court for the failure to execute it, for example, in the case of a person being outside the jurisdiction.

I am conscious that we are discussing No. 9 of 417 amendments and time is limited. The Minister engaged usefully in the Committee Stage debate on this issue. Has he had time to reflect on my proposal? Does he envisage the introduction either in this or other legislation of a provision to deal with warrants that have not been executed?

As I indicated previously, I have been alerted recently to cases in which individuals who committed serious offences were arrested without gardaí noting that extant warrants had been issued for the arrest of the arrested persons. While I presume these matters are checked as a matter of routine, given the technological age in which we live, it is necessary to improve systems, as we discovered recently in other areas of the criminal justice system. Has the Minister reflected further on this matter in the short period since Committee Stage?

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have had an opportunity to reflect on the Deputy's contribution on Committee Stage. I have considerable sympathy for his view that in some cases warrants appear to run into the sand. I will ask the Courts Service to examine whether the rules of the District Court,

which, in respect of some warrants, provide for a six month lifespan, should be reconsidered and whether there is a case to be made for a return on a warrant to be made when the time limit is expired. I will examine the issue and I am deeply grateful to the Deputy for raising it.

It is unsatisfactory, even from the point of view of public confidence in the system, that a parliamentary question may elicit information that thousands of warrants are not executed. That does not sound right.

Garda time is limited and gardaí must be selective about what they do. While a system should be in place whereby they follow up and report back on warrants, I do not wish to create a new bureaucratic monster that will result in gardaí not being on the street because they are filling out history papers about their efforts to execute a warrant, which may not be the most productive use of their time.

Mr. Howlin: While I thank the Minister for his worthy suggestion, I am somewhat concerned by his last comment. If the Bench issues a warrant, it should have value and the notion that a garda would be wasting his time in pursuing it——

Mr. McDowell: I referred to filling out forms.

Mr. Howlin: I am making a different point. The word “smacht” comes to mind in this regard, probably because of our earlier debate as Gaeilge. At any rate, the Bench should show more discipline. We know arrest warrants are issued for failure to pay the television licence fee and so forth. While I am sure these are serious matters, if it was clear that Garda time would be spent attempting to execute a warrant, it would impose some degree of discipline on the issuer in terms of ascertaining whether an alternative is available. I ask that this be encompassed in the review the Minister proposes to ask the Courts Service to undertake. Some warrants appear to be issued unnecessarily. If, however, a court makes an order that a person be presented to the court or a notice served on a person, that order must be executed in so far as it is practicable to do so. I thank the Minister for his reply and withdraw the amendment on that basis.

Amendment, by leave, withdrawn.

Mr. G. Murphy: I move amendment No. 10:

In page 16, between lines 24 and 25, to insert the following:

“(k) preventing any person from photographing or otherwise recording the crime scene and/or anything at the scene.”.

The purpose of the amendment is to give the Garda authority to prevent tabloid newspapers or others from sensationalising a crime scene.

Mr. McDowell: I appreciate where the Deputy is coming from because, on occasion, distasteful photographs are published which must be deeply upsetting for relatives. I just looked at a case that was disposed of the other day which featured photographs of blood on the ground. It must be very upsetting to the victim of the crime to see that scene again and again in the newspapers but that was the way it was.

We live in a world where many of us carry mobile telephones with camera facilities and the capacity of the Garda Síochána to stop people taking pictures of crime scenes before or after a crime is fairly limited. The right of members of the public to information must be balanced. Is it reasonable to require of the media that pictures cannot be taken of a general crime scene following a shoot-out during a bank robbery? I would prefer to see if a voluntary approach could be agreed between the media and the Garda Síochána on self-restraint in this area.

Generally speaking pictures of people who are dead or dying should not be published where they would cause offence or distress. On the other hand, let us be honest about the case of Detective Garda Jerry McCabe. Pictures were shown of him lying dead in a car in which he was left by those who killed him. Maybe it is time people realised exactly what was done on that occasion and how grotesque and cowardly that offence was. This is a difficult issue about which I do not pretend to know all the answers. However, it would not be wise of me to accept an amendment prescribing that, as a general proposition, the Garda could prevent any crime scene from being photographed.

Mr. G. Murphy: In view of the Minister’s reply and given that new technology would effectively prevent the Garda from enforcing such a requirement, I propose to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. G. Murphy: I move amendment No. 11:

In page 16, line 37, after “practicable” to insert the following:

“, but any failure to so do shall not render invalid, retrospectively or otherwise, such a direction”.

The purpose of Deputy Jim O’Keeffe’s amendment is to ensure that failure to provide a written report quickly will not invalidate the original direction.

Mr. McDowell: I am informed — and I agree — that the inclusion of the words, “as soon as reasonably practicable”, is sufficient and broad enough to take care of any circumstance where there is a legitimate reason for a time difference between the giving of a direction orally and the recording of it in writing. I am aware that provisions such as that suggested are employed

[Mr. McDowell.]

where certain procedural matters are set out in regulations, for instance, under the Criminal Justice Act 1984. Where it is stated in primary legislation that a record of a direction shall be made, such saving provisions are not generally used. For example, in the 1994 Act, in another context, there is provision for a direction to be given on the detention of a person, which must be recorded in writing as soon as practicable, but there is no special provision of the type proposed by Deputy Jim O'Keeffe. Therefore it would be better to leave it as it is.

Mr. G. Murphy: There have been some recent comments by judges about the lay factors in various situations. The fear is that if this is left in, the judge might put his or her own time interpretation on the event.

Mr. McDowell: We must rely on the Judiciary not only to be independent but also commonsensical and I believe it will not enforce the law in an unreasonable way.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendments Nos. 12 to 14, inclusive, are related and will be discussed together.

Mr. G. Murphy: I move amendment No. 12:

In page 16, lines 39 to 45, to delete all words from and including "shall" in line 39 down to and including "concerned." in line 45 and substitute the following:

"shall—

- (i) describe the place thereby designated as a crime scene,
- (ii) state the date and time when it is given,
- (iii) state the name and rank of the member giving it, and
- (iv) state that the member has reasonable grounds for believing that the direction is necessary to preserve, search for and collect the evidence concerned."

Mr. McDowell: This set of amendments was carefully examined by the Parliamentary Counsel to see whether it would improve the situation and I am advised it would not. In these circumstances, I do not propose to accept the amendments.

Mr. G. Murphy: Deputy Jim O'Keeffe introduced these amendments for the sake of accuracy to ensure there would be no room for misinterpretation. If the Minister is happy there is no need for them, we withdraw the amendments.

Amendment, by leave, withdrawn.

Amendments Nos. 13 and 14 not moved.

Aengus Ó Snodaigh: I move amendment No. 15:

In page 18, between lines 35 and 36, to insert the following:

"6.—(1) The Offences Against the State Act 1939 is amended by the deletion of section 29 of that Act."

This relates to the Minister's statement on Committee Stage that we were dealing with the power to issue warrants and that he was taking on board what Mr. Justice Frederick Morris said as an outcome of the inquiry into Garda misbehaviour and worse in Donegal. I understood that Mr. Justice Morris's recommendation was that gardaí should not have the power to issue warrants. When he spoke about issuing warrants the Minister mentioned this section, which I seek to delete. The amendment is that section 29 of the Offences Against the State Act is amended by the deletion of section 29 which allows the Garda to issue its own search warrants. Given the concerns of Mr. Justice Morris and the fact that the Minister agreed in other circumstances that gardaí should not have the power to issue search warrants, it is reasonable that we take this opportunity to amend the Offences Against the State Act to give effect to that.

Mr. Howlin: I do not have a copy of the Offences Against the State Act, although with this technology I could find it.

Mr. McDowell: It says that a garda not below the rank of superintendent can issue a search warrant.

Mr. Howlin: I wonder how this relates to my amendment, which is to delete the section. I share Deputy Ó Snodaigh's view and understood that the Minister intended to change tack and modify the situation in which gardaí can issue search warrants in view of the unpublished disclosures in and recommendations of the most recent Morris tribunal report. That is what Deputy Ó Snodaigh seeks to do in amendment No. 15 and is what I want to do in my amendment No. 16. I wonder how they relate to each other.

Aengus Ó Snodaigh: Amendment No. 16 deals with the Criminal Justice Bill while amendment No. 15 deals with the Offences Against the State Act. They are the same.

Mr. Howlin: I understand the principle. If there is a view that it is unsafe not to have judicial oversight of Garda search warrants, that should apply across the system. I agree with Deputy Ó Snodaigh to that extent. We are at a great disadvantage because the Minister has sight of the recommendations from Mr. Justice Morris that we do not have, so he must be more flexible in

telling us his thoughts and the reasoning behind them. It would be disingenuous of him to tease us with information we may never be able to read, and certainly not for some time and not before this enactment is law.

Mr. G. Murphy: I find this confusing. I understood the Minister came up with this idea on Committee Stage and suggested that because of some foresight he had of the Morris tribunal findings, he was prepared or anxious to introduce an amendment that would allow for some lay oversight of the Garda when issuing a warrant.

Mr. Boyle: I support Deputy Howlin's comments and the Green Party shares many of the concerns that have been expressed. There is greater logic in Deputy Howlin's amendment seeking the deletions on pages 19 and 20, notwithstanding that this House, whatever the views of some of us, decided some days ago to renew the Offences Against the State Act. Deputy Howlin's amendment would have greater effect in addressing the concerns.

Mr. McDowell: Section 29 of the Offences Against the State Act allows for the issue of warrants on a non-judicial basis by senior Garda officers in certain circumstances. The committee that examined the Offences Against the State Act in the aftermath of the Good Friday Agreement examined that provision and in its report noted that: "The power to issue a warrant under section 29 is a vital weapon in the armoury of the gardaí in their fight against the activity of illegal organisations." The committee also said: "Given the utility and importance of this power the committee does not wish to make any recommendations that would undermine its effectiveness." The majority of the committee went on to make a recommendation on the time period for the execution of the warrant, but that is a different issue and not the one we are dealing with. As Deputy Ó Snodaigh proposes to amend the Offences Against the State Act to end what the committee that examined the Act said was a vital weapon in the armoury of the Garda Síochána, I do not propose to accept it.

On the latest reports from the Morris tribunal, I am in difficulty in that I had to put that matter before the court. As I signalled on Committee Stage, I intend to seek an expurgated release, in advance of anything else, of the general considerations of that report because it is important to get some of them into the public domain sooner rather than later. I must defer to the High Court, which has seisin of this matter now and I will do it if I can. If I cannot, the House will have to bear with me that the matter will be decided by the High Court in its own time. As I indicated on Committee Stage, the Morris tribunal report indicated unhappiness with the way police-issued warrants could be issued by people involved in

the investigations and could be kept in possession of gardaí for execution at a time of their choosing.

Rather than have a debate on the blind in this House, I decided to modify the general recommendations of the Leahy committee that the power be extended to all serious offences and let this matter lie until the autumn.

Mr. Howlin: What is the Minister doing with section 6?

Mr. McDowell: I am removing most of the bits of section 6 that deal with the issuance of non-judicial warrants and I am leaving the judicial bits of the section intact.

Mr. Howlin: I would like this clarified. We are cross-referencing the Minister's new amendments and the Bill as amended on Committee Stage in the void in that we do not know the specific concerns expressed by Mr. Justice Morris. Is the Minister saying that the amendment he proposes to section 6 will leave only judicial warrants on the Statute Book? Are there any circumstances other than those captured by the Offences against the State Act in which it is possible for a non-judicial warrant to be executed?

Mr. McDowell: Apart from existing exceptions, in the Offences against the State Acts and under the Criminal Justice (Drug Trafficking) Act, I propose to remove the general proposal contained in my original amendment as set out on page 19 of the Bill, subsections (2), (3), (5) and the first four words of subsection (4).

Mr. Howlin: Where are the relevant amendments?

Mr. McDowell: They are coming up next, amendment No. 20 and subsequent amendments.

An Leas-Cheann Comhairle: The Minister cannot discuss those amendments yet.

Mr. McDowell: I am simply explaining what I am doing, I am not trying to discuss them.

Mr. Howlin: This is helpful.

Mr. McDowell: I propose to remove subsections (2) and (3), the first four words of (4) and subsection (5), and to leave the rest of the section intact.

Mr. Howlin: I wish to clarify whether it is correct to say that after the Minister's amendments have been inserted only the law as it exists will continue? In other words, this will not create further advance for non-judicial warrants of any kind.

Mr. McDowell: I confirm that is the case.

Mr. Howlin: Once again I must ask a question on the blind. Was there an implication in the report from Mr. Justice Morris that would lead the Minister to believe that even the extra-judicial rather than the non-judicial warrants that are current either under the Offences against the State Act or the Criminal Justice (Drug Trafficking) Act should be revisited?

Mr. McDowell: Yes, from recollection the gravamen of the report was that there should be qualifications on the general right to issue section 29 warrants.

Mr. Howlin: Why does the Minister not do that?

Mr. McDowell: I am not in a position to do it in a measured balanced way right across the board.

Mr. Howlin: Does the Minister recognise the difficulty in which this places us? The Minister tells us that a most serious tribunal examining the effect of policing recommends that we act but the Minister is not going to act.

Mr. McDowell: I will act in a balanced manner when I am in a position to explain to the House exactly what the issues are. It would be unfair of me to say that I am changing the law without saying exactly why.

Mr. Howlin: That is very unsatisfactory.

Mr. McDowell: It is very unsatisfactory but that is the position in which I find myself.

Aengus Ó Snodaigh: It is clear to anyone who has followed the Morris tribunal why the law needs to be changed in respect of the Offences against the State Act and the abuse by gardaí of the powers given to them under that and other Acts. I took the opportunity when the Minister raised it on Committee Stage to table this amendment. I would prefer to deal with the Offences against the State Act in full. I am giving notice here that this provision needs to be addressed. It should have been repealed here and if necessary the Minister could return with a more measured proposal, if such a measure can be implemented with extra-judicial warrants.

The committee which reviewed the Offences against the State Act was not aware of what was to emerge from the Morris tribunal. If it was meeting today it would be able to take that report on board. I would prefer to consider this. The Minister says he did not have time to consider it but he had the time to consider many other things. Will he consider it before this Bill goes to the Seanad to see whether there is any possibility of addressing the problem at that stage? If not, I will continue to raise aspects of the Offences against the State Act which have been abused and need to be repealed or amended to ensure that

opportunities are not available to those who wish to abuse the powers given to them by this House.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendments Nos. 17 to 34, inclusive, are alternatives to amendment No. 16. Amendment No. 21 is an alternative to amendment No. 20. Amendments Nos. 16 to 34, inclusive, will be discussed together by agreement.

Mr. Howlin: I move amendment No. 16:

In page 18, to delete lines 36 to 47, to delete page 19 and in page 20, to delete lines 1 to 47.

We have already discussed the content of this amendment inadvertently and I am content in so far as I can be without knowing what exactly is recommended as appropriate in the Minister's strategy. I and Deputy Costello have expressed serious concern at moving beyond the proper judicial control over the issuing of search warrants. It is wrong in principle and that has been exposed to be true by the preview the Minister offered us of the Morris tribunal report. Since the Minister accepts the import of the amendment I will withdraw it in support of the Minister's amendments.

Amendment, by leave, withdrawn.

Aengus Ó Snodaigh: I move amendment No. 17:

In page 18, after line 47, to insert the following:

“(2) The Order of the District Judge issuing a search warrant under this section shall record in writing the offence in relation to which the power has been exercised.”.

The point of amendments Nos. 17, 20 and 26 is to give effect to what the Minister has said.

Mr. McDowell: It is the law that when a District Court judge issues a warrant the offence in respect of which it is issued is specified on its face.

Mr. Howlin: The Minister's studies should be able to help him.

Mr. McDowell: There is no such thing as a general warrant.

Aengus Ó Snodaigh: I have never had a warrant issued against me.

Mr. McDowell: There is no such document as a warrant to search places for any old offence.

Amendment, by leave, withdrawn.

Mr. G. Murphy: I move amendment No. 18:

In page 18, after line 47, to insert the following:

“(2) In issuing a warrant under subsection (1), a judge of the District Court shall—

(a) have jurisdiction to issue a warrant for any District,

(b) not be jurisdictionally limited to the District wherein he or she ordinarily sits, and

(c) not be obliged to be physically present in any District or in a District in respect of the jurisdiction of which he or she is issuing a warrant.”.

This amendment relates to a case in west Cork in which jurisdiction was questioned.

Mr. McDowell: The subject matter of amendment No. 19 can be dealt with under the rules of the District Court.

Mr. Howlin: We are on amendment No. 18.

Mr. McDowell: No, I am wrong about that. It is dealt with in a subsequent amendment in my name. On Committee Stage, we dealt with that issue near the end of the Bill. This relates to the Dylan Creaven case.

Mr. G. Murphy: That is right.

Mr. Howlin: Yes.

Mr. McDowell: We dealt with that towards the tail end of the Bill, in a different place. I misunderstood what the Deputy was highlighting.

Amendment, by leave, withdrawn.

Amendment No. 19 not moved.

Mr. McDowell: I move amendment No. 20:

In page 19, to delete lines 1 to 22.

Aengus Ó Snodaigh: That is agreed.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendment No. 21 cannot be moved because amendment No. 20 has been agreed.

Amendments Nos. 21 and 22 not moved.

Mr. McDowell: I move amendment No. 23:

In page 19, to delete line 23 and substitute the following:

“(2) A search”.

Mr. Howlin: Can the Minister explain this amendment?

An Leas-Cheann Comhairle: It has already been discussed.

Mr. Howlin: We had a roundabout discussion on it. What exactly does the “search” relate to?

Mr. McDowell: This consequential amendment is designed, in effect, to delete the first four words of line 23 of page 19, which are no longer needed. As I said, we are removing the first four words.

Mr. Howlin: That is agreed.

Amendment agreed to.

Amendments Nos. 24 and 25 not moved.

Mr. McDowell: I move amendment No. 26:

In page 19, to delete lines 47 to 50.

Amendment agreed to.

Amendment No. 27 not moved.

Mr. McDowell: I move amendment No. 28:

In page 19, to delete line 51 and substitute the following:

“(3) A member acting under the auth-”.

This amendment is in line with what I said previously.

Mr. Howlin: I agree with the proposal to insert “a member acting under the auth-”.

Amendment agreed to.

Mr. McDowell: I move amendment No. 29:

In page 20, to delete line 20 and substitute the following:

“(4) A person who obstructs or attempts”.

Amendment agreed to.

Mr. McDowell: I move amendment No. 30:

In page 20, line 24, to delete “subsection (6)(a)” and substitute “subsection (3)(a)”.

Amendment agreed to.

Mr. McDowell: I move amendment No. 31:

In page 20, to delete line 30 and substitute the following:

“(5) The power to issue a warrant under”.

Amendment agreed to.

Mr. McDowell: I move amendment No. 32:

In page 20, to delete line 35 and substitute the following:

“(6) In this section—”.

Amendment agreed to.

Amendments Nos. 33 and 34 not moved.

An Ceann Comhairle: As amendments Nos. 36 and 37 are alternatives to amendment No. 35, amendments Nos. 35 to 37, inclusive, may be discussed together, by agreement.

Mr. Howlin: On a procedural point, it does not seem that amendments Nos. 35 to 37, inclusive, are connected. Can we take amendments Nos. 35 and 36 separately?

An Ceann Comhairle: Is the House agreeable?

Aengus Ó Snodaigh: Yes.

Mr. Howlin: Amendments Nos. 36 and 41 are connected.

An Ceann Comhairle: Perhaps we will take amendment No. 35 on its own.

Mr. Howlin: If amendment No. 35 is accepted, the other amendments will fall.

An Ceann Comhairle: Yes.

Aengus Ó Snodaigh: I move amendment No. 35:

In page 21, to delete lines 33 to 49 and in page 22, to delete lines 1 to 40.

Section 9 provides for the period of detention without charge, during interrogation for ordinary crimes, to be extended to up to 24 hours. The Irish Human Rights Commission has argued that this provision may put Ireland in breach of its international human rights obligations under the European Convention on Human Rights and the International Covenant on Civil and Political Rights. Article 40.4 of the Constitution states that a person who is detained on a criminal charge must be brought promptly before a judicial authority. The IHRC maintains that the current provision of 12-hour detention should be sufficient for proper investigation.

The Minister has not made the case for this extension of powers. Any move to consider an extension of the maximum duration of detention without charge must be preceded by an independent investigation into the number of deaths in Garda custody or following Garda custody. We need to ascertain whether what occurred during the length of time they spent in custody and detention had any bearing on the deaths of people like Brian Rossiter, Terence Wheelock or even John Moloney.

I have tabled a number of other amendments which flow from amendment No. 35. I will deal with them if the Minister tries to provide for an extension of the length of time for which people can be held for interrogation. We need to ensure that additional safeguards are put in place, particularly if we give additional powers to the Garda, so that circumstances like those which developed

in County Donegal and other places do not develop again.

Mr. Howlin: The approach I favour is slightly different to that proposed by Deputy Ó Snodaigh. I support the section of the Bill relating to the detention periods. The Minister is aware that I have tabled an amendment, subsequent to this section being dealt with by my colleague, that seeks to put in place a unified detention period, rather than a variety of different detention periods for different enactments and certainly for different enactments for similar crimes. I refer to the Offences Against the State Acts and other provisions. There should be some standardisation in relation to that. I will withhold my general comments on the safeguards which should be put in place if we are to provide for people to be detained for questioning, which is obviously an absolute requirement. I would prefer to ensure that such interviews are videotaped, as I will discuss in my next amendment.

Mr. McDowell: As a matter of fact, I think in the vast majority of cases——

Mr. Howlin: We are nearly there.

Mr. McDowell: We are nearly there already. I agree with the spirit of the Deputy's amendment, which is that it would be very unproductive to allow for a lengthy period of detention for questioning in a place where there are no video recording facilities. I do not think the Judiciary would approve of such an arrangement, unless there was some extraordinary explanation that I cannot quite think of at this point.

I would like to say, in response to Deputy Ó Snodaigh's amendment, that it is a little strange that under the existing law, if one uses a firearm such as a shotgun to murder somebody one can be detained for 72 hours under the Offences Against the State Acts, whereas if one uses a baseball bat——

Mr. Howlin: Or a shovel.

Mr. McDowell: ——in a paramilitary enterprise one can be detained for a maximum of just 12 hours. I do not think that is a reasonable distinction to draw in the law. Some paramilitaries have, on occasion, been found in possession of baseball bats and have used them to kill people. I always think of the poor man who testified against the IRA chief of staff. As it was during the ceasefire, he was found mutilated and badly beaten north of the Border — care had been taken not to use a firearm. I believe the provisions I have made are reasonable. The detention periods are not as lengthy as those suggested by the late Eamon Leahy in his report. On the other hand, they cover a greater variety of offences than his report suggested. I believe we should leave it the way I have proposed.

Mr. G. Murphy: In that context, will the extra detention periods not be used unless there are video-taping facilities?

Mr. McDowell: I am not accepting Deputy Howlin's amendment. As a matter of law it is becoming increasingly academic because nearly every Garda station with a custody suite has audio-visual facilities. There are difficulties in cases where evidence is produced concerning statements made by an accused person under lengthy detention in a Garda station with no video-recording facilities. The Judiciary is moving rapidly towards this proposition. It often demands an explanation in cases where there is an absence of a proper recording in circumstances such as these.

Mr. Howlin: A Cheann Comhairle, I am sorry for disaggregating the two amendments.

Aengus Ó Snodaigh: The case has not been made as to how this change can have a major bearing on investigations. Concerns have been expressed about prolonged periods of detention which have led to extra duress for individuals, leading to unsafe convictions. Several bodies have raised questions about the proposal. I do not believe the Minister has made the case properly on this issue.

As amendment No. 35 proposes to delete certain words from section 9 that amends section 4 of the 1984 Act, it is a pity we will not deal with amendments Nos. 36 and 37 because they propose to insert words in the section. They contain safeguards in the event the Minister proposes to go ahead with the section's provisions. The Minister should have considered these before seeking extra detention periods. In other jurisdictions where there are prolonged periods of detention, those detained have access to their solicitors and are advised by them during interrogation. The practice in this jurisdiction is for the solicitor to appear at the station only to make certain recommendations to the arrested person.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Amendments Nos. 36 and 37 not moved.

An Ceann Comhairle: Amendments Nos. 39, 40 and 403 to 405, inclusive, are related to amendment No. 38. Amendment No. 404 is an alternative to amendment No. 403. All the amendments will be discussed together.

Mr. Howlin: On a procedural note about the previous amendments, a Cheann Comhairle, I assumed when I alerted the Chair that I wanted the question disaggregated that it would not be put in a way so as not to allow discussion on the video-taping issue.

An Ceann Comhairle: Amendments Nos. 35 to 37, inclusive, were grouped together. The Deputy proposed we take them separately.

Mr. Howlin: Out of good courtesy, Sir, I thought if they were not going to be discussed, you could have alerted me to that fact.

An Ceann Comhairle: The Deputy made the point that amendments Nos. 36 and 37 would fall if——

Mr. Howlin: No, if the amendment was carried, and it was not carried.

An Ceann Comhairle: The question was carried.

Mr. Howlin: The actual words I wish to amend still stand in the Bill.

An Ceann Comhairle: The Chair has no problem if the Deputy wants to——

Mr. Howlin: It is an important issue.

An Ceann Comhairle: I presume that is the reason they were grouped together.

Mr. McDowell: A Cheann Comhairle, the problem arises from the fact that you put the question in the negative. The question was "That the words proposed to be deleted stand", which knocked Deputy Howlin out.

Mr. Howlin: Exactly.

An Ceann Comhairle: The Chair regrets misleading the Deputy.

Mr. Howlin: It is not a matter of misleading. I raise this because it is an important issue.

An Ceann Comhairle: I do not disagree with the Deputy. The amendments, however, were grouped together. Deputy Ó Snodaigh's amendment proposed to delete words from the Bill.

Mr. Howlin: I do not wish to take up the time of the House. However, I was in favour of the Minister's proposition in section 9, but I wished to insert safeguards. That is a different position from deleting the additional time an individual can be kept in custody. May I still address the issue of my amendment?

An Ceann Comhairle: It was agreed.

Mr. Howlin: The formula used was that the words proposed to be deleted stand. The question was declared carried and the amendment declared lost. Therefore, the words my amendment proposes to insert are still contained in the Bill. They would not be there if Deputy Ó Snodaigh's amendment was agreed. We are making law and the issue my amendment deals with

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is a fundamental one rather than a technical one. If we are introducing provisions to keep people in custody for rolling periods of 12 hours, which I support, I want the safeguard that they can only be detained in Garda stations where video equipment is operable. My amendment No. 41 proposes that evidence that is not video-taped cannot be admissible.

Mr. McDowell: For the sake of clarity, I thought I dealt with the Deputy's amendment.

An Ceann Comhairle: The Minister dealt with the amendment. Deputy Ó Snodaigh seemed to have discussed the three amendments and the Minister replied to them.

Mr. Howlin: If the Ceann Comhairle had indicated to me that this was my one opportunity to discuss the matter, I would have addressed it more directly.

Mr. McDowell: If it is any consolation to the Deputy, I would not have accepted his amendment for the reasons I stated in any event. I know he did not have an opportunity to discuss the issue.

Mr. Howlin: I regret the Minister did not have the opportunity either. I would have liked to press the point by way of argument.

Mr. McDowell: I accept that.

Aengus Ó Snodaigh: Would the Minister have accepted my amendment No. 37?

Mr. McDowell: No, on principle I would not have.

Mr. Howlin: I will address the matter under amendment No. 41.

Mr. G. Murphy: I have some difficulty with the Minister's logic. Mine must be at fault as I am sure his is correct. On the one hand, he stated video-taping will be available in nearly all Garda stations, yet the detention period will exist where there are no video facilities in certain circumstances. On the other hand, he claims it does not matter because if that happened, the evidence acquired during that period would be inadmissible.

Mr. McDowell: I do not want it to be part of the law because there could be some extreme case in which, for instance, the video camera collapsed but it was still necessary to carry on the investigation. I do not want to go through all the examples but a case could arise. It is my understanding that the majority of Garda stations where individuals are detained have audio-visual equipment installed. Regarding an individual detained for a long period, unless an extraordi-

nary reason was put forward, the Judiciary would be reluctant to accept alleged admissions by an accused where there is no audio-visual evidence. I do not want to seal that shut, particularly in circumstances where it may render an injustice to an individual. I do not want the absolute law to be if, for instance, the equipment was damaged in a station, the detention would become invalid. That is the only worry I have.

An Ceann Comhairle: I accept Deputy Howlin's point but it is a matter for a forum other than here because there are many amendments and we should stick to them. A decision has already been made that the words proposed to be deleted stand.

Mr. Howlin: Very good.

Mr. McDowell: I move amendment No. 38:

In page 22, to delete lines 43 and 44 and substitute the following:

“(a) in section 2—

(i) in subsection (1), by the substitution of the following paragraph for paragraph (a):”.

The related amendments, Nos. 39 and 40 and 403 to 405, inclusive, are grouped with amendment No. 38. I move amendments Nos. 38, 39 and 403.

Mr. Howlin: Only one at a time.

Mr. McDowell: I will do so. I am speaking on amendment No. 38 but I will also discuss amendments Nos. 39 and 403.

During the Committee Stage debate I indicated I was considering bringing forward an amendment to address the issue that arose in the aftermath of the murder of Donna Cleary which was an appalling event of recent times. The House will recall that the continued detention of a suspect in that case under section 30 of the Offences Against the State Act 1939 was held to be unlawful because the original period of detention had expired before the court hearing to extend the period of detention had concluded. This judgment has implications beyond the 1939 Act and the detention provisions in section 2 of the Criminal Justice (Drug Trafficking) Act 1996 are also affected.

Amendments Nos. 39 and 403 to sections 10 and 184 of the Bill propose amendments to the relevant provisions of the 1996 and 1939 Acts which will address this issue. The amendments provide that where the period of detention permissible under the relevant provisions has not expired at the commencement of the court hearing for the application of an extension of the detention period but would expire during the hearing the period shall be deemed not to expire until the application for an extension has been determined. The Garda will continue to be obliged to bring the suspect before a judge before

the detention period expires and in this way no appreciable increase in time spent in Garda custody will result from this amendment. The approach I have adopted in my amendments goes no further than what is necessary to rectify the problem that arose. Deputy O’Keeffe has tabled amendments Nos. 40 and 405, which are similar in substance. While I accept the principle behind these amendments, I prefer the drafting of the Parliamentary Counsel.

Amendment No. 39 amends section 2 of the 1996 Act by inserting a new subsection 7A which provides that notwithstanding subsection (2), which allows detention for a period of up to 48 hours, and subsection (7), which states, in order to avoid doubt that the maximum period of detention allowed under section 2 is 168 hours excluding rest periods, where an application is made under subsection (2) for a warrant authorising the detention for a further period of a person detained under that subsection, and the period of detention under that subsection has not expired at the commencement of the application but would, but for this subsection, expire during that hearing, it shall be deemed not to expire until the determination of the application.

Amendment No. 403 amends section 30 of the 1939 Act by the insertion of a new subsection 4D, along the same lines as new subsection 7A of the 1996 Act. A consequential amendment is necessary to section 30A of the 1939 Act. Section 30A which was inserted by the Offences against the State (Amendment) Act 1998 provides for the rearrest of a person who has been detained under section 30. Section 30A(2) provides for the application of section 30, subject to certain modifications including that subsections 4, 4A, and 4B do not apply. It is necessary to amend this subsection to provide that the new subsection 4D does not apply either. Paragraph (b)(i) of my amendment achieves that end. Paragraph (b)(ii) is simply a restatement of subsection (3) of section 184 of the Bill. I commend these amendments to the House.

Amendment agreed to.

Mr. McDowell: I move amendment No. 39:

In page 23, between lines 15 and 16, to insert the following:

“(ii) by the insertion of the following subsection after subsection (7):

“(7A) Notwithstanding subsections (2) and (7), if—

(a) an application is made under subsection (2) for a warrant authorising the detention for a further period of a person detained under that subsection, and

(b) the period of detention under that subsection has not expired at the commencement of the hearing of the appli-

cation but would, but for this subsection, expire during that hearing,

it shall be deemed not to expire until the determination of the application.””.

Amendment agreed to.

Amendment No. 40 not moved.

Mr. Howlin: I move amendment No. 41:

In page 24, between lines 25 and 26, to insert the following:

“12.—Save with the leave of the court which may be given only if the exceptional circumstances of the case so require, a statement by a person during a formal interview in Garda custody shall not be admitted in any prosecution against that person unless the interview is videorecorded and such videorecording is produced at the trial.”.

This allows me to deal briefly with videotaping. It was linked to the requirement that detainees would be held in Garda stations equipped with audio and videorecording equipment. The amendment states: “Save with the leave of the court which may be given only if the exceptional circumstances of the case so require, a statement by a person during a formal interview in Garda custody shall not be admitted in any prosecution against that person unless the interview is videorecorded and such videorecording is produced at the trial”.

I am fully aware of the downside of failures of videorecording etc. but if we are to have confidence in the legal system it should be the discipline to require whatever backups and supports exist to ensure one does have functioning video equipment in Garda stations and that one can produce the result of the interview. The notion that the equipment broke down is like the excuse that the dog ate my exercise book. There needs to be a requirement to safely ensure the recording of interviews. I do not wish to refer again to the Morris tribunal, but concerns exist and if we are going to give significant powers to the Garda we need to balance that with ensuring there is proper recording.

On Committee Stage the Minister referred to European comparisons that were much more draconian but the detention measure is significant in our context and tradition. It is accepted across the House that this protects not only the people being interviewed but the interviewers as well against malicious or false claims of mistreatment or ill treatment subsequently. This should be set down in legislation so that everybody knows the ground rules and there should be a requirement for it. The Minister said there may be a malfunction or some other awful thing could happen, but it is true of everything we lay down in law that there could be some slip-up and there probably will be some cases where we will throw our hands up but

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the requirement to record should be mandatory because the generality of it will protect both the Garda and people who are called in for interview.

I accept that a significant expansion of the service is taking place. I take the opportunity to abuse the position to refer to Wexford Garda station which is listed among the ten worst in the country. As a divisional headquarters it really is a disgrace. We do need proper facilities for the Garda. There is no point in saying one can detain people if there is not enough space to interview anybody never mind videotape anybody. We need to ensure proper modern facilities are provided for the Garda to conduct business in an appropriate way.

Based on the complaints I get about decent customer services when people visit Garda stations, customer relations must be put higher on the agenda of the training regime. However, that is a matter for another day. I do not wish to introduce a less important issue into what is a very important issue, namely, ensuring that people properly in custody for protracted periods of time will be assured that their interviews are videorecorded and that in the absence of videorecording their testimonies will not be used in a court against them.

Mr. McDowell: I am sympathetic to the general principle of what the Deputy has mentioned. Nearly everybody in this House has had the experience of being interviewed by a journalist and being told that they have to come back again because the interview has collapsed as the tape recorder was not working. That has happened to me on a number of occasions in the lifetime of this Dáil.

Aengus Ó Snodaigh: The Minister does not need a tape recorder.

Mr. McDowell: These things just happen. That is the way things are. The Judiciary is moving to the point that Deputy Howlin wants to be recognised in his amendment. I am happy that this is the case. I am not in any way worried by the fact the Judiciary is pressing for a general rule of recording where it is appropriate. I am not against that at all but I will give the Deputy this reasonable example.

A situation could arise where an interviewee's statement is taken down in writing and also video-recorded but it is subsequently discovered that the video machine has malfunctioned. In such circumstances, if there is definitive corroboration of the truth of the detainee's statement such as, for example, the discovery of the weapon used in a murder hidden under a stone in a particular place, as the interviewee said it would be in his or her confession, the public would be outraged if there was an absolute rule that the evidence must be discarded because the machine has malfunctioned.

Gardaí might be acting entirely in good faith in relying on the machine to be recording the interview. According to this amendment, however, if the machine malfunctions, evidence obtained through that interview, no matter how cogent and incontrovertible, would be thrown out and the relatives of a deceased person left with no remedy in law. We must be careful in proposing such changes. The Judiciary can be relied upon in this matter and the issue of admissibility should be left to its members to decide. They are flexible but also vigilant.

Mr. Howlin: There is no safeguard in any legislation against which one could not make the type of case the Minister just made. There will always be the possibility that an injustice could arise. If such safeguards are not included, however, even more injustices could arise. One cannot argue against the inclusion of safeguards because, in this case, the videotape could malfunction *mar dhea*.

Mr. McDowell: That is a matter for the judge to decide.

Mr. Howlin: It is a matter for us to lay down the law in this regard. If we are all of the view that interviews should be recorded, then there should be an onus on somebody to ensure the video machine is working and, if necessary, that a back-up machine is available. It is a disciplinary matter for the Garda to ensure it carries out these procedures correctly. I agree with the Minister that we should not put trip-wires in the way of getting at the truth. It is a question of maintaining a balancing act. We have seen in other circumstances that when people are given a get-out clause, they inevitably use it. I could give chapter and verse on the other side of this situation which is that innocent people have found themselves terribly damaged.

Murphy's Law dictates that a case will arise where a video recorder ceases to function and problems arise because some evidence has gone unrecorded. As the Minister knows better than us mere mortals, this is the way the legal system operates. One encounters obstacles and the law takes its course and sometimes an injustice is done. We must constantly strive to attain the correct balance. The system is imperfect by definition and we will not succeed in creating a perfect model. In view of the increased powers we have given to the Garda in terms of the timeframes within which people may be held in custody, however, it is important that we include robust safeguards to which gardaí are aware they must adhere.

Mr. McDowell: The many good legal advisers available to the Deputy will tell him that we have already arrived virtually at that point in regard to established jurisprudence by the courts. I do not want to impose an absolute and inflexible rule where the courts themselves have not gone that

far. I appreciate the Deputy's point and have great sympathy with his argument that gardaí should realise there is no point in questioning a detainee who is held for a long period in custody unless the video-recording machine is functional. The Judiciary has also arrived at that general proposition but has not put it in the absolute black and white terms the Deputy proposes. I do not want to take such an approach.

I take the Deputy's point that we must try to establish norms to which people must aspire. In regard to the example I gave, the Deputy might say hard cases make bad law. This may be so. However, we should remember a recent extraordinary case. If anybody had claimed in this House five years ago that a situation could arise where a garda seeking an extension against a person under the Offences Against the State Act would be obliged to ask a judge to hurry up and make up his mind because the time was running out, most of us would have considered it highly unlikely. Such scenarios do, however, arise.

Mr. Howlin: I have done my best to convince the Minister on this point.

Amendment, by leave, withdrawn.

An Ceann Comhairle: Amendments Nos. 42 and 43 are related and may be taken together.

Mr. Boyle: I move amendment No. 42:

In page 24, to delete lines 37 and 38 and substitute the following:

“(3) An authority under *subsection (2)* may be given orally but, if it is given orally, it must be confirmed in writing within less than 12 hours of the oral authority.”.

This amendment proposes to replace the phrase “as soon as practicable” in subsection (3) of section 12 with the words “within less than 12 hours of the oral authority”. The phrase “as soon as is practicable” is far too open to abuse. In a Bill that is otherwise littered with time definitions, it is more than pertinent to include such a definition in this instance. A period of 12 hours is more than adequate for this purpose.

Amendment No. 43 proposes a change to subsection (5) to the effect that a person who refuses to allow himself or herself to be photographed should be liable on summary conviction to a fine not exceeding €200 rather than a fine not exceeding €3,000 or imprisonment for a term not exceeding six months or both, as currently provided. This amendment reflects the reality that a person who refuses to be photographed may be accused of only a minor offence. In such instances, a fine of €3,000 and a prison sentence of six months might be out of line with the original offence. Furthermore, the proposed fine of €3,000 seems out of line with the lesser fines in place for more serious crimes.

Mr. McDowell: I do not propose to accept these amendments. In regard to amendment No. 42, the phrase “as soon as practicable” has a legal sense. The Judiciary knows what is meant by it and will apply it sensibly in individual cases. A 12-hour limit may not be as soon as practicable in some cases and may be more than is practicable in some extreme cases. It does not add much to the provision to impose a 12-hour limit.

Amendment No. 43 would facilitate those camera-shy villains who wish to pay for the right to refuse to be photographed without the fear of being imprisoned for doing so. The only people I imagine would benefit by the Deputy's amendment are rich thugs who, for whatever reason, want to avoid having their photograph taken. The possibility that people might be obliged to spend a week, month or three months in Mountjoy Prison if they do not agree to be photographed may be far more coercive than the notion that they can simply go to their stash of cash and pay the State for the privilege of not being photographed.

Amendment, by leave, withdrawn.

Amendment No. 43 not moved.

An Ceann Comhairle: Amendments Nos. 44 and 45 are related and will be discussed together.

Mr. McDowell: I move amendment No. 44:

In page 25, to delete lines 10 to 13, and substitute the following:

“six months”,

(ii) by the substitution of the following subsections for subsection (3):

“(3) Where proceedings have been so instituted and—

(a) the person is acquitted,

(b) the charge against the person in respect of the offence concerned is dismissed under section 4E of the Criminal Procedure Act 1967, or

(c) the proceedings are discontinued,

the destruction shall be carried out on the expiration of a period of 21 days after the acquittal, dismissal or discontinuance, as the case may be.

(3A) For the purposes of subsection (3)(b), a charge against the person in respect of the offence concerned shall be regarded as dismissed when—

(a) the time for bringing an appeal against the dismissal has expired,

(b) any such appeal has been withdrawn or abandoned, or

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(c) on any such appeal, the dismissal is upheld.”,

and

(iii) in subsection (7)—

(I) by the substitution of “for a period not exceeding twelve months” for “for a period not exceeding six months”, and

(II) by the substitution of “for the purpose of proceedings or further proceedings” for “for the purpose of further proceedings”.

The purpose of amendments Nos. 44 and 45 is to restate the position with regard to the destruction of photographs, fingerprints, palm prints and forensic samples taken from a detained person in circumstances where the book of evidence is not ready for service and the court strikes out the charge. The necessity for these amendments was brought to my attention by the Office of the Director of Public Prosecutions.

Section 6 of the 1984 Act provides for the power to take photographs, fingerprints and palm prints relating to a detained person. The necessary provisions on destruction are contained in section 8 of that Act. Section 2 of the Criminal Justice (Forensic Evidence) Act of 1990 allows for the taking of forensic samples with the necessary provisions on destruction contained in section 4 of that Act. Section 8(3) of the 1984 Act currently provides that the destruction of records taken under that Act shall be carried out in circumstances where proceedings against the person have been instituted and the person acquitted or discharged or the proceedings discontinued. Section 4(3) of the 1990 Act makes similar provision in respect of the destruction of forensic samples under that Act.

A judgment in 2004 demonstrates that things happen which nobody could ever predict, and certainly nobody predicted this would happen in 1984. In a 2004 judgment, the Court of Criminal Appeal, in the case of the people *vs* James Bowes, decided that the word discharge in section 8 of the 1984 is to be interpreted as encompassing a situation where the court strikes out the charge because the book of evidence was not necessary. It was argued in the case that the words “acquitted” or “discharged” or “the proceedings are discontinued” were intended to cover situations where the prosecutions effectively come to an end and not the circumstance in which the charge was struck out due to a delay in serving the book of evidence.

Prior to the judgment in this case, such records were not required to be destroyed upon the making of an order striking out charges due to a delay in service of the book of evidence. That was not the practice. Where there was a delay in service of the book of evidence and the charge was struck out, the records were used for the purpose of the subsequent reinstated proceedings. The striking

out of proceedings in circumstances where the book of evidence is not ready is without prejudice to proceedings against the accused person being taken again.

Some uncertainty appears to have been created with the abolition of preliminary examination before a district judge in the Criminal Justice Act in 1999. Prior to the introduction of those provisions, the term “discharge” was interpreted in accordance with the provisions of the Criminal Procedure Act of 1967. It therefore referred to circumstances in which the accused was discharged on the basis that there was not a sufficient basis to return him or her for trial. With the introduction of the 1999 Act, this procedure was replaced with a procedure whereby the court shall dismiss the charge in circumstances where there is not a sufficient case to put the accused on trial. In bringing forward the procedural change in 1999, the terminology changed and this appears to have contributed to the uncertainty created.

The new subsection (3) provides for an insertion into the 1984 and 1990 Acts which will restate the current provisions in these Acts but with reference to the term “discharged” being replaced by the more correct reference to proceedings introduced in the 1990 Act being dismissed under section 4E of the Criminal Procedure Act of 1967. In addition, a timeframe of 21 days for the destruction of samples has been included in the 1984 Act. This will bring the Act into line with the provisions of the Criminal Justice (Forensic Evidence) Act of 1990. A timeframe gives greater clarity regarding the duty to destroy records and samples.

A new subsection (3A) is being inserted in both Acts to take account of the prosecution’s right to appeal against the dismissal of the charge. This right of appeal is set out in section 4E(7) of the 1967 Act.

Amendment No. 44 paragraphs (iii) (I) and amendment No. 45 paragraph (b)(i) restate an amendment agreed on Committee Stage extending the time period for which a court may authorise the retention of records and samples from six to 12 months. Amendment No. 44 Paragraph (ii) is a drafting amendment clarifying that an application for the retention of records may be made for the purpose of current proceedings or further proceedings relating to an offence.

In 1984 everybody thought the legislation was good but they found out in 2004 that it was not so good. Due to changes in the interpretation of a particular term, the destruction provisions meant that where a district judge said, “I am discharging this accused, you can come again if you want”, that did not save the fingerprints, palm prints or samples on which the prosecution was based.

Mr. J. O’Keeffe: I accept that at all stages we must check the law and ensure that any loopholes that have been or are likely to be disclosed are closed. The same applies with regard to the

debate we had earlier on the Criminal Law (Home Defence) Bill.

Mr. McDowell: The ingenuity of defence lawyers never ceases to amaze me.

Mr. J. O’Keeffe: The only complaint I have is that these amendments are quite complex and technical and should have been teased out on Committee Stage. To a degree, we must take the Minister on trust that they are the full shilling, as presently drafted. We do not have the opportunity to tease out the detail of them at this stage. However, on the basis of the Minister’s presentation, it appears that the amendments are justified and I am prepared to agree to them.

Amendment agreed to.

Mr. McDowell: I move amendment No. 45:

In page 26, to delete lines 25 to 27 and substitute the following:

“(b) in section 4—

(i) in subsection (2), by the substitution of “within twelve months from the taking of the sample” for “within six months from the taking of the sample”, and

(ii) by the substitution of the following subsections for subsection (3):

“(3) Where proceedings have been so instituted and—

(a) the person is acquitted,

(b) the charge against the person in respect of the offence concerned is dismissed under section 4E of the Criminal Procedure Act 1967, or

(c) the proceedings are discontinued,

the destruction of the record and the sample identified by such record shall be carried out on the expiration of twenty-one days after the acquittal, dismissal or discontinuance, as the case may be, unless an order has been made under subsection (5) of this section.

(3A) For the purposes of subsection (3)(b) of this section, a charge against the person in respect of the offence concerned shall be regarded as dismissed when-

(a) the time for bringing an appeal against the dismissal has expired,

(b) any such appeal has been withdrawn or abandoned, or

(c) on any such appeal, the dismissal is upheld.“.”.

Amendment agreed to.

Aengus Ó Snodaigh: I move amendment No. 46:

In page 26, to delete lines 31 to 38 and substitute the following:

“(aa) make provision for the safeguards outlined in *Schedule 1** of the *Criminal Justice Act 2006*.”.

Question: “That the words proposed to be deleted stand” put and declared carried.

Amendment declared lost.

Aengus Ó Snodaigh: I move amendment No. 47:

In page 26, between lines 38 and 39, to insert the following:

“(d) in section 5(2) by the insertion of the following paragraph after paragraph (b):

(c) In determining whether the carrying out of a forensic procedure without consent is justified in all the circumstances the superintendent or Garda of higher rank shall have regard to the following:

(i) the seriousness of the circumstances surrounding the commission of the relevant offence and the gravity of the relevant offence;

(ii) the degree of the suspect’s alleged participation in the commission of the relevant offence;

(iii) the age, physical and mental health, cultural background and religious beliefs of the suspect, to the extent that they are known;

(iv) whether there is a less intrusive but reasonably practicable way of obtaining evidence tending to confirm or disprove that the suspect committed the relevant offence; and

(v) where the suspect gives reasons for refusing to consent, the reasons for refusing.“.”.

Section 14, which we address here, allows for the taking of bodily samples, mouth swabs and saliva without consent and allows the authorities to keep these samples for a year, even where a person has not been charged with a crime. The Human Rights Commission has raised a number of serious concerns about this proposal. In its view, it lacks adequate safeguards.

What I am trying to do with this and previous amendments is to insert some safeguards into the legislation. The Minister has previously stated that he will deal with ministerial regulations and I have tabled an amendment to deal with that matter also.

The amendment is self explanatory. It outlines what a garda, of at least Superintendent rank,

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must have regard to before making a decision to take such bodily samples as are deemed to be required for the pursuance of an investigation. The factors are mostly common sense and are ones a garda would generally take into account. They include the age, physical and mental health of the suspect and so forth. By stating the factors clearly in the law, we are not leaving it to chance that they are taken into account. That is all the amendment aims to do. It provides safeguards and ensures that any regulations that this or a future Minister may draft are already tied to what has been included in the legislation. I urge the Minister to accept the amendment.

Mr. McDowell: While I accept what the Deputy says about the concerns of the Human Rights Commission, there are more than the accused's human rights to be concerned with. The human rights, for instance, of victims of child sexual abuse and serious assault and the relatives of victims of homicides must be taken into account, as well as the human right of the rest of the community to have an effective system of law. Some people seem to think that human rights centre on accused persons. If one consults Article 40 of the Constitution, one sees that the State is obliged to uphold everyone's human rights. The focus sometimes slips so that we begin to discuss rigid exclusionary rules and massive safeguards for people suspected of having committed serious offences while stripping away reasonable measures to bring people to justice, the ultimate human right for victims of crime. I do not wish to sound dismissive of human rights, but they apply across the board. The human rights of someone mugged in the street are violated, but those of the alleged mugger may or may not be violated by how that person is dealt with in the criminal justice process.

The State has an obligation to both of those people rather than simply to one. We would otherwise have an ineffectual criminal justice system. I listened to Deputy Kenny's comments about rebalancing the system, and Prime Minister Blair says the same in the United Kingdom. If we constantly concentrate on the human rights of alleged perpetrators and never on those of victims, we skew the whole language of such rights.

Deputy Ó Snodaigh has mentioned that some things may infringe human rights or have certain implications. I would be much more impressed if he said that something represented a clear violation. In a phrase I used on another occasion relating to the Human Rights Commission, tendentious remarks are made that something may have a certain effect, but it is also the case that it may not. If the Human Rights Commission is of the opinion that a measure is not justified by reference to human rights considerations, it should say so rather than advancing a tentative position that something could have human rights implications and leaving it out for Deputy Ó Snodaigh

to attend the House and say that the Human Rights Commission has said something is not necessarily the best way to deal with such issues. We all have human rights and rely on the Garda to protect them. It can only do so if it has effective means at its disposal, both preventative and detective, regarding crime. I make the point that we seem to be losing our focus.

The second thing is that taking a swab with a cotton bud from the inside of someone's cheek is a hell of a lot less invasive than keeping someone in a cell for 12, 24 or 36 hours. This set of proposed safeguards is not applied in those circumstances. Therefore, I do not know why we are so afraid of DNA sampling but quite happy to force someone to stick his or her finger on an ink pad and put it on a piece of paper, or to provide a palm or footprint. What is so different about a swab in one's mouth? We seem to have a phobia about any new technology that is effective. It is not the case that substantial numbers of crimes are being solved using DNA evidence, although I believe that we will have far more extensive use of DNA. In the context of a database being provided for in the rebuilding of the Forensic Science Laboratory at Garda headquarters, I have great hopes that it will happen.

This is rather ritualistic stuff. If taking a swab requires so urgently to be circumscribed by so many protections, why is that not so with taking a hair sample or the print of a finger, thumb or palm? What is it about DNA that has everyone up in arms compared with other legitimate investigative techniques? The Deputy will appreciate that I do not propose to accept the amendment.

Aengus Ó Snodaigh: After that rant, where does one go?

Mr. J. O'Keeffe: The Deputy should try another one.

Aengus Ó Snodaigh: No, it is not another one. If the Minister had read the amendment, he would have seen that it is quite reasonable, since it refers to the seriousness of the circumstances in the instances of which he has spoken and the degree of the suspect's involvement.

Mr. McDowell: What have the religious beliefs of an accused person to do with whether he or she should give DNA?

Mr. Howlin: It is to do with whether they open their mouths.

Aengus Ó Snodaigh: It also refers to determining whether carrying out the forensic procedure without consent is justified.

Mr. McDowell: Is one to have an inquiry into the accused's religious beliefs?

Aengus Ó Snodaigh: Another issue is whether there is a less intrusive but reasonably practical way of obtaining evidence.

I am not saying that evidence should not be gathered. My proposal quite rightly attempts to amend this section in this instance rather than deleting it, adding conditions that must be taken into account. That is all, and no one, by adopting this, would detract from the victim's human rights. One is talking about a suspect, and people must remember that. It is a pity that the Minister, when dealing with "shall" and "may" in parts of other legislation, did not take on board what he said about the Human Rights Commission.

I am pressing for regulations and safeguards to be put in place. That is all they are, since they do not prevent investigations and are not intended to be awkward. If gardaí are trained to carry out their duties properly, there will be no question regarding the operation of this law or the gardaí themselves. This kind of safeguard is required specifically because of the abuse of people in Garda custody.

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

Aengus Ó Snodaigh: I was going to finish rather than going back again. I have a right to reply, so I can sit down and start again.

I was about to finish by saying that it is a pity that the Minister has rejected out of hand safeguards such as these, dismissing what the Human Rights Commission had to say. I am not expert in this field since, like the Minister, I accept advice from those tasked to inform us or raise questions about legislation. That is literally what we are doing to make the best possible legislation in this House.

Mr. McDowell: I have no problem with people raising issues brought up by the Human Rights Commission. However, where tendentious remarks are put into the public domain to the effect that something may be an infringement of international or domestic human rights provisions, I would much prefer them to say that they believed it to be such. When they come down on one or other side of the equation, I am more impressed. At the time of the constitutional referendum, an argument was addressed by the Human Rights Commission that it might infringe the rights of people born in Ireland.

Mr. Howlin: Are 400 amendments not enough to keep us focused without raising amendments to the Constitution?

Mr. McDowell: If the Human Rights Commission is of the solid belief that something infringes human rights, let it say so. If it does not believe that, let it state so too. The notion that something may infringe human rights is made public, and we are left to deal with it, which is

unsatisfactory. If it reaches the opinion that something might be an infringement but that on balance it agrees with the Minister that it is not, let it say so. If something might be an infringement and the Human Rights Commission believes it is, let it say so. The unelaborated notion that something may be an infringement leaves everyone with a question mark, despite the fact that commissioners are selected on the basis of experience in the area. We need their clear and unambiguous opinions in future.

Mr. Cuffe: It is not always black and white.

Amendment put and declared lost.

An Ceann Comhairle: Amendment No. 48 has already been discussed with amendment No. 7.

Aengus Ó Snodaigh: I move amendment No. 48:

In page 26, between lines 38 and 39, to insert the following:

"(2) Any Ministerial regulations arising from this section shall require the approval of both Houses of the Oireachtas."

Amendment put and declared lost.

An Ceann Comhairle: Amendments Nos. 52, 54 and 55 are related to amendment No. 49. Amendments Nos. 51 to 54, inclusive, are alternatives to amendment No. 50. Amendments Nos. 49 to 55, inclusive, will be discussed together.

Mr. Howlin: I would object but I would be afraid to do so.

Mr. McDowell: Let us leave them all together.

Mr. Howlin: Leave them together.

Mr. McDowell: I move amendment No. 49:

In page 27, between lines 9 and 10, to insert the following:

"“statutory declaration“ includes a statutory declaration made under *section 17* or *18*;"

On Committee Stage on 19 April 2006, I indicated that I would give further consideration to a number of issues that arose in the context of Part 3. I cannot remember whether it was Deputy Jim O'Keeffe or Deputy Howlin who stated that there was a lack of joined-up cross-referencing in the section. Amendment No. 49 aims to deal with this.

In respect of amendment No 52, I indicated on Committee Stage that I would consider further amendments to section 76, which was put forward in Deputy Howlin's name. Deputy
10 o'clock Howlin proposed that section 76 should explicitly state at the outset that prior witness statements can only be admitted by leave of the court. While section 16 does

[Mr. McDowell.]

not explicitly state that the leave of the court is required, it is clear that the section could not operate in any other manner, particularly when section 16(2)(b) and section 16(4) are considered. These provisions refer to the court being satisfied with and having regard to certain matters. Notwithstanding that, I am proposing that the words “with the leave of the court” be inserted in section 16(1) for added clarity and to satisfy Deputy Howlin on the matter.

In respect of amendment No. 54, I raised a concern on Committee Stage with regard to the meaning of the phrase “any fact” as it appeared in section 16(2)(b)(i). This provides that before admitting prior witness statement, the court must be satisfied that direct oral evidence of any fact mentioned in it would be admissible in the proceedings. It emerged during the debate that the phrase “any fact” could have three possible meanings. It could mean every fact, any single fact or the facts sought to be relied on by the prosecution. There is an ambiguity in the current text. I am, therefore, proposing to amend section 54 to substitute the phrase “any fact mentioned in it” with “the fact concerned” so that subsection 2(b)(i) would read “that direct oral evidence of the fact concerned would be admissible in the proceedings”. Deputies will appreciate that at one stage, three different meanings emerged quite reasonably in respect of the same proposition and that it is worthwhile introducing this amendment.

These matters may be the subject of judicial consideration at a later stage. The phrase “the fact concerned”, which, having regard to the Interpretation Act, includes the plural, must be read in the light of subsection (1), which states that a statement which includes part of a statement, as defined in subsection (16), may be admitted in accordance with this section as evidence of any fact mentioned in it if the witness, although available for cross-examination, refuses, among other things, to give evidence. Reading subsections (1) and (2) when revised as proposed together, it is clear that only those facts contained in the statement or part of a statement of which direct oral evidence would be admissible may be admitted with the leave of the court, subject to the fulfilment of the other criteria in the section. These amendments bring additional clarity to this part and I commend them to the House.

Amendment No. 51 would limit the scope of the new provisions to witness statements that are contained in the book of evidence. I do not propose to accept this amendment because not all statements are contained in the book of evidence. On some occasions, only an edited version of a statement is included in the book of evidence. Additional documents, including further witness statements, may be served on the accused or his or her solicitor after the serving of the book of evidence. Specific provision is made for this procedure in Part 1A of the Criminal Procedure Act

1967, which is inserted by section 9 of the Criminal Justice Act 1999. Therefore, to insert a qualification as proposed would have the effect of narrowing that section unduly. It is also sometimes the case that the prosecution may, in the course of a trial, decide not to call certain witnesses. However, it is worth adding that nothing in this section in any way changes the existing requirements for full disclosure of all relevant evidence by the prosecution to the defence.

Amendment No. 50 seeks to delete section 16 in its entirety. Section 16, which is at the heart of this Bill, provides for the admission of previous admission in evidence of previous witness statements and is an essential element of our response to a worrying recent development. We are all aware that proceedings in significant cases were grossly hindered by the withdrawal by some witnesses of statements made in the course of the investigation. It is not an exaggeration to say that there was a sense of public outrage about this development. It is essential that the Oireachtas is seen to respond in an effective but measured and constitutional way to this issue. Part 3, with the drafting amendments I have brought forward, meets this requirement in a moderate and reasonable way.

I acknowledge that Part 3 marks a significant departure from the common law rule that a previous statement made to the gardaí cannot be admitted in evidence as proof of any facts contained in it. The effect of this rule is that the fact that a witness may have previously said something different can only be used to attack the credibility of the witness but that the assertions of any earlier statement can never constitute proof of these assertions. The basis of this approach is the constitutional right to trial and due process. Due process requires that the defence has the right to be presented with evidence in court by a witness who can be cross-examined and his or her demeanour and credibility assessed by the court. The requirement that the defence must at some point during the proceedings have the right to challenge and question a witness is guaranteed by the European Convention on Human Rights and reflected in the judgments of the European Court of Human Rights.

Aspects of the rule were previously changed by statute, for example, in respect of statements by witnesses who died or may have been intimidated. Part 3 further amends the law to provide for the admissibility under strict conditions of previous witness statements in criminal cases, taking account of precedents in other common law jurisdictions but drawing in particular on an approach adopted in Canada. In a majority judgment in the case of *R v B*, the Supreme Court of Canada ruled that a previous statement can be admitted if it would otherwise be admissible as the witness’s oral evidence and if the judge is satisfied that indicia of reliability are present and genuine. They are that the witness must have

been warned about the necessity to tell the truth and the consequences of not doing so and that his or her statement was made on oath or solemn affirmation and was video recorded or that other substitute indicia were established. The judge must also be satisfied that the statement was made voluntarily and that there are no factors which would tend to bring the administration of justice into disrepute.

In coming to this conclusion, the Supreme Court of Canada was very careful to ensure, in particular, that the witness could be subject to contemporaneous cross-examination from the defence, which is what we envisage here, and that the jury would have the opportunity to examine not just the words of the witness but his or her demeanour. The court was satisfied that any concerns could be adequately dealt with by the fact that the witness would be available for cross-examination in court in respect of the previous statement and that a video recording of the original statement would be available.

Part 3, in particular section 16, follows this approach, allowing for the admission of the previous statement, while at the same time providing safeguards against the dangers which necessitated the original exclusionary rule. I am satisfied that the safeguards which are included in this respect are the strongest possible safeguards to ensure that unreliable evidence is never admitted under this provision. Of particular importance in this respect is the requirement that the witness be available in court for cross-examination. In addition, in assessing the reliability of the evidence, the court must have regard to whether it has been video recorded and is obliged not to admit it if, in the interests of justice, it decides that it should not be admitted. Therefore, I do not propose to accept the proposal to delete the section.

Amendment No. 55 seeks the deletion of section 18. This section simply extends the power to receive statutory declarations to competent persons who are defined as the employees of a range of public authorities. The reason for the inclusion of this section is that section 16(2) refers to statements made on oath or affirmation containing a statutory declaration or made in circumstances where the witness understood the requirement to tell the truth and contains no limitation in so far as to whom the statement must be made. The extension of the power to receive statutory declarations to the Garda Síochána in section 17 and all public authorities in section 18 flows from section 16(2)(c). It means that there is a mechanism that can be used by public authorities, for example, the Revenue Commissioners, much of whose work is investigative, to show that those making statements to them understood or should have understood the requirement to tell the truth.

Having regard to the difficulties in identifying a comprehensive list of public bodies which take statements that could be relevant to criminal pro-

ceedings, the approach in section 18 is to define public authorities in broad terms. It will be a matter for each public authority to decide whether it will avail of this power.

I emphasise that section 18 only allows the employees of public authorities to receive statutory declarations. In the event that a statement contains a statutory declaration and is subsequently relevant to criminal proceedings and recanted, it will be a matter for the court to decide within the parameters set out in section 16 as to its admissibility. Amendment No. 49, which provides a definition of statutory declaration in section 16 to the effect that it includes a statutory declaration made under sections 17 and 18, clarifies the link to which Deputies Howlin and Jim O'Keeffe referred. For the reasons mentioned, I do not propose to withdraw the idea.

Mr. J. O'Keeffe: It is the most important section and the amendments to it are also important. I support the section, as the situation evident in recent cases in which witnesses suffered from amnesia must be confronted. The Minister has taken on board the beneficial and detailed debate on Committee Stage. While the amendments he proposes seem technical, they improve the section. In fact, one amendment coincides exactly with one of Deputy Howlin's amendments, which reinforces the view. The Minister's proposed amendments would improve the section and I am prepared to accept them and approve the section as amended.

Mr. Howlin: I agree that this is an important section and we had some debate about it. It is quite difficult to craft a legal framework to deal with the issues that arose in open courts where people suffered from amnesia, that is, they were unable to remember evidence they had previously given in sworn statements. How to deal with such is a challenge that we must do our best to face. While it remains to be seen whether the instrument we had previously was perfect, it is probably flawed. As with all legislative attempts in this regard, there will be ways around it, but this section is an honest attempt to address a situation that has caused great public disquiet.

Many issues have been taken together. If anyone walked in and listened to the Minister's explanation, he or she would be bamboozled. The Minister spoke about indicia. In plain English, does he mean indicators?

Mr. McDowell: Yes.

Mr. Howlin: That is also plain English. Perhaps the Minister should try—

Mr. McDowell: "Indicators" is a longer term.

Mr. Howlin: It is used more often in plain English. The Minister has rejected my amendment No. 51. In section 16(1) where it states:

[Mr. Howlin.]

“Where a person has been sent forward for trial for an arrestable offence, a statement”, I want to insert “contained in the book of evidence served on that person” after “statement” and before “relevant to the proceedings made by a witness”. The Minister has accepted my amendment No. 53 relating to that section. The Minister explained that he will accept it more by way of courtesy than necessity. However, its inclusion is good enough for me and I will not be churlish and make more points in that regard.

The Minister is clearly more familiar with the courts system than I. While he may indicate otherwise, I am advised that the phrase I wanted to insert through amendment No. 51 is required to avoid ambush. The Minister has given assurances that all witness statements will be in the original book of evidence, but it is possible to issue new witness statements during the course of a trial. I am not sure how such works as I have no experience in these matters. I understood that the case needed to be laid out in advance and, where witnesses were to be called, the gist of their charges and statements needed to be laid out so that they could be rebutted.

The requirement provided by the amendment would not have caused difficulty, that is, to ensure that admitted witness statements were not produced out of the blue. Rather, they would be contained in the book of evidence. I must take the assurance of the Minister in that regard, but he might elaborate on what is normal procedure and give me an assurance that there will be no potential for ambush in the form of new witness statements being interjected in the middle of a trial, rather like Report Stage amendments in the face of the poor Opposition trying to cope with the Bill as already discussed.

I thank the Minister for accepting amendment No. 53. I do not know why he tabled his own amendment instead of accepting mine. Perhaps I have left out a comma or something.

Mr. McDowell: I have no idea.

Mr. J. O’Keeffe: It would have been a bridge too far.

Mr. Howlin: Was it a bridge too far to say that?

Mr. McDowell: Normally, I would have accepted it. I do not know whether there was any difference between the amendments.

Mr. Howlin: I am sure that there is a reason. Perhaps a comma or semicolon.

Mr. McDowell: It was probably in respect of the guillotine in that it would make the issue more certain.

Mr. Howlin: For the avoidance of doubt. However, the Minister could refer to certain amendments at the end of Report Stage. Indeed,

I hope he will do so if there is a guillotine and we have not discussed all the amendments. If the House cannot discuss them all, the Minister might indicate tomorrow what later amendments he is minded to accept, which was a point made by Deputy Ó Snodaigh in respect of other amendments and one that I would not generally be in favour of as it forestalls the chance to make a case for amendments. He could depress Deputies by giving them that information.

I do not want to delay the House further other than to comment on section 16(3)(b) and the issue of witness demeanour. In respect of a court, it states:

and shall also have regard to—

(i) any explanation by the witness for refusing to give evidence or for giving evidence which is inconsistent with the statement, or

(ii) where the witness denies making the statement, any evidence given in relation to the denial.

It is important to include this provision. I am not sure how it will pan out in practice but, as constructed and amended, the section is an honest attempt to deal with a situation that has arisen and has caused great public disquiet. I am not sure whether it will meet the full requirements of the situation.

Aengus Ó Snodaigh: I have tabled two amendments to this section seeking deletions because the case has not been fully made. There have been concerns and incidents that were well rehearsed on Committee Stage wherein a number of recommendations were made in respect of the protection of witnesses to ensure that they could securely travel to and from courts and the duties of the State to witnesses.

Regarding witness statements, it is concerning that such are not made under the advice of counsel, nor are they always made in the full knowledge—

Mr. Howlin: Is that legal counsel or army council?

Aengus Ó Snodaigh: Whichever one wants. Statements are not made with any counsel’s advice, as witnesses may not necessarily have access to anyone. Statements are not made with the full knowledge of the consequences of making a false statement. Current practices and safeguards in respect of the taking of statements at Garda stations are not adequate, as has been found by Mr. Justice Liam McKechnie.

Reforming practices in respect of the taking of both witness and suspect statements is necessary to ensure sound convictions. Different people have made recommendations. The Irish Human Rights Commission did not dilly dally on this issue. It recommended that statements made to

competent persons — I am referring to those in public authorities — should not be admitted. The commission was quite specific, but the Minister did not take its recommendations on board. The commission went on to state that it “is strongly of the view that this reform proposal could result in highly unreliable statements being admitted as substantive evidence in a criminal trial”. For this reason, I will not agree to these sections.

Mr. McDowell: The term “book of evidence” is a term of lawyers and, as far as I know, is not used in any statute. Under the Criminal Procedure Act 1967, the statements of witnesses, a list of exhibits and the names and addresses of witnesses have always been called the book of evidence by lawyers. Notices of additional evidence were regarded as a separate item. Frequently, where the prosecution knew further evidence was coming but knew it had a *prima facie* case already, the fact that it would have to delay for one reason or another did not inhibit it from sending the accused forward for trial and serving a notice of additional evidence at a later stage. Provided it was not done by way of a last minute ambush the Judiciary, given fair notice of further evidence to be adduced, normally agreed. In the UK they are beginning to explore the idea of requiring the accused to make his case, given that he now has legal aid.

Mr. Howlin: A book of defence.

Mr. McDowell: Yes. I do not know if that would be a bridge too far for Irish jurisprudence——

Mr. Howlin: We discussed that proposal in the context of the requirement to plead in the District Court, to prevent a person hearing the case before deciding whether or not he or she was guilty.

Mr. J. O’Keeffe: One cannot spring an alibi.

Mr. McDowell: It exists at the moment in the context of an alibi.

Mr. J. O’Keeffe: A start has been made on that.

Mr. McDowell: “Alibi” has a technical meaning. An elaborate excuse for what otherwise looks like a crime is not covered by the concept of an alibi. It merely refers to physical presence at a place and other things are not covered by it.

The courts will be fairly tough on somebody who pulls a rabbit out of the hat at the last moment. On the other hand, if the prosecution became aware that a whole new line of defence was to be made by the accused, or if gardaí reported back that they now believed the accused would say he was in Spain when the crime took place or that the money in question belonged to his grandmother, the prosecuting authority must

have an element of flexibility not only to bring rebutting evidence at the end of the trial but also to bring preparatory evidence as part of its case in chief to ward off particular lines of evidence which might be used against it.

The degree of notice to which an accused person is entitled very much depends on the facts of each individual case. I was struck recently by an address of an eminent senior counsel, Mr. Paul Anthony McDermott, at a conference held by the Director of Public Prosecutions in Dublin Castle. His argument was that we stack everything up in favour of the accused and leave the prosecution naked in certain circumstances. The Director of Public Prosecutions made the point that it seemed the accused could lose 100 arguments without detriment but if the prosecution lost one, the whole case collapsed. A footballing analogy was made whereby if one team scored 100 goals but the defence scored one, the game was over.

Mr. J. O’Keeffe: One own goal.

Mr. McDowell: Yes. I do not claim to be an expert in Gaelic games but I understand there was a time when no amount of points equated to a goal. If a team scored one goal it would beat a team that had scored 18 points.

Aengus Ó Snodaigh: The Minister is showing his age.

Mr. McDowell: That was changed at the turn of the century to a three-to-one ratio. This applies to the prosecution at the moment, unfortunately. If one thing goes wrong with its case on one occasion, it is finished, whereas the accused can have a catalogue of disasters such as bad witnesses——

Mr. Howlin: It is nearly as bad as being a Minister. One major cock-up and he is done for.

Mr. J. O’Keeffe: As long as he realises it.

Mr. McDowell: Members are very witty tonight. In answer to Deputy Ó Snodaigh’s point, at least on this occasion the Human Rights Commission was definite and did not think it was a good idea. In amnesia cases there is another argument. The Canadian Supreme Court addressed this without legislation. It stated that the Canadian view of constitutional justice allowed it to reverse the common law rule in this area. We have our Human Rights Commission and the Canadians have their Supreme Court but we, as legislators, must make our own judgment on the issue. Either we leave the law as it is and people are allowed to walk away from solemn statements with no consequence at all, inducing outrage among the public at what it regards as selective amnesia, or we do not tackle the issue.

I believe that if Deputy Ó Snodaigh put that point squarely to 300 citizens in Dublin South-Central, they would support what we were doing

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in this House. He would find that only a small minority of opinion would believe it wrong to do what we are doing. I am not suggesting that right and wrong can always be determined numerically, but I am satisfied that the great majority of parties in this House believe that this reform is necessary.

Amendment agreed to.

Aengus Ó Snodaigh: I move amendment No. 50:

In page 27, to delete lines 14 to 41 and in page 28, to delete lines 1 to 24.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Amendment No. 51 not moved.

Mr. McDowell: I move amendment No. 52:

In page 27, line 16, after "may" to insert "with the leave of the court,".

Amendment agreed to.

Amendment No. 53 not moved.

Mr. McDowell: I move amendment No. 54:

In page 27, line 25, to delete "any fact mentioned in it" and substitute "the fact concerned".

Amendment agreed to.

Amendments Nos. 55 and 56 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 57 to 59, inclusive, are related and may be discussed together.

Aengus Ó Snodaigh: I move amendment No. 57:

In page 29, between lines 20 and 21, to insert the following:

"19.—(1) All Garda stations shall be internally and externally monitored and recorded by CCTV or the equivalent and the recordings shall be secured for at least a year unless an allegation has been made of abuse by a Garda or it is required for the prosecution of an offence in which case it shall be retained."

The purpose of these amendments is to ensure mandatory video-taping at all Garda stations. Although the Minister has announced that recordings take place within interview suites we need to go beyond that. The advance of technology allows, for example, the equivalent of

closed circuit television to cover Garda rooms internally, and not just the external perimeter of the stations. During statements on a motion establishing the commission of investigation into the case of the late Dean Lyons, I indicated my intention to table an amendment to introduce a statutory requirement for all Garda interrogations to be video-taped and that recommendation is part of this.

Debate adjourned.

Adjournment Debate.

Hospital Services.

Mr. O'Shea: On Monday last week an article appeared in the *IrishIndependent* quoting from an internal Health Service Executive document, dated April 2006, entitled *Framework for Progressing Co-Location of Private Hospitals on Public Hospital Sites*. The article was headed "Plans for Private Clinics on Hospital Sites Shelved", with the subheading, "HSE to pilot two centres before scheme go-ahead". The article stated:

The paper reveals that the HSE plans to pilot up to two private hospitals on public hospital lands before deciding whether to continue with the project The four hospitals seen by sources as most likely to be the first in line for private hospitals are St. James's Hospital and Beaumont Hospital in Dublin, Cork University Hospital and Limerick Regional Hospital.

Having campaigned for years for a radiotherapy unit at Waterford Regional Hospital, I found the report extremely alarming. On 25 July 2005, the Tánaiste and Minister for Health and Children, Deputy Harney, announced that the Government had approved a national network for radiation oncology services to be put in place by 2011. This network would include two integrated satellite centres for Waterford. Most of the funding for the approximately €400 million plus for the national capital investment involved was to be through a public private partnership.

On reading the article, I immediately tabled a parliamentary question asking about the development of the satellite unit at Waterford Regional Hospital. The same day, a press release came from the HSE stating that the *Irish Independent* article was without foundation and was based on an outdated internal document, despite a HSE clarification of the matter when speaking with the publication involved.

The press release also stated:

Expressions of interest are to be submitted to the National Hospitals Office by June 30th, at which time short-listing will take place. After the competitive dialogue stage, successful consortiums will be invited to tender for the pro-

vision of a private hospital on the above sites [those were the 11 sites that were named]. Depending on the number of successful applicants, the HSE will move forward with the co-location of private hospitals on all or some of the above sites.

When one examines the HSE statement, one is struck by the highly qualified nature of the final paragraph. There is no certainty as to how many co-located private hospitals will go ahead. Elsewhere in the press release there is mention of a competitive dialogue stage after which successful consortia will be invited to tender for the provision of a private hospital on the 11 sites.

Having queried this by means of a parliamentary question, I was insulted by the threadbare nature of the response that did not advance my knowledge of the matter in any way. On behalf of the people I represent, I demand to know what type of radiation oncology service is going to be provided and when it will be put in place. Various dates have been given for the provision of radiotherapy at Waterford Regional Hospital, from 2008 to 2011. I want to know if we are all being misled by the HSE and the Minister. Is the provision of radiotherapy through public private partnership at Ardkeen simply a gimmick by the Government parties to get them over the next general election?

Access for public cancer patients to radiotherapy can be provided this year at the University of Pittsburgh medical centre at the new Whitfield Clinic in Waterford, if public funding is provided. I am demanding an undertaking from the Tánaiste that cancer patients from the south-east region will not be denied this access, pending what may or may not be initiated by this Government at Waterford Regional Hospital. Such patients should not be forced to suffer gruelling journeys to Cork and Dublin when they are at their most vulnerable. Failure to cater for public cancer patients in this way is absolutely inequitable and unacceptable.

Minister of State at the Department of Education and Science (Miss de Valera): I am taking this matter on behalf of the Tánaiste and Minister for Health and Children. She has asked me to assure the House that the Government is committed to making the full range of cancer services, including radiation oncology services, available and accessible to cancer patients throughout Ireland in accordance with best international practice.

As the Tánaiste advised the Deputy in response to his question on 22 June, the Government's plan is for a national network of radiation oncology services consisting of four large centres in Dublin, Cork and Galway, and two satellite centres at Waterford Regional Hospital and Limerick Regional Hospital. In order to ensure that the same standard and quality of care is delivered in the satellite locations, it is important

that they be fully integrated with the main centres. The same clinical staff will work in both the main and the satellite centres. This will enable patients to receive the best possible diagnosis and treatment from multi-disciplinary teams covering surgery, chemotherapy and radiotherapy. It is intended that the service at Waterford will be linked to the existing radiotherapy facility at Cork University Hospital and that the service at Limerick will be linked to that at University College Hospital, Galway.

The capital investment involved in providing the national network is estimated at over €400 million, most of which is to be funded through a public private partnership. The PPP will be a single design, build, finance, manage and partially operate project. It is anticipated that the bundling of radiation oncology developments on a number of hospital sites into one contract with a large capital value will offer greater synergies and innovation, will transfer risk to the private sector and will ensure that all centres are compatible so that they can deliver integrated cancer care across the State.

There is a significant amount of work to be done in preparation for a public private partnership. Towards this end, the Department of Health and Children is working closely with the HSE and the National Development Finance Agency. The NDFA has assembled a team to progress the financial and procurement aspects, and the HSE has appointed a project manager to lead out on its input.

A clinical output specification group, which includes leading experts in the field, is well advanced in specifying the clinical aspects of the development. Technical advisers will be appointed shortly to advise on the construction and other technical aspects of the project.

The precise phasing of the development at Waterford and at the other locations will be addressed when the output specifications have been drawn up as part of the PPP process. The aim is to have the national network in place in 2011. This is an ambitious target but the Tánaiste is determined that access to radiotherapy services for people in the Waterford area will be enhanced at the earliest possible date.

Waterways Ireland.

Mr. Gormley: I am grateful to the Chair for giving me the opportunity to raise what is a very important issue for my constituents especially and, indeed, anyone who cares about the environment. The mission statement of Waterways Ireland reads as follows:

Waterways Ireland is the guardian of Ireland's inland navigations. Our mission is to provide a high quality recreational environment on waterways in our care for the benefit of all The inland waterways have intrinsic value as areas of ecological, archaeol-

[Mr. Gormley.]

ogical, architectural, engineering and historic value. Their size and geographical extent within Ireland are of regional and international significance.

As a consequence, Waterways Ireland says it wants to manage them “in an environmentally sustainable way”. These are lofty and laudable aspirations but do they match the reality? I am afraid they do not. The sections of the Grand Canal and Grand Canal basin in my constituency are in a poor state. They have been the subject of numerous complaints to my office. So frustrated are many of my constituents with the state of the canal that they have taken matters into their own hands by trying to clean it up themselves. I have assisted them on a number of occasions but in such a rich country — the second richest in the European Union, if we are to believe statistics — we should not have to undertake this sort of work, which is the duty of Waterways Ireland.

I urge the Minister to venture not far from his offices and take a walk along the canal towards Portobello. He can look at the shopping trolleys, traffic cones, beer cans, bottles and bin liners. Does the Minister think this is acceptable? He should walk towards Baggot Street, where he could observe people outside The Barge pub enjoying themselves. The canal is a wonderful amenity in our city, so often celebrated by one of our greatest poets, Patrick Kavanagh. Further along, close to Huband Bridge, local residents have for years looked for a new lamp stand. If one carries on along the canal, one would come to the Canal Basin and the Grand Canal Dock. Following pressure from me, a major clean-up was carried out there on 30 May last but it should never have come to that. I have photographs which show the appalling state the canal had fallen into.

Staff in Waterways Ireland have told me off the record that there are very serious funding issues in this regard. Last year, €7.75 million was spent on the cleaning of the canals. To date this year, only €2.88 million has been spent. More money is needed and more staff are required. My sources tell me that staff spend much of the summertime clearing out and cutting weeds, which is very time consuming, and that the amount of litter increases in the summertime. What is needed is greater investment and a dedicated core staff. I would go so far as to suggest we require dedicated canal wardens, which would be the best way forward.

There is no question but that the canal is a fantastic amenity. I recently visited County Kildare, where I swam in the canal, which is fantastic in that area. I would like to have a situation where we can swim in the canal in Dublin. We must clean it up. I have visited German cities where the canals are fantastic. That is the vision I have for the canal in Dublin and for my constituents. They will be grateful if the Minister of State can provide positive news.

Miss de Valera: I have listened attentively to the Deputy. I am delighted he has raised this issue because in so doing he has given me an opportunity to reacquaint myself with an area for which I had responsibility in a previous life. I am standing in for the Minister, Deputy Ó Cuív, who must attend to other responsibilities.

Waterways Ireland employs dedicated operational staff who are responsible for the upkeep of the Grand Canal. These staff carry out day-to-day maintenance operations and the cleaning duties to which the Deputy referred. Their duties include weed control, cutting and spraying in water, dredging, grass cutting, hedge cutting, tow-path and bank maintenance and litter collection. The litter removal and grass cutting work is generally undertaken on a continuous basis, with each section being attended to on a rotating three week basis.

At any given time, in the summer months, there are approximately nine full-time staff operating on the stretch of the Grand Canal between Ringsend Basin and the 12th Lock at Lucan, a distance of approximately 16 kilometres. These staff comprise three lock-keepers, two weed-cutting boat operators and four others involved in litter collection and grass cutting.

As the House will be aware, the summer months can bring their own problems regarding waterway maintenance and increased litter. To counteract these problems Waterways Ireland has hired a contractor with a hydraulic excavator fitted with a weed-cutting basket to cut and remove vegetation from the canal channel in the locations where this machinery can gain access. The use of this contractor has freed up Waterways Ireland staff to further concentrate on grass cutting and litter removal.

Waterways Ireland’s regional staff monitor the situation on the ground on a daily basis and have noticed an increase in litter being deposited on the canal banks, which subsequently makes its way into the water channel. Waterways Ireland is determined to address this issue. However, I must make the point that people who use the canal — I am sure the Deputy will agree with this point — must take personal responsibility for not damaging the amenity that attracts them to spend their lunch time there in the first place. I plead with the general public to bring their rubbish back to the office bin with them and to enjoy their lunch alongside the canal but not to throw litter alongside or into the canal.

The Deputy will be interested to learn that Waterways Ireland spent approximately €750,000 in 2005 on maintaining the Grand Canal on the stretch between Ringsend Basin and the 12th Lock at Lucan. Much of that money could no doubt have been better spent if our citizens could be persuaded not to litter in the first place. That said, I am informed that Waterways Ireland will carry out trials with a specialist subcontractor towards the end of July using a purpose-built boat designed to collect and remove floating and sub-

merged debris. These trials will be carried out on the city levels from Baggot Street to Portobello.

Waterways Ireland works closely with local community groups which are concerned about keeping the canal amenity in pristine condition, including groups who organise clean-up days in the area between Portobello and Ringsend Basin. The Deputy might be interested to know that one of these clean-ups is planned for this coming Saturday — he might be planning to join it.

We are all indebted to the great spirit shown by the local communities along the canal. However, neither local community groups nor Waterways Ireland can prevent other, less responsible, people from depositing litter. Dublin is privileged to have two wonderful canals at the heart of the city. Very few cities have such wonderful amenities and I would like the Deputy to join with me and the Minister in asking for greater civic responsibility from all users of the canal.

I commend Waterways Ireland on the tremendous efforts it is making to ensure the waterways of Ireland are preserved and enhanced for the benefit of all the people in both parts of the island.

School Staffing.

Mr. Perry: I previously put down a question with regard to St. Joseph's school, Killenummery, Dromahair, as there were 50 pupils on the roll for September 2006, which is one above the appointment figure. The Minister's reply was as follows:

The board, having considered the appeal with regard to the criteria outlined in Circular 0024/2006, was satisfied that a departure from the staffing schedule is not warranted in this case. The board of management of the school was notified in writing of the decision of the appeal board on 26 May 2006. I am sure the Deputy will appreciate that it would not be appropriate for me to intervene in the operations of the independent appeal board.

It would be appropriate to intervene. Both classrooms in the school are currently overcrowded. The junior room in particular falls well short of the accommodation criteria as per the rules for national schools. Currently, there are 22 pupils in a room which is 23.4 sq. m., an area large enough to accommodate only 16 pupils, according to section 31 of the rules for the national schools. The projected enrolment for the coming school year, 2006-07, will mean that there will be 27 pupils in this room. The senior classroom is an outdated prefab structure which can barely accommodate its current 22 pupils.

A letter from the principal states:

We intended to apply for a permanent structure pending the appointment of a second mainstream teacher. We do have a resource room in the main building which could be used to accommodate a concessionary teacher. If this happened there would be adequate space

for all pupils. We would also like to highlight the fact that in terms of multi-grade classes, with four grades in each room class sizes of 27 and 22 are very high in light of the current guidelines and cramped conditions. We feel that it is very difficult to meet the needs of our pupils to adequately deliver the new curriculum under these conditions.

This is an appalling case. The indications for projected enrolments are positive. Having carried out a survey of the catchment area, the school authorities are confident of maintaining their attendance figures.

Part 2 of the schedule sets out three grounds for appealing a decision. They include circumstances in which a departure from the staffing schedule is warranted to meet exceptional accommodation difficulties such as schools operating on a split site for a period following amalgamation or prior to the provision of a permanent building or in the event that the board is satisfied, on the basis of verifiable evidence, that the required pupil numbers were enrolled in September or October 2005 but, due to circumstances outside the control of the school, were not enrolled on 30 September 2005. However, for staffing purposes, a pupil can be included in the enrolment of only one school in any school year.

I appreciate that the Minister of State was not directly involved in the case. I visited the school in question last week to find that one teacher is teaching 27 children in four classes in a room which is adequate to accommodate only 16 children. This places considerable pressure on the teacher. I am disappointed with the statement by the Minister, Deputy Hanafin, that the board of management was notified of the decision and that it would not be appropriate for her to intervene. As Minister, she has overall responsibility for these matters. As to whether the school was visited, it was not. In the case of exceptional accommodation difficulties, the question is whether the existing accommodation is adequate for an additional teacher. It is. Another question is whether the building unit of the Department has been contacted by the board of management regarding accommodation difficulties.

An Leas-Cheann Comhairle: The Deputy should conclude.

Mr. Perry: I ask the Minister of State to intervene with the appeal board in this case. The issue at stake here is one of equality at a critical time in children's education.

Miss de Valera: The Minister for Education and Science, Deputy Hanafin, is unable to attend this debate and has asked me to respond to the Deputy on her behalf. I thank the Deputy for raising this matter as it provides me with an opportunity to outline the position of the Department of Education and Science on staffing at St.

[Miss de Valera.]

Joseph's national school, Killenummery, Dromahair, County Leitrim.

The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous year. The number of mainstream posts is determined by reference to a staffing schedule which is finalised for a particular school year following discussions with the education partners. The staffing schedule is set out in a circular which issues from the Department of Education and Science to all primary school boards of management. Accordingly, all boards are aware of the staffing position for their school in any school year.

At present, the general rule is that the schedule provides at least one classroom teacher for every 29 pupils in the school. Schools with only one or two teachers have much lower staffing ratios than this, with two teachers for just 12 pupils in some cases and so forth. The general rule, however, is that there is a teacher for every 29 children in the school. Next year, this figure will fall to 28 children per classroom teacher and in 2007-08 it will be reduced to 27 per classroom teacher.

The school referred to by the Deputy had an enrolment on 30 September 2005 of 45 pupils, which warrants a staffing for the 2006-07 school year of a principal and one mainstream teacher.

Mr. Perry: The figure has increased to 50.

An Leas-Cheann Comhairle: Order, please.

Miss de Valera: I thank the Deputy for that information. The information I was given as late as this afternoon was that the enrolment on 30 September 2005 was 45 pupils, which warrants a staffing for the 2006-07 school year of a principal and one mainstream teacher. The school is also the base school for the services of a learning support-resource teacher shared with one other school.

To ensure openness in the teacher allocation system at primary level, an independent primary staffing appeal board is in place to decide on any appeals on mainstream staffing. The staffing of the school in question for the 2006-07 school year was considered by the appeal board on 25 May 2006. The board, having considered the appeal with regard to the criteria outlined in the Department circular 24/2006, was satisfied that a departure from the staffing schedule was not warranted in this case. The board of management of the school was notified of the decision of the appeal board on 26 May 2006. I am sure the Deputy will appreciate that it would not be appropriate for the Minister to intervene in the operation of the independent appeal board. I thank him for raising this matter.

Housing Management Companies.

Mr. McCormack: The practice of local authorities making it a condition of planning per-

missions for housing developments that an estate management company be established has got out of hand. Young first-time buyers and all purchasers in such estates are letting themselves in for an annual penalty which is much more dangerous than when rates were imposed on houses.

The management companies, which are set up by the developer, are charging householders figures ranging from €450 per annum in housing estates to €2,000 per annum in apartments. In some cases the fees can be doubled from year to year with no right of appeal for the householder. A year ago, when this matter was brought to the attention of the Minister for the Environment and Local Government, he said he would do something about it. More than seven months ago, when I again raised this matter with the Minister in a parliamentary question, he stated: "The Law Reform Commission working group is currently examining a range of legal issues relating to management of multi-unit structures". What about householders in detached or semi-detached houses who are locked into the management company system set up by developers?

In the same reply, the Minister indicated that he did not approve of local authorities including a management company clause in planning permissions and noted that his Department had asked planning authorities to report on their policy on the attachment of such conditions on planning permissions. Nothing has happened since. Two weeks ago, the Taoiseach shed crocodile tears in the House about how this practice penalises householders and indicated it could not continue but neither he nor the Minister is doing anything to address the problem. It did not take me seven months to determine that the practice continues in planning authorities.

Last week, Galway County Council granted permission for the construction of 61 houses in Loughrea — planning reference No. 05/3642 — in a development in which standard houses account for more than 80% of the units. It will include three detached and 42 semi-detached houses, six terraced houses and ten apartments, yet the developer is obliged to establish a management company under a condition of the permission.

Similarly, in Galway City, I can cite two examples of recent decisions to grant permission where such conditions were included. Planning reference No. 05/470 relates to an application at Ballyburcach for four detached houses. Condition 19 of the permission states: "The proposed communal open spaces, car parking areas and access road within the site of the development shall be retained in private ownership and control shall be maintained by a properly constituted management company".

Also in Galway city, a recent decision — planning reference No. 05/833 — to grant permission for a development, including seven town houses at Newcastle Road, featured a condition requir-

ing the establishment of a management company. All annual management company charges imposed as a result of these decisions will be borne by householders who have no control over the charges they will face. Will the Minister get his finger out and, if necessary, introduce legislation to end this practice of local authorities conspiring with developers to impose this additional financial burden on householders?

Is it right that I, a resident of an estate, receive free of charge a service for which all buyers of new houses in similar estates must pay, sometimes at exorbitant rates? The curious aspect of the management company clause in planning permissions is that the developer must set up the management company and these frequently consist of the same personnel as the construction company. In many cases, purchasers of homes in these developments commit to purchasing the house before they know the extra annual charges they will be required to pay to management companies.

It is time this Government woke up. How much more does it think first-time buyers can take? The Government has already added €40,000 to the cost of a house, abolished the first-time buyer's grant, raised VAT charges to 13% and made provision for development charges of up to €9,000 on every house. The annual management fee is equivalent to house rates except that the rates go to the developer rather than the local authority. What will the Minister do about it?

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): The Planning and Development Act 2000 allows for the attachment of management company conditions to planning permissions for residential estates. This recognises the fact that management companies have been traditionally set up for the maintenance of apartment buildings and their attendant private grounds. In late 2005 my Department requested that a survey of planning authorities be carried out regarding their policy on attaching planning conditions relating to management companies in different types of residential estates. The responses to that survey indicate that the majority of planning authorities do not attach management company conditions to planning permissions for estates comprising houses only. A number do so in very specific circumstances, for example, where there is a shared facility between those houses such as a playground that will need ongoing management arrangements. It is not appropriate to attach planning conditions regarding management companies in the case of traditional housing estates—

Mr. McCormack: The Minister should take the examples I gave him.

Mr. N. Ahern: By this I mean estates of houses with their own front and back gardens. Planning authorities should take in charge the public roads, no matter what type of residential estate is in question. On 25 January 2006, my Department issued circular letter PD 1/06 reminding local authorities of their obligations under section 180 of the Planning and Development Act 2000 regarding taking in charge of estates. The circular letter states that the existence of a management company to maintain elements of common buildings and carry out landscaping must not impact upon the decision by the authority to take in charge roads and related infrastructure where a request to do so is made. My Department has also asked all local authorities to prepare a policy on the matter. Councillors should be vigilant in upholding that policy.

The issue of planning authorities attaching conditions relating to management companies is not straightforward. This is because the traditional housing estate is, in many areas, being replaced by the mixed estate which contains apartments, duplex houses and terraced houses with shared facilities such as car-parking and gardens. High specification paving, lighting and landscaping are frequently features of such estates. Genuine questions arise as to whether it is appropriate that all these facilities should be taken in charge and maintained at public expense. Many of these facilities are replacing the traditional gardens which, in a conventional housing estate, would fall to be maintained by the residents rather than the local authority.

It is unreasonable to say it might never be appropriate for planning authorities to require the formation of a management company; this would contradict the enabling provisions in this regard decided by the Oireachtas in 2000. There may be instances, say in smaller developments, where the residents might prefer a management company to manage the facilities. In other cases they may have facilities, such as a children's playground or a shared sewage treatment plant, which they want to keep for their own use but which have to be managed.

It is not an exaggeration to say that the face of housing in Ireland is being totally transformed. This transformation been underpinned by the 2000 Act. Some 35% of all dwellings built in the greater Dublin area are apartments, and that increases to over 50% in Dublin. That demands new policy responses from my Department and from local authorities. As the Deputy knows, I published last December the Housing Policy Framework: Building Sustainable Communities. This sets out an agenda for an integrated package of policy initiatives on matters which included supporting higher densities and compact urban settlement through design innovation in the creation of new homes, new urban spaces and new neighbourhoods.

The Department will also update the residential density guidelines and it is intended to exam-

[Mr. N. Ahern.]

ine the issue of management companies in that context. To do that the Department will shortly set up a working group representing the many interests involved to start considering these complex issues. Consideration will also be given to whether interim guidance should issue to planning authorities regarding planning conditions in relation to management companies. There are

issues relating to the operation and control of management companies. My Department has raised ways to try to address those issues with the Department of Justice, Equality and Law Reform, which has certain responsibilities in this area.

The Dáil adjourned at 11.05 p.m. until 10.30 a.m. on Wednesday, 28 June 2006.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 5, inclusive, answered orally.

Questions Nos. 6 to 28, inclusive, resubmitted.

Questions Nos. 29 to 35, inclusive, answered orally.

Bovine Disease Controls.

36. **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. [23610/06]

Minister for Agriculture and Food (Mary Coughlan): There is no TB-vaccine licensed anywhere in the world for use in a food producing animal and therefore there is no possibility of introducing a bovine vaccination programme for TB. Indeed, the position is that vaccine trials in the past demonstrated that vaccination did not prevent disease.

Apart from the foregoing, cattle vaccinated against TB could not be traded because they would be unable to comply with Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine. This Directive provides that, prior to export, bovine animals for breeding and production must come from an officially tuberculosis-free herd and, in the case of animals more than six weeks old, must have reacted negatively to an intradermal tuberculin test carried out during the 30 days prior to leaving the herd of origin. Given the difficulties that would arise in distinguishing between real infection and vaccine immunity, vaccinated animals could not be certified as complying with the requirements of the trade Directive and the export of live cattle to other Member States would not be permitted.

I should point out that my Department, in conjunction with a badger vaccine research group based at University College Dublin, is currently

seeking to develop a vaccine for badgers, which is not a food producing animal. It is accepted that the availability of such a vaccine is a prerequisite if eradication of tuberculosis from the cattle population is to be achieved. The objective of the project 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 available for wider use in the immediate future and the existing strategy will remain in place for some time.

In spite of the wildlife problem, there has been some progress in the eradication of the disease in the past 8 years: for example, the number of reactors in 2005 was just under 26,000 compared with 45,000 in 1998 and 1999. Nevertheless, the disease is still present in the country and a significant number of animals continue to be removed annually as reactors. The objective remains the eventual eradication of the disease but this objective is contingent on a successful wildlife vaccination programme, which is still some way into the future.

In conclusion, the consensus is that the existing test and slaughter policy is currently the only effective mechanism for dealing with the disease.

Animal Welfare.

37. **Mr. J. O'Keefe** 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. [23608/06]

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 Pur-

[Mary Coughlan.]

poses 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 and to the slaughter of animals.

Primary responsibility for protecting the welfare of animals rests with the owners or keepers of the animals concerned. 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 on-going work. To date we have provided a total of €5.97 million to such bodies, some €1.2m of which was paid to 86 organisations in December last to assist them during 2006. A provision of €1.1m 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. Between headquarters and affiliated branches approximately €543,000 has been paid to date to the ISPCA.

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 An Garda Síochána who 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 Garda in such cases.

Animal Remedies Regulations.

38. **Ms Enright** asked the Minister for Agri-

culture 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. [23626/06]

Minister for Agriculture and Food (Mary Coughlan): As the Deputy is aware, the EU Directive 2004/28, which was transposed into law through the 2005 Animal Remedies Regulations, provided that veterinary medicines for food producing animals may only be supplied on the basis of a veterinary prescription, unless exempted from this requirement under criteria to be drawn up at EU level before 1 January 2007. However, I decided to avail of another provision in the Directive which permitted Member States to retain existing national prescription arrangements pending a decision at EU level on the exemption criteria. In effect, this enabled all existing 'off-prescription' medicines to remain off-prescription until the end of this year and farmers are continuing to get such medicines over the counter at pharmacies and licensed merchants.

The European Commission began a public consultation phase on draft exemption criteria last February. Our analysis of the draft criteria suggested that they would place severe restrictions on the range of medicines which could remain 'off prescription'. In view of this, my Department made a submission to the Commission in March last setting out the disadvantages associated with their draft criteria and arguing in favour of a more flexible regime under which greater discretion would be given to Member States in determining, on a scientific basis, the appropriate route of supply for veterinary medicinal products based on the risk/benefit profile of individual products.

Although the draft criteria were considered by experts from Member States at the end of March, the Commission has not yet adopted the draft criteria as formal Commission proposals. When they are eventually formally adopted by the Commission, they will be subject to further consideration and vote at the regulatory committee in Brussels. We will continue to press its position and seek to have criteria adopted which give the maximum discretion to Member States in determining whether individual veterinary medicines should become prescription only.

During the negotiations on the regulations last Autumn, I gave a commitment that I would review the national distribution arrangements in consultation with stakeholders in the light of the outcome of the exemption criteria aspect and, in particular, to consider whether persons other than vets should be permitted to prescribe veterinary medicines. In light of this, it is evident that, if the criteria are not altered significantly, my Department will revisit the prescribing aspects of the 2005 Regulations.

Agri-Food Sector.

39. **Mr. Durkan** asked the Minister for Agriculture and Food her plans to ensure the survival of the agri-food sector with particular reference to the implications of the WTO and the need to recognise this country's role as a food producer; and if she will make a statement on the matter. [24567/06]

Minister for Agriculture and Food (Mary Coughlan): The Agri-Vision 2015 Action Plan was produced by my Department to map out the actions needed to ensure the ability of the agri-food sector to compete in a changing national and international food market.

This Plan sets out the vision for the future of the sector in the light of a more liberalised trade regime arising from the WTO negotiations, changes in food market trends, consumer tastes and demands, and major changes in the structures of farming and retailing. The Plan is based on three key drivers:

- **Competitiveness:** As an export-oriented sector, the agri-food must be highly competitive on EU and international markets if it is to survive.
- **Innovation:** The modern food industry is a highly sophisticated knowledge based sector and it is essential that the knowledge-base and technical skills of the Irish industry are developed to place it in a world leading position.
- **Consumer Focus:** Meeting consumer demands on product, presentation and price is critical to continuing success.

The Plan contains over 160 specific actions designed to ensure that the Irish agri-food sector compares to the best in the EU and in the world in terms of its knowledge base, competitiveness, innovation and marketing. The main actions proposed are as follows:

Strengthening Competitiveness at Farm Level

- At EU level, Ireland will continue to negotiate an appropriate support framework that will secure a competitive milk production sector within the EU and export competitiveness on world markets.
- A substantial change in the milk quota system will commence in 2007. This will be designed to release greater quantities of milk quota at a faster rate than heretofore to committed dairy farmers. This is a very important development for our commercial dairy farmers and should improve scale, efficiency and general viability of dairy farms.
- The genetic improvement of both beef and dairy herds will be pursued to improve milk and meat yields.

- Beef processing plants will be encouraged to refine quality related pricing systems to encourage production of high quality carcasses which meet consumer preferences. They should also engage in partnership and supply chain management arrangements with individual beef producers to actively match specific consumer requirements with product delivered.
- The Government will continue its strong political and diplomatic effort to maximise the access of Irish meat and meat products to international markets and to seek to remove any inappropriate technical barriers that block entry to such markets.
- The prospects for the sheepmeat sector will be improved through the implementation of the recommendations of the Report of the Sheep Industry Strategy Group.
- Strategic funding will be provided for capital investment projects in the horticulture sector that contributes to this sector's overall competitiveness.
- Investment aid and further support measures are being introduced for the organic sector.
- Teagasc will implement a comprehensive advisory programme with specialist enterprise advisors to promote the adoption of proven and innovative farm production.

Strengthening Competitiveness in the Food Sector

- A high-level group of CEOs of the food agencies, chaired at ministerial level, will be established to implement a fully consolidated approach towards the development of the food sector, as a whole.
- Bord Bia will strengthen its strategic market intelligence capability and will develop its promotion and market development services with clear targets and objectives to meet current and future challenges.
- Bord Bia has set a target of doubling the value of food and drink exports to the Far East over three years.
- A Centre of Excellence will be established to service the market development needs of small businesses.
- A Food Industry Committee will be established to identify and address issues impeding the development of the sector.

Innovation & Research

The food industry currently only spends about 0.3 % of sales on R & D. To survive and develop, the level of both public and private investment in the industry will have to change as will the level of applied research on product development.

[Mary Coughlan.]

- Research funding for Teagasc and the food industry is made available through the competitive research funding programmes, the Food Institutional Research Measure (FIRM), the Research Stimulus Fund (RSF) and the Forestry Measure (COFORD). Funding of food industry applied research is also available through Enterprise Ireland.
- Further support will be provided for R & D and market development projects in the context of the national Strategy for Science, Technology and Innovation 2006-2103 and the National Development Plan 2007-2013.
- My Department is actively working with Teagasc, Bord Bia and third level institutions to improve industry research collaboration so as to foster early dissemination of food research by industry and adoption of new technologies and processes by farmers. This is an aspect of R & D which must be strengthened to underpin a competitive and profitable Irish agri-food sector.
- My Department's veterinary and agricultural research laboratories will operate as science based centres and will be integrated into the national research infrastructure
- The results of food R & D will be rapidly disseminated through RELAY.
- My Department will play an active role in the development of a cohesive national policy approach to biofuels to ensure that maximum use is made of renewable energy materials from agriculture and forestry. Currently, the Department is finalising two new schemes in the area of renewable energy. The first is a new scheme of supports for the purchase of specialist wood biomass harvesting equipment. The second is a scheme to grant-aid the planting of willow, as a further source of bio-energy.
- The Department also uses the Research Stimulus Programme to encourage research projects on biofuels and other non-food use of crops. Teagasc is also committing additional resources to this area.

Consumer Focus

- My Department, in conjunction with other Departments/Agencies, will provide consumers with 'country of origin' information on beef and as soon as possible thereafter follow this up with similar information on other meat products.
- Our traceability systems provide consumers with an unrivalled level of assurance on safety and are among the best in the world. This advantage needs to be high-

lighted for consumers and also to gain competitive advantage for our exports.

- The School Milk Scheme is being updated and re-launched
- The operation of the Consumer Panel is being reviewed and strengthened to ensure that an up-to-date consumer viewpoint is available on all Department activities.
- Bord Bia is working to extend the Quality Assurance schemes to the main agricultural products.

The implementation of the Action Plan will increase the competitive and innovative ability of the sector and enable it to prosper in a more liberalised trading environment.

Animal Diseases.

40. **Ms O'Sullivan** asked the Minister for Agriculture and Food the action her Department is taking arising from the discovery of equine infectious anaemia here; and if she will make a statement on the matter. [24615/06]

Minister for Agriculture and Food (Mary Coughlan): My Department has confirmed the presence of Equine Infectious Anaemia (EIA) in horses from two separate establishments in Co. Meath. My Department's immediate priority has been to identify the extent of the disease and to trace the direct and indirect contacts from the infected premises. The two premises in question are now both under restriction for trade purposes.

My Department has been tracing those horses which, since 1 March 2006, have passed through the premises on which the infected horses were located. Results of blood tests from other horses on the infected premises have, to date, been negative for EIA. The Department had also advised any other Member States to which horses were exported from the infected premises since the suspected date of infection and the date of confirmation and all blood test results from any such horses have, to date, been negative, though they are not yet complete.

As a further precaution, and in the interests of horse owners, trainers, stud managers and the bloodstock industry, my Department has advised that all horses that may have moved during the breeding season be tested for any evidence of the disease. Approximately 900 test results on horses in 20 different premises carried out by owners/trainers/stud managers throughout the bloodstock industry have all been negative for EIA.

Based on our enquiries and the knowledge acquired to date, including all of the negative test results of which we have been made aware, we have no reason to believe that the disease is any more widespread than those cases of which we are currently aware.

Our enquiries are continuing with regard to the source of the disease. However, our initial investigations suggest that the source of the disease may have been from imported equine serum that was inadvertently or accidentally contaminated with the EIA virus prior to importation.

Until our investigations in this regard have been completed it would be inappropriate for me to comment any further on this aspect.

Milk Quota.

41. **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. [23629/06]

Minister for Agriculture and Food (Mary Coughlan): In March I announced my intention to move to a more open market system for transferring milk quotas, which will come into effect on the 1st April 2007. It must be borne in mind that over the last five years on average less than 4% of the total milk quota changed hands each year under the existing restructuring scheme.

My Department and I are progressing with the ongoing consultation process on the detailed arrangements to give effect to my decision. This has comprised of meetings with the relevant farm organisations and with representatives of the milk-processing sector and individual co-ops. The issue of future milk quota policy has also been discussed with the participating farm organisations at the partnership negotiations. Furthermore, there has been contact with colleagues in other countries with experience of operating more open market systems.

We are now continuing with a comprehensive analysis of the issues raised and the options for dealing with them, with a view to designing an appropriate transfer mechanism. Further consultations will take place before finalising the new system, and the operational details will be announced in good time to allow for all parties concerned to make appropriate plans before the start of the 2007/2008 milk quota year.

Animal Identification Scheme.

42. **Mr. M. Brady** asked the Minister for Agriculture and Food her plans for simplifying the registration system for sheep here. [24481/06]

Minister for Agriculture and Food (Mary Coughlan): On the 14th June I announced that, following discussions at EU level and consultations at national level, certain adjustments were being made to the sheep flock register, to the dispatch document and to the tagging requirements for bought-in sheep, the aim of which is to simplify the arrangements for producers.

New formats for the flock registers and dispatch documents have now been agreed and finalised. These new formats meet the EU requirements and will reduce the amount of

recording that will have to be undertaken by flock owners. In particular, the dispatch document will now have certain details pre-printed and will therefore be more user friendly. The new format registers and dispatch documents together with guidelines for producers will be supplied directly to flock owners in early Autumn.

I have also provided for a significant change to the tagging requirements for bought-in sheep under the National Sheep Identification System. In future, sheep bought for fattening may be tagged on exit from the new holding rather than on entry as required heretofore with, however, all such sheep required to be tagged by the 1st of May following purchase. This new regime will allow tagging and recording to be sequential, with a consequent reduction in workload for flock owners.

I am aware that the identification system imposes a burden on producers. However, it is a legal requirement on producers across the EU and is vital to ensure traceability, particularly in the context of animal disease controls. We must not lose our focus on this as we strive to develop additional markets for our product. I am, however, confident that the new arrangements will help to ease the burden and will make compliance easier to achieve. I am, of course, always open to consider other improvements which might be made to the system so long as they do not compromise traceability. I am pleased that the changes which I announced have been welcomed by farmer representatives.

Direct Payments Schemes.

43. **Mr. Boyle** asked the Minister for Agriculture and Food the reason a person (details supplied) is reportedly receiving €10,000 a week in single farm payments. [24628/06]

Minister for Agriculture and Food (Mary Coughlan): The Single Payment Scheme was introduced in Ireland in 2005 as part of the new measures agreed in the Common Agricultural Policy, following conclusion of the Mid-Term Review. As the Deputy will be aware that the Mid-Term Review proposals provided for a radical overhaul of the direction of the Common Agricultural Policy by removing the direct link between production and subsidies.

The outcome of the Mid-Term Review is reflected in Council Regulation (EC) No 1782/2003, the provisions of which are directly applicable in every Member State. Following the adoption of Council Regulation (EC) No 1782/2003, Ireland decided to decouple all Direct Payments Schemes. The decision was announced in October 2003 following the conclusion of an extensive public consultation process.

In accordance with the provisions of the Council Regulation, Ireland also decided to implement the Historical Model for the establishment of entitlements under the Single Payment

[Mary Coughlan.]

Scheme. The entitlements of individual farmers, including those for the person named, were established, under the provisions of the Council Regulation and were based on a farmer's participation in the Livestock Premia Schemes, Arable Aid Scheme, etc. during the 2000 to 2002 reference period.

Therefore, the Single Payment entitlements established for individual farmers reflect the level of applications under the Livestock Premia and Arable Aid Schemes during the reference period in line with the requirements of Council Regulation (EC) No 1782/2003.

Importation of Birds.

44. **Mr. G. Murphy** asked the Minister for Agriculture and Food the steps which she is taking to stop the illegal import of exotic birds; and if she will make a statement on the matter. [23603/06]

Minister for Agriculture and Food (Mary Coughlan): Following the outbreak of avian influenza in late 2003 in south-eastern Asia, caused by a highly pathogenic strain of the virus, the European Commission adopted a series of protection measures in relation to the disease. These measures included, in particular, the placing of additional movement controls on birds accompanying their owners into the EU from third countries and the prohibition of import into the EU of captive birds from third countries. These restrictions are currently in force and, under a new proposal, will remain in place until at least the end of 2006.

The EU-wide provisions of the Commission Decision concerning the movement of birds accompanying their owners, stipulate that the import of exotic birds into the EU from third countries (accompanying their owners) can only take place in the context of a permanent change of residence and is then limited to importations of individual consignments of five or fewer birds. Stringent conditions must be complied with, including pre or post-importation quarantine, vaccination and laboratory testing of birds for avian influenza at entry into the EU.

Advance notification of all such importations must be given to my Department and, since 1 January 2006, there have been only 3 such consignments notified.

Intra-community trade in exotic birds, however, is permitted under EU rules, which do not specify a quarantine requirement. Such imports must comply with the requirements of a General Authorisation issued under the European Communities (Diseases of Animals Acts, 1966 and 1979 Orders) (General Authorisations for Imports) Regulations 1985, which provide that the birds must:

- come from a holding which has been registered for export by the competent authority

of the country of origin in accordance with Article 4 of Council Directive 92/65/EEC;

- come from a holding in which Avian Influenza has not been diagnosed in the 30 days preceding the dispatch;
- come from a holding and an area not subject to restrictions under Council Directive 92/66/EEC introducing Community measures for the control of Newcastle Disease;
- be accompanied by a declaration to this effect completed and signed by the owner of the hobby birds on the day of movement;
- in the case of psittacidae, be accompanied by a certificate signed by an official veterinarian of the country of export.

In addition to these requirements, advance notice is required to be given not less than 24 hours prior to the intended date of importation and for animal disease control measures, an official notification of the consignment (TRACES) is dispatched from the District Veterinary Office of the country of origin to the District Veterinary Office of the country of destination.

While my Department does undertake some inspections at points of import, it is precluded, by EU rules, from inspecting all import consignments. However, a spot-check regime is in place based on risk assessment for disease purposes.

In the context of avian influenza, my Department has introduced a robust range of precautionary measures and fully implements all EU controls, including those relating to the importation of exotic birds. It should be noted that imports of pet birds from within the EU represent a relatively low risk to Ireland's health status, compared with wild birds whose entry into this country cannot be controlled or certified by competent authorities.

Sugar Beet Industry.

45. **Mr. P. McGrath** 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. [23613/06]

Minister for Agriculture and Food (Mary Coughlan): 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 compensation.

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 €44m, would be drawn down in the framework of a

national restructuring programme. Under the draft Commission implementing regulation, which has still to be published, Ireland will be required to provide a restructuring plan to the Commission by the end of this year.

Farmers are showing increasing interest in the potential of energy crop cultivation for biofuel purposes, as was evident from last week's 'Agriculture and Food 06' event organized by Teagasc. Support to farmers for growing such crops is provided under the Energy Crops Scheme. The current aid level of €45 per hectare available under the Scheme has not proven to be sufficiently attractive in itself to stimulate the growing of such crops. I raised this matter at the Council of Agriculture Ministers meeting last February and I am pleased to say that the EU Commission has undertaken to review the operation of the scheme this year.

The production and utilisation of agricultural products for energy purposes can only be sustained in the longer term if biofuels generate a more favourable return than traditional market outlets. I am confident that the extension in the last Budget of excise relief of €205m which, when fully operational, will support the use and production of 163 million litres of biofuels annually, will help drive additional demand for the production of energy crops. I am working directly in this matter with the Minister for Communications, Marine and Natural Resources who has overall responsibility for energy policy.

Genetically Modified Organisms.

46. **Ms O'Sullivan** asked the Minister for Agriculture and Food if she will provide this Deputy with a copy of the Teagasc Report on the economic implications of the use of genetically modified organisms; and if she will make a statement on the matter. [24596/06]

Minister for Agriculture and Food (Mary Coughlan): As part of the work related to the establishment of efficient and effective GM coexistence measures I requested Teagasc to carry out an evaluation of the possible national economic implications for the Agri-Food industry from the use of GMOs in crop and livestock production. Teagasc have completed their study which was based on two scenarios:

(i) The economic implications of only allowing the importation into Ireland of certified GM-free soyabean and maize livestock feed ingredients; and

(ii) The economic implications of GM-free crop cultivation in Ireland for certain crops.

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 only certified GM free soya and maize in feedingstuffs. 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 could be a significant cost in relation to Identity Preservation for conventional growers in a coexistence arrangement.

I will arrange to have a copy of the Teagasc Report sent to the Deputy within the next couple of days.

Animal Health Policy.

47. **Dr. Upton** asked the Minister for Agriculture and Food the way in which the development of animal health policy is being pursued in the context of north south cooperation; and if she will make a statement on the matter. [24586/06]

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. During the Foot and Mouth emergency of 2001 the co-operation and consultation at official, Ministerial and political levels was vital. Likewise, both administrations are currently co-operating and sharing information on measures relating to avian influenza.

The establishment of the North South Ministerial Council (NSMC) 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 strategy, 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:

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- 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 TB, Brucellosis, FMD, BSE, Avian Influenza, cross-border fraud etc. These groups continue to report progress on 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.

The Farm Animal Welfare Advisory Council includes representation from the Department of Agriculture and Rural Development, (DARD). DARD was also represented at recent meetings of the Avian Influenza Advisory Group and will also be represented at future meetings of the Group.

Since the decision at EU level to lift the BSE ban on exports from the United Kingdom from 3 May 2006, arrangements are in place and working well between the two administrations facilitating the trade of cattle from Northern Ireland for slaughter, breeding and production.

The achievement of 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.

Rural Environment Protection Scheme.

48. **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 proposals which do not allow them to split their lands for grant aid purposes between REPS funding and funding allocated under the SAC and SPA designation; and if she will make a statement on the matter. [23637/06]

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 compensation 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.

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. 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.

I believe that 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, out of which proposals will be sent to the Commission for a revised Scheme.

Social Partnership.

49. **Mr. Stagg** asked the Minister for Agriculture and Food the status of the agriculture strand of the social partnership talks; and if she will make a statement on the matter. [24602/06]

Minister for Agriculture and Food (Mary Coughlan): The negotiations for a successor national partnership agreement to Sustaining Progress commenced in February of this year and have been the subject of a number of meetings with the farming pillar since then. Three of the four farming organisations left the talks at an early stage but all subsequently rejoined and are taking a full part in the negotiations.

Significant progress has been made towards finalising the issues involving the agricultural strand of the social partnership talks. The substantive outstanding issue on which agreement has not been reached relates to the level of funding to be provided for the 2007-2013 Rural Development Programme. I recognise the importance of this issue to all parties, involving as it does the future funding for the Rural

Environmental Protection Scheme, the Farm Investment Schemes, the Compensatory Allowances for Disadvantaged Areas, the Scheme of Installation Aid, the Early Retirement Scheme and Forestry.

Detailed technical discussions are taking place between my Department and the farming bodies to identify common ground and to prioritise funding areas with a view to achieving a satisfactory outcome on this issue. I am confident that agreement can be reached on the outstanding issues.

Milk Quota.

50. **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. [23631/06]

Minister for Agriculture and Food (Mary Coughlan): In March I announced my intention to move to a more open market system for transferring milk quotas, which will come into effect on the 1st April 2007. It must be borne in mind that over the last five years on average less than 4% of the total milk quota changed hands each year under the existing restructuring scheme.

My Department and I are progressing with the ongoing consultation process on the detailed arrangements to give effect to my decision. This has comprised of meetings with the relevant farm organisations and with representatives of the milk-processing sector and individual co-ops. The issue of future milk quota policy has also been discussed with the participating farm organisations at the partnership negotiations. Furthermore, there has been contact with colleagues in other countries with experience of operating more open market systems.

We are now continuing with a comprehensive analysis of the issues raised and the options for dealing with them, with a view to designing an appropriate transfer mechanism. Further consultations will take place before finalising the new system, and the operational details will be announced in good time to allow for all parties concerned to make appropriate plans before the start of the 2007/2008 milk quota year.

Food Safety Standards.

51. **Mr. Costello** asked the Minister for Agriculture and Food when she expects the Brazilian Government to submit an action plan in response to the recommendations of the EU FVO review of the animal health and public health control systems, traceability and certification procedures in place in Brazil; and if she will make a statement on the matter. [24589/06]

Minister for Agriculture and Food (Mary Coughlan): The Commission has confirmed to my Department that the action plan in question has been received from the Brazilian Authorities and is being assessed by the Food and Veterinary

Office of the European Communities (FVO). This assessment also includes a second action plan that was required from the Brazilian Authorities in response to the findings of a subsequent mission to Brazil carried out from 23 November to 1 December 2005 concerning the evaluation of the control of residues and contaminants in live animals and animal products, including controls on veterinary medical products.

The FVO will report on its assessments to the European Commission and, where action is considered necessary to ensure the safety of food and the protection of consumers and animals in the EU, appropriate proposals would be formulated and submitted to the Standing Committee on the Food Chain and Animal Health (SCoFAH) on which my Department is represented.

In the current WTO discussions in the Council, I have pressed very strongly the non-trade aspect of market access, which I regard as a crucial element in the overall negotiations. I have taken every opportunity to remind the Commission of the importance of equivalence in standards, particularly in relation to all exporting countries, including Brazil.

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 direct contact with 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 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 for the health of EC consumers, livestock or plants. He has pointed to the adoption of safeguard measures in relation to imports, for example, in the matter of dealing with the risk to the EU of the spread of high pathogenic avian influenza, in the finding of residues of unauthorised substances in poultry meat and in the quick and proportionate protective measures applied to imports of beef as a result of the recent outbreaks of Foot and Mouth Disease (FMD) as demonstrating 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).

I recently brought to the attention of the Commissioner the findings of an Irish delegation of farmers and journalists who visited the meat producing regions in Brazil and my Department is also seeking assurances from the Commission that the FVO will undertake further missions to Brazil to evaluate the implementation of the action plans submitted by the Brazilian authorities. In the meantime additional health certifi-

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cation requirements have been introduced for imported beef from Brazil under Commission Decision 2006/259/EC requiring guarantees concerning animal contacts, vaccination programmes and surveillance. These provisions took effect from 31 March 2006 and are checked by EU approved Border Inspection Posts through which all 3rd country imports must first be submitted.

Alternative Farm Enterprises.

52. **Mr. Connaughton** asked the Minister for Agriculture and Food the steps which she is taking to develop an alternative energy sector based on agricultural land; and if she will make a statement on the matter. [23635/06]

66. **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. [23641/06]

71. **Mr. Gogarty** asked the Minister for Agriculture and Food if she will accede to the IFA request for a substantial increase in payments for energy crops with €125 per hectare being recommended for oilseed rape, elephant grass and so on to ensure a viable return on such crops. [24631/06]

97. **Mr. Perry** asked the Minister for Agriculture and Food the measures which she intends to take to promote alternative renewable energy from agriculture; and if she will make a statement on the matter. [23634/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 52, 66, 71 and 97 together.

The Minister for Communications, Marine and Natural Resources has overall responsibility for energy policy and is leading a cross-Departmental, cross-agency approach in developing and implementing renewable energy policy. As Minister for Agriculture and Food, I have a special interest in the development of the renewable energy sector — and of biofuels in particular, given that agriculture is the source of most of the raw materials used to manufacture biofuels. My Department has accordingly been working closely with the Department of Communications, Marine and Natural Resources on the matter.

Biofuels is one element in the development of renewable energy. Agriculture and forestry has the potential to be the source of many feedstocks for biofuels. For example, 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 for biodiesel production. Other energy crops such as short rotation coppice and miscanthus can be used for heat and electricity generation.

Apart from the need to lessen dependence on fossil fuels for environmental and cost reasons, the development of biofuels, through the growing of energy crops, presents a new opportunity for rural communities and economies. The reform of the Common Agricultural Policy (CAP) which was agreed in 2003 gives farmers the freedom to exploit new farming opportunities, including agricultural production for non-food uses.

Support to farmers for the growing of energy crops may only be granted in accordance with EU regulations. Currently, such support is provided by way of the Energy Crops Scheme which was introduced under the reform of the CAP and which is administered by my Department. Under this scheme, energy crops may qualify for aid of €45 per hectare provided they are intended primarily for use in the production of biofuels and electric and thermal energy produced from biomass. In addition to this scheme, set aside land can be used for a variety of non-food uses including the growing of crops for energy purpose and will therefore qualify to activate set-aside entitlements under the Single Payment Scheme. The EU has agreed that sugar beet will be eligible for aid under the scheme and may also be grown as an energy crop on set aside land. The aid of €45 per hectare available under the Energy Crops Scheme has proven not to be sufficiently attractive in itself to stimulate the growing of such crops. For this reason at the February Council of Agriculture Ministers meeting I called for a review of the premium and I am pleased to say that the EU Commission has undertaken to review the operation of the scheme.

The production and utilisation of agricultural products for energy purposes can only be sustained in the longer term if biofuels generate a more favourable return than traditional market outlets. I am confident that the extension in the last Budget of excise relief of €205m which, when fully operational, will support the use and production of 163 million litres of biofuels annually, will help drive additional demand for the production of energy crops.

On the wider agricultural and energy policy agenda, biomass is of increasing importance and significance. Biomass energy in Ireland is mainly derived from wood products, which are converted into heat. I believe that the exploitation of the wood resource especially pulpwood, sawmill residues and harvestable forest residues offers enormous potential and could contribute significantly to our energy and heat requirements. Ireland has an excellent growing climate and an ongoing supply of raw material for wood fuel.

Wood residues are already being used to produce heat for sawmills across the country and the wood energy market is poised for growth with a number of commercial start-ups and a supply

chain emerging. The Minister for Communications, Marine and Natural Resources recently launched two schemes to help drive demand for wood biomass. The €27m “Greener Homes” grant programme for the domestic sector to support investment in renewable energy heat technologies such as wood chip and wood pellet boilers and stoves, among other items, has proven to be extremely popular with over 2,500 applications for grant aid submitted so far. A further €22m in grant aid is being provided to support investment in commercial renewable heat technologies and will provide up to 30% grant aid to allow companies and small businesses install wood chip and wood pellet boilers in large buildings and commercial premises.

My Department is also actively promoting the use of wood biomass through grants to promote and develop sustainable forestry, including alternative timber uses and we are close to finalising a scheme of supports for the purchase of specialist wood biomass harvesting equipment. We are directly promoting the use of wood biomass by the installation of a wood heating system at the Department’s offices at Johnstown Castle.

Short rotation coppice and miscanthus have considerable potential for heat/electricity generation. In Ireland, however, the production of short rotation coppice is relatively undeveloped. Thus costs of production, especially the substantial initial establishment costs, will be high due to lack of economies of scale. My Department is currently pursuing a proposal to reactivate establishment grants for short rotation coppice. I have received a number of proposals for the introduction of establishment grants for miscanthus and these are also being considered.

Meanwhile my Department in conjunction with Teagasc and COFORD has examined the potential of energy crops, wood biomass and farming and food by-products. Last year, we began providing direct funding, on a competitive basis, to support priority research projects in relation to biofuels. This funding is channelled through the Department’s Research Stimulus Fund Programme. Five of the projects selected under the 2005 and 2006 calls for proposals directly relate to biofuels and energy crops and received total grant assistance of some €1.5m.

Apart from purpose grown energy crops and wood biomass, there are several by-products of the farming and food processing industries that can be recovered and used in various ways as biofuels. These are mainly animal by-products such as meat and bone meal, tallow, animal manures and food by-products. There are significant opportunities for the use of animal by-products as biofuels some of which are being considered actively. Commercial realities are driving these proposals. The disposal of by-products imposes a cost on industry and it makes economic sense to offset this cost by realising the potential of the by-products as an energy source.

The importance of biofuels and bioenergy is recognised in the AGRI Vision 2015 ACTION Plan and I will continue to work closely with my colleague the Minister for Communications Marine and Natural Resources to ensure that agriculture contributes to the development of biofuels as part of a coherent energy policy.

Food Industry.

53. **Mr. Gilmore** asked the Minister for Agriculture and Food if she will report on the food forum in the north east which took place on 12 June 2006; and if she will make a statement on the matter. [24590/06]

Minister for Agriculture and Food (Mary Coughlan): This forum entitled “Market Focus for Small Food Enterprises” was the second in a series of regional food fora organised by my Department and An Bord Bia to promote regional and local food production. This was geared towards small food producers and would-be food producers in Counties Cavan, Monaghan, Louth and Meath. The event comprised an address by Minister of State with responsibility for food, Brendan Smith, a panel of speakers who shared their experiences and insights, opportunities for food producers to network with development agencies and a showcase of products from the region.

Presentations were made by John Mc Kenna, author of the Bridgestone Guides, and by Muiris Kennedy, Bord Bia’s Marketing and Services Director, on the market opportunities that exist for speciality food products. Another feature of the event was the launch of the North East Food & Drink Directory — a comprehensive food directory which Bord Bia had compiled and which gives details of food producers in the region as well as development agencies at local and national level.

The forum was attended by some 70 food producers from the four counties. Bord Bia is currently evaluating the impact through questionnaires issued to attendees and the early indications are that it was very favourably received and useful.

Milk Quota.

54. **Ms McManus** asked the Minister for Agriculture and Food the steps she will take to ensure, that the views of a recent Europe-wide study published by the European Association of Agricultural Economists, that in the absence of milk quotas Irish milk output would soar by 40 per cent; her views on the outcome of this study; her further views of the likely difference in milk output if milk quotas were withdrawn; her further views on the opinion that even if such a study’s outcome is unlikely, in view of the fact that milk quotas are not likely to be abolished in the near future, the projected outcome reflects badly on the progress of diversification in agriculture here;

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and if she will make a statement on the matter. [24616/06]

Minister for Agriculture and Food (Mary Coughlan): I am aware of the study to which the Deputy refers.

The Milk Quota System was introduced in 1984 to control the over-supply of milk in the EU, and the Mid Term Reform of the CAP has ensured its continuation until 2014/15. However, this reform is due to be reviewed in 2008. The fact is that the Milk Quota System exists and will continue to exist at least for some years yet.

My role, as Minister for Agriculture and Food, is to ensure that the areas within my scope of influence operate in a manner that enables our agriculture generally, and in this case the dairy sector, to remain competitive and thereby continue to develop and support farmers' incomes. It is clear, in the light of the Prospectus Report on the dairy sector and the Mid Term Review CAP reform decisions, that increased scale at producer level is needed to achieve competitiveness in the dairy sector and to maintain producer incomes.

In March I announced my intention to move to a more open market system for transferring milk quotas, which will come into effect on 1st 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 that 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.

Farm Consolidation.

55. **Mr. Deasy** asked the Minister for Agriculture and Food her plans to increase land mobility; and if she will make a statement on the matter. [23611/06]

Minister for Agriculture and Food (Mary Coughlan): There has been some improvement in farm structures in recent years, however, low levels of land sales and land mobility can be obstacles for those who wish to enter farming or expand the size of their holdings. The volume of agricultural land being offered for sale is at historically low levels while land prices have risen dramatically.

The amount of agricultural land sold has declined by 71% between 1995 and 2004, while the average price of agricultural land has increased from €5,641 to €16,261 per hectare over the same period. Clearly, the lack of land available for sales combined with high sale prices can act as constraints on some farmers. In order to

overcome this, many farmers who wish to expand production are opting to lease or rent farmland. Approximately one-fifth of farm land was leased in 2003, the latest year for which data is available.

In order to encourage land mobility, and to reduce the costs of land transfer, the Government has a number of incentives in place, these include:

- An Early Retirement Scheme pension of up to €13,515 for a period of 10 years on farms transferred by gift, sale or lease.
- An installation aid grant of €9,520 for young trained farmers.
- Capital Gains Tax — Retirement Relief for farmers over 55 years.
- A rental income tax exemption of up to €15,000 for farmers over 40 years who lease out land for a period of 7 years or more.
- A rental income tax exemption of up to €10,000 for farmers over 40 years who lease out land for a period of 5 to 7 years.
- A 90% Agricultural Relief from Capital Acquisitions Tax.
- The provision of full Stamp Duty relief for young trained farmers.
- Stamp Duty relief for land swapped for the purpose of farm consolidation between two farmers.

These incentives help to improve land mobility through early farm transfer, encouraging leasing and land swaps. These, in turn, help improve the availability of land to farmers who wish to enter farming or increase their scale of production.

Cattle Breeding.

56. **Dr. Devins** asked the Minister for Agriculture and Food her views on recent developments in cattle breeding here. [24480/06]

Minister for Agriculture and Food (Mary Coughlan): Up to the 1990s my Department operated a series of cattle breed improvement measures including milk recording, on farm weight recording, genetic evaluations, development of livestock improvement programmes, and the management of the Central Bull Performance Testing Station at Tully, Co. Kildare. In the 1990s there were a series of initiatives to reduce the Department's involvement in cattle breeding improvement and at the same time to provide a structure that would facilitate more rapid genetic gains in the Irish herd. A feasibility study funded under the Operational Programme for Agriculture, Rural Development and Forestry (OPARDF) in 1995 confirmed an industry led proactive approach to cattle breed improvement with some State leadership and involvement as the best way forward. This led to the establishment in 1997 of the Irish Cattle Breeding Federation (ICBF), which is an organisation mainly

controlled by the industry. ICBF's goal is to achieve the greatest possible genetic improvement in the national cattle herd for the benefit of Irish farmers, the dairy and beef industries and its members. My Department is mindful of the key role that ICBF needs to play if Irish agriculture is to prosper in the future and has since the inception of ICBF in 1997 provided a total of €10.7m (through grant aid (€5.4m) and NDP/OPARDF (€5.3m) to the organisation to assist it in pursuit of its very challenging goals.

In addition to taking over functions from the Department of Agriculture and Food, ICBF has made a great deal of progress in relation to the collection, storage and evaluation of the data that is so essential for cattle breeding. ICBF has developed database systems used for cattle breeding in a way that eliminates duplication and facilitates the efficient collection of a wider range of accurate information than was the case heretofore. The ICBF database is now operational for dairy, beef, milk recording, beef performance recording, genetic evaluations and herdbooks. The current database offers greatly increased functionality compared with that offered by previous systems. It also has significantly improved the accuracy and scope of both beef and dairy genetic evaluations. As beef and dairy breeding decisions are increasingly based on these more accurate genetic evaluations, the profitability of beef and dairy farming is being advanced. ICBF is delivering to the industry and to farmers improved information on which they can make decisions based on knowledge. This is of growing importance in the current era of "de-coupling".

My Department contributed funding to the successful Spring AI campaign this year which is aimed at improving the low uptake of AI in Ireland. The promotion was coordinated by ICBF in partnership with the AI organisations and Teagasc. An increase in the usage of AI is vital to ensure rapid genetic progress in the National cattle herd.

The development by ICBF of the EBI or Economic Breeding Index has helped farmers identify easily how much extra profit a farmer can expect to make through using a particular bull in his herd.

Recent developments in relation to making use of new technologies by the introduction of Electronic DIY milk recording and portable handheld computers for AI technicians are also very valuable improvements to the National Cattle breeding Infrastructure.

I am pleased to report that my Department has contributed funding under the NDP 2000-2006 to Milk Recording Service providers to assist them with the purchase of new equipment, which will enable them to offer farmers the option of Electronic DIY Milk Recording. This represents a major advance on the Milk Recording Service on offer to farmers heretofore. I expect that the result will be a more efficient service for both the individual farmer and the service provider, which

should lead to an increase in the number of farmers participating in milk recording and as a consequence making more data available for genetic evaluation. This is very significant given the vital role that Milk Recording plays in the National Genetic improvement programme.

The Irish AI industry has traditionally been small and fragmented. Commercial pressures have led to increases in costs and a reduction in revenue. The recent establishment of the National Cattle Breeding Centre will deliver economies of scale and structures that will afford opportunities to expand existing breeding programmes for both dairy and beef breeds with the ultimate aim of delivering optimal genetics for Irish farmers to increase their profitability.

The approved Cattle Breed Societies have made excellent and vital contributions of time, data, funds and resources in a cooperative approach to ensuring cattle breeding is enhanced. They have also played a major role in educating farmers about the goals that are achievable through better cattle breeding.

I believe that we are making great progress on cattle breeding. Credit must go to all parties involved, the IFA, ICMSA, AI Companies, Milk recording Companies, ICBF, National Cattle Breeding Centre and the Breed Societies in what truly is a partnership process with a common aim of facilitating the greatest possible genetic gain in the national cattle herd. It is the firm intention of my Department, with the cooperation of all industry partners over the next ten to twenty years to make Ireland a leading world centre in cattle breeding.

Genetically Modified Organisms.

57. **Ms Burton** asked the Minister for Agriculture and Food her views on the EU stipulation of rules governing the co-existence of genetically modified organism products and conventional products; when the outcome of the consultation on co-existence arrangements conducted by her Department in 2006 is expected; and if she will make a statement on the matter. [24588/06]

Minister for Agriculture and Food (Mary Coughlan): Following the decision by the EU Commission that the rules and regulations governing the coexistence of GM crops alongside non GM crops was to be a matter for national authorities, my Department established an interdepartmental/interagency Working Group in August 2003 to identify the issues and implications for Ireland of the cultivation of GM crops and to develop proposals for a national strategy and best practices to ensure efficient and effective coexistence. With the benefit of EU Commission Guidelines, set out in Commission Recommendation 2003/556/EC, the Working Group completed its work in December 2005 and a public consultation process followed. I am now in the process of considering the observations received

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from that consultation process and I will take these into account along with the recommendations made in the Report. I hope to be in a position to bring forward some draft legislation on strategies and procedures to facilitate coexistence of GM and non GM crops by the end of the year.

Farmers' Markets.

58. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food if she will now answer Parliamentary Question No. 10 of 18 May 2006 as to whether she will meet with the Department of the Environment, Heritage and Local Government to establish a programme of re-establishing community run farmers' markets. [24635/06]

Minister for Agriculture and Food (Mary Coughlan): As I indicated in my reply to Parliamentary Question No 10 of 18th May last, under the Casual Trading Act 1995, local authorities have responsibility for market rights within their functional areas.

Bord Bia, under the aegis of my Department, works closely with the local authorities and State agencies to ensure that this route to market is exploited fully for the benefit of local food producers and entrepreneurs.

Forestry Industry.

59. **Mr. Wilkinson** asked the Minister for Agriculture and Food the contribution forestry makes to the environment here. [24475/06]

Minister for Agriculture and Food (Mary Coughlan): Forestry makes a significant contribution to the Irish environment. It plays a key role in delivering on targets under both the National Climate Change Strategy and the National Biodiversity Plan.

All new forests established under grant aid by my Department since 1990 qualify as areas that will contribute to Ireland meeting its emission reduction targets under the Kyoto Protocol. Current indications are that forests planted since 1990 will absorb, on average, over 2 million tonnes of carbon dioxide per year over the period 2008-2012. Almost all of this contribution will come from trees that are already in the ground, established following government grant aid. All these amounts of verified carbon dioxide sequestration can be used, under the current international agreements, to offset emissions of greenhouse gases, and contribute to compliance with the Kyoto Protocol to UN Convention on Climate Change.

Well-planned forestry can contribute positively to biodiversity. Existing guidelines describe practical measures to achieve biodiversity objectives. These include the need to identify existing habitats and fauna of particular interest; the importance of species selection; and the incorporation

of open area and retained habitat in the forest. The pattern of Irish forestry is changing to one of smaller forests with greater species diversity, embedded in a mixed landscape of cropland, pasture, wetland and upland. This is yielding a mosaic of different habitat types. Taking account of recent research on biodiversity, the new Rural Development Plan will develop this trend and will address ways to support forestry with enhanced environmental objectives.

We have seen substantially increased broadleaf planting over the period of the current Rural Development Programme, and I am pleased to say that the target in this regard which was set at the start of the Programme has been achieved, with broadleaves now representing 30% of all new planting. This has ensured a more balanced approach to the species mix in Irish forests.

Government policy is to increase forest cover for economic, environmental and social reasons. The contribution to climate change mitigation through carbon sequestration and to biodiversity are aspects that are balanced with the need to provide other environmental services, as well as wood raw material for economic development

Export Subsidies.

60. **Mr. McEntee** asked the Minister for Agriculture and Food her Department's position regarding the abolition of export refunds by the EU; and if she will make a statement on the matter. [23646/06]

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.

Agreement was reached at the WTO Hong Kong Ministerial Conference in December 2005 on end 2013 as the end date 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.

The negotiations are continuing and a WTO Ministerial meeting will take place in Geneva later this week. My objective is to ensure that full parallel elimination of all forms of export subsidy is delivered by the negotiating partners and that, in so far as EU export refunds are concerned, the most flexible phasing-out arrangements are achieved.

EU Directives.

61. **Mr. Stanton** 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. [23625/06]

Minister for Agriculture and Food (Mary Coughlan): Proposals for amendments to the Nitrates Regulations, along with the scientific arguments to justify the changes, were forwarded to the European Commission by the Minister for the Environment, Heritage and Local Government on 18 May. There have since been discussions and other contacts between officials of the two Departments, Teagasc representatives and the European Commission.

The proposals were developed in conjunction with my Department and with the input of Teagasc and address a range of important issues identified in the Teagasc submission and raised by the farming bodies. I am satisfied that the changes proposed to the Commission will be of major benefit to Irish farmers, in that, they will provide them with greater flexibility in complying with fertiliser limits and simplify certain aspects of the Regulations.

I am hopeful that discussions on the Regulation can be brought to a quick conclusion so that negotiations can proceed on a derogation to allow certain farmers to operate, under appropriate conditions and controls, up to a level of 250 kgs of organic nitrogen per hectare. The derogation proposal was given an initial presentation to the EU Nitrates Committee in December, 2005 and further scientific data have been supplied to the Commission following bilateral discussions. The proposal will have to be discussed further at future meetings of the Nitrates Committee before approval can be obtained.

Farm Waste Management.

62. **Mr. O'Dowd** asked the Minister for Agriculture and Food the steps she is taking to ensure the maximum possible uptake of the farm waste management grants; and if she will make a statement on the matter. [23599/06]

Minister for Agriculture and Food (Mary Coughlan): The revised Farm Waste Management Scheme has been publicised widely.

In addition my Department has participated at a number of information meetings arranged by the farm bodies around the country. My Department has also arranged a number of seminars at various locations for private/Teagasc planners involved in the Scheme.

Scheme documents are available in each local Agricultural, Environment and Structures office of my Department and also on the Department's website.

I am satisfied that those farmers who might wish to participate in the Scheme are well aware of its existence and conditions. Since March 2006,

when I launched the Scheme, nearly 4000 applications have already been received.

Animal Remedies Regulations.

63. **Mr. Perry** asked the Minister for Agriculture and Food the status of her application to the EU Commission for an exemption list under the animal remedies regulations; and if she will make a statement on the matter. [23605/06]

Minister for Agriculture and Food (Mary Coughlan): As the Deputy is aware, the EU Directive 2004/28, which was transposed into law through the 2005 Animal Remedies Regulations, provided that veterinary medicines for food producing animals may only be supplied on the basis of a veterinary prescription, unless exempted from this requirement under criteria to be drawn up at EU level before 1 January 2007. However, I decided to avail of another provision in the Directive which permitted Member States to retain existing national prescription arrangements pending a decision at EU level on the exemption criteria. In effect, this enabled all existing 'off-prescription' medicines to remain off-prescription until the end of this year and farmers are continuing to get such medicines over the counter at pharmacies and licensed merchants.

The European Commission began a public consultation phase on draft exemption criteria last February. Our analysis of the draft criteria suggested that they would place severe restrictions on the range of medicines which could remain 'off prescription'. In view of this, my Department made a submission to the Commission in March last setting out the disadvantages associated with their draft criteria and arguing in favour of a more flexible regime under which greater discretion would be given to Member States in determining, on a scientific basis, the appropriate route of supply for veterinary medicinal products based on the risk/benefit profile of individual products.

Although the draft criteria were considered by experts from Member States at the end of March, the Commission has not yet adopted the draft criteria as formal Commission proposals. When they are eventually formally adopted by the Commission, they will be subject to further consideration and vote at the regulatory committee in Brussels. We will continue to press its position and seek to have criteria adopted which give the maximum discretion to Member States in determining whether individual veterinary medicines should become prescription only.

During the negotiations on the regulations last Autumn, I gave a commitment that I would review the national distribution arrangements in consultation with stakeholders in the light of the outcome of the exemption criteria aspect and, in particular, to consider whether persons other than vets should be permitted to prescribe veterinary medicines. In light of this, it is evident that,

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if the draft criteria are not altered significantly, my Department will revisit the prescribing aspects of the 2005 Regulations.

Food Labelling.

64. **Mr. McGinley** asked the Minister for Agriculture and Food the discussions she has had with the Food Safety Authority of Ireland on its report into breaches of food labelling laws; and if she will make a statement on the matter. [23649/06]

70. **Mr. Allen** asked the Minister for Agriculture and Food the discussions she has have with the Food Safety Authority of Ireland on its report into breaches of food labelling laws of 90 food businesses completed in 2004; the action which her Department has taken following the reporting of breaches in the legislation under its control; and if she will make a statement on the matter. [23596/06]

146. **Mr. Deasy** asked the Minister for Agriculture and Food the discussions she has had with the Food Safety Authority of Ireland on the enforcement of the food labelling laws in view of their report to her Department of breaches in the law under her jurisdiction following an investigation of 90 food businesses completed in 2004; and if she will make a statement on the matter. [23595/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 64, 70 and 146 together.

The enforcement of food labelling regulations is centralised in the Food Safety Authority of Ireland (FSAI) who ensure that the appropriate controls are carried out by the relevant official agencies. The official agencies include the Health Service Executive, my Department, the Department of Communications, Marine and Natural Resources, the Office of the Director of Consumer Affairs and the local authorities.

My Department is in touch with officials of the FSAI on an ongoing basis and regular meetings are held to discuss a wide range of issues. Any issues which arise in relation to the enforcement of food legislation, including enforcement of labelling legislation, are discussed where necessary, in this context. Prior to the recent introduction of labelling regulations extending the beef regulations to the catering sector, my Department held a number of meetings with the FSAI to ensure that appropriate enforcement procedures would be put in place.

My Department received the elements of the FSAI report that referred specifically to plants that came within its remit. These related to 11 premises and were all minor breaches. The issues identified by the FSAI audit were addressed by my Department to the satisfaction of the FSAI.

65. **Mr. M. Brady** asked the Minister for Agriculture and Food her plans for the labelling of beef by the catering and restaurant sector. [24482/06]

98. **Mr. Deenihan** asked the Minister for Agriculture and Food when she will introduce country of origin labelling within the catering trade; and if she will make a statement on the matter. [23650/06]

119. **Dr. Upton** asked the Minister for Agriculture and Food her views on the success of the voluntary arrangement with the catering industry, for labelling of beef with country of origin; when she expects to be able to include poultry meat in this scheme; her further views on a voluntary code of labelling with country of origin for foods other than beef; and if she will make a statement on the matter. [24607/06]

144. **Mr. Bruton** asked the Minister for Agriculture and Food if the voluntary code for country of origin labelling within the catering trade has been successful; and if she will make a statement on the matter. [23651/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 65, 98, 119 and 144 together.

Regulations for the purpose of beef labelling in the restaurant and catering sectors have now been made by the Minister for Health and Children, making the provision of country of origin information on beef in these sectors mandatory. These Regulations, entitled Health (Country of Origin of Beef) Regulations 2006 (S.I. No. 307 of 2006), will come into operation on 3 July 2006. They require that a food business operator providing prepared beef to consumers shall not (a) advertise beef for sale or supply, (b) present it for sale or supply, or (c) sell or supply it unless the country or countries of origin of the beef is indicated at the point of advertising, presenting, sale and supply in clear legible type on the advertisement, menu or other presentation used.

The introduction of these regulations followed a period of consultation with the Department of Health and Children, the FSAI and the representative bodies for hotels, restaurants and pubs on the details involved including their enforcement. These regulations will be enforced by the FSAI through checks to be carried out by Environmental Health Officers throughout the country.

While the enabling legislation passed by the Oireachtas in March of this year also facilitates the extension of country of origin labelling to all meats, due to different systems of traceability and some import/export complexities, it is not as straightforward as it is for beef. In addition, the EU Commission is opposed to Member States introducing legislation in this area that is in excess of common EU requirements. Serious challenges could arise in the implementation and enforce-

ment of national legislation that is not underpinned by harmonised EU provisions due to such factors as the amount of processing and repackaging operations that poultry, in particular, may be subjected to before arrival in this country.

Consequently, the preferred way forward is that the EU Commission would progress the question of country of origin labelling of all meat. I wrote earlier this year to the European Commissioner for Health and Consumer Protection requesting that consideration be given to extending the rules in regard to country of origin labelling at EU level in relation to poultry in particular because of concerns raised in the context of developments on Avian Influenza. I also raised the matter in the Agriculture Council some months ago and will continue to take every opportunity to press for progress on this matter.

I am glad to say that the Health and Consumer Protection Directorate of the EU Commission has recently commenced a consultative process on a wide range of issues in this area, under a document entitled 'Labelling: Competitiveness, Consumer Information and Better Regulation for the EU'. I have arranged for my Department to make a submission on food labelling and country of origin labelling of meat in particular to the Department of Health and Children who are co-ordinating the Irish contribution to this process.

With regard to the implementation of the voluntary code on beef labelling in the catering sector, I am unable to give specific information as a detailed survey was not carried out. This voluntary code will now be superseded by the new Regulations with effect from 3 July 2006.

Question No. 66 answered with Question No. 52.

Afforestation Programme.

67. **Mr. Cassidy** asked the Minister for Agriculture and Food the prospects for forestry plantings in 2006. [24467/06]

Minister for Agriculture and Food (Mary Coughlan): Demand under the afforestation scheme has been less than anticipated this year. However, my Department has issued substantial numbers of approvals already and it is still possible that afforestation levels can be held at, or close to, 2005 levels. However last estimates at present are that planting levels will be around 8,000 hectares for the year.

I would like to remind farmers of the attractiveness of the current scheme. 100% of the costs of planting are covered and tax-free premiums of up to €500 per hectare are available for a full 20 years at present. In addition, farmers can plant up to 50% of their land, and draw down the relevant forestry premium, without affecting their Single Payment. The current package is without doubt the most attractive that has ever been made available and I would urge farmers, and indeed all

land-owners, to strongly consider the opportunities that forestry offers.

Seed Potato Industry.

68. **Mr. Gormley** asked the Minister for Agriculture and Food if her attention has been drawn to the difficulties for potato growers; and the improvements by way of grant assistance and so on she will make for this sector. [24633/06]

Minister for Agriculture and Food (Mary Coughlan): My Department has provided substantial grants for both the ware potato and seed potato sectors in recent years. In 2005 grant aid amounting to €0.56m was paid to the industry of which €458,000 was paid to ware growers and €98,000 to the seed growers.

The funding available for the seed potato sector in 2006 is €1.5m. These funds are made available through the National Development Plan and are aimed at developing a modern seed potato industry. Applicants can apply for grant aid up to a maximum eligible investment of €400,000 for each phase of the scheme. To date 14 approvals for investment have been issued under phase 1 and a further 16 applications are being considered under phase 2 of the scheme.

Food Labelling.

69. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food her plans to establish an All Ireland food label; and if she will make a statement on the matter. [23619/06]

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 (INI). Joint promotions and events have been successfully organised especially in the speciality food sector. Bord Bia is currently discussing 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 cooperation. 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. 70 answered with Question No. 64.

Question No. 71 answered with Question No. 52.

Forestry Industry.

72. **Mr. Sargent** asked the Minister for Agriculture and Food her views regarding the situation where farm forest owners over the past six years received no increase in premium despite large overheads and cost of living increases. [24626/06]

Minister for Agriculture and Food (Mary Coughlan): I am aware that the premium paid to forest planters has not been increased since 2000. The premium levels are under review at present.

Alternative Farm Enterprises.

73. **Mr. Curran** asked the Minister for Agriculture and Food her views on the grant assistance available in the bio-energy and agri-environment areas under the research stimulus fund. [24473/06]

Minister for Agriculture and Food (Mary Coughlan): The areas of bio-energy and agri-environment 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 being funded under the 2006 Research Stimulus Fund Programme includes both of these areas.

Under the 2005 Research Stimulus Fund Programme, 12 research projects were awarded grant assistance totalling €4.5 million. The research projects selected for funding cover a broad range of areas including agri-environment, non-food crops and agri-food economics and will involve inter-institutional collaboration. 3 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. 5 of the projects selected relate to the agri-environment area and were awarded total grant assistance of €2.6 million.

Funding, recently awarded for the new round of research proposals under the 2006 Research Stimulus Fund Programme, provides grant assistance totalling €18m to 35 research projects and will involve inter-institutional collaboration. The research projects selected include also the theme areas of animal and plant biosciences in addition to the non-food uses of agricultural land, agri-environment and agri-economy and policy. 2 of the projects selected for funding relate to research projects involving biofuels and energy

crops and received total grant assistance of some €0.6 million. 8 of the projects selected relate to the agri-environment area and were awarded total grant assistance of €6.2 million.

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 being funded both under the 2005 and 2006 programmes 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.

World Trade Negotiations.

74. **Mr. Rabbitte** asked the Minister for Agriculture and Food the content of her recent discussions with the EU Trade Commissioner in relation to the World Trade Organisation arrangements; and if she will make a statement on the matter. [24614/06]

75. **Mr. Glennon** asked the Minister for Agriculture and Food her assessment of the state of the World Trade Organisation negotiations; and her efforts to protect the agriculture sector here. [24477/06]

91. **Mr. O'Dowd** asked the Minister for Agriculture and Food the status of the WTO talks; and if she will make a statement on the matter. [23628/06]

95. **Mr. M. Higgins** asked the Minister for Agriculture and Food the action she is taking to protect agriculture here in the forthcoming World Trade Organisation talks; if the EU Commissioner for Trade is visiting Ireland in the near future; and if she will make a statement on the matter. [24613/06]

100. **Mr. Cuffe** asked the Minister for Agriculture and Food if her attention has been drawn to the fact that the Agriculture Commissioner, Ms Bohl, reportedly intends to go beyond her mandate in signing off an agreement for the EU at the World Trade Organisation negotiations; and if she and the Government will request that no signing of an agreement takes place before the Council of Ministers has considered and decided on details and implications of draft proposals from the WTO talks in Geneva. [24629/06]

141. **Ms Lynch** asked the Minister for Agriculture and Food the status of the Doha round negotiations of the World Trade Organisation; and if she will make a statement on the matter. [24592/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 74, 75, 91, 95, 100 and 141 together.

The current negotiations on a new WTO Agreement, which cover a broad trade liberalisation agenda, have been under way since they were launched in Doha in November 2001. Significant progress towards concluding an agreement has been made in the Framework Agreement which was reached in August 2004 and at the Ministerial Conference in Hong Kong in December 2005. The Hong Kong Conference set clear deadlines for the completion of the negotiations on agriculture. End April 2006 was set as the deadline for the completion of the modalities, or detailed provisions, of the new agreement and a deadline of end July 2006 was set for the submission of schedules, or specific commitments, by all WTO member countries. Despite intensive negotiations, the end of April deadline has passed without the planned progress on modalities. A further WTO Ministerial meeting will be held later this week, commencing on 29 June in Geneva, with a view to making further progress towards a final agreement.

In overall terms, I am seeking a balanced WTO agreement both as between the different aspects of the negotiations and between the various elements of the agreement on agriculture. My overriding objective is to ensure the final agreement will not require a further reform of the Common Agriculture Policy. This represents the limit of the EU Commission's negotiating mandate as agreed, and endorsed on several occasions, by the Council of Ministers. The Commission negotiates in the WTO on behalf of the EU and is obliged to seek the agreement of the Council to amend the mandate or to commit the EU to an agreement which exceeds the mandate. The Council of General Affairs and External Relations Ministers will be meeting in special session in Geneva this week to monitor progress and to provide direction to the Commission in the ongoing negotiations. EU acceptance of the final agreement will have to be approved by the Council.

I have had bilateral meetings with the Commissioners for Trade and Agriculture and Rural Development earlier in the year and I outlined to them in the clearest terms that the Commission must remain within the terms of its negotiating mandate and protect the CAP from further reform. I have also expressed my position in the strongest possible terms in the Council of Agriculture Ministers at every opportunity in recent months, most recently at the 19 June meeting. My colleague the Minister for Foreign Affairs also stated the Irish position at the meeting of the Council of General Affairs and External Relations Ministers on 12 June. I have been, and will continue, to work closely with Ministers in like-minded Member States to seek support for my position. While the Commission has indicated that the EU should move once there is significant

movement in relation to various issues by the negotiating partners, I am not aware of any statement by the Commission that it will exceed its mandate.

A recent planned visit by Commissioner Mandelson was cancelled. I am not aware that arrangements are being made to reschedule this meeting in the near future.

I will be attending the WTO Ministerial meeting in Geneva later this week and I will continue to take an active role in seeking the best possible outcome for Irish and EU agriculture in the negotiations. My specific priorities are:

- On domestic supports, to ensure that the EU's system of decoupled direct payments to farmers continue to qualify as non-trade-distorting payments under the so-called WTO Green Box and so remain exempt from reductions under the new round,
- On Export Subsidies, to ensure that full parallel elimination of all forms of export subsidies is undertaken by all WTO member countries, as agreed in the WTO Ministerial Conference in Hong Kong, and that the most flexible phasing-out arrangements for EU export refunds are achieved,
- On Market Access, to retain the maximum possible level of protection against increased imports into the EU, especially in sectors in which Ireland has particular interests, through minimising tariff cuts, establishing sensitive product status where necessary and through the continuation of an effective Safeguard Clause.

EU Directives.

76. **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. [23620/06]

Minister for Agriculture and Food (Mary Coughlan): The Minister for the Environment, Heritage and Local Government made Regulations in December 2005 giving legal effect to Ireland's Nitrates Action Programme. The Regulations came into effect on 1 February 2006, but the Minister for the Environment, Heritage and Local Government then announced a brief *de facto* deferral of the implementation of Part 3 of the Regulations dealing with nutrient management. This was to allow time for Teagasc to submit revised scientific advice, which was received early in March.

Detailed proposals for amendments to the Regulations, along with the scientific arguments to justify the changes, were forwarded to the Commission by the Minister for the Environment, Heritage and Local Government on 18 May. There have since been discussions and other contacts between officials of the two Depart-

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ments, Teagasc representatives and the European Commission.

The proposals, which the Minister for the Environment, Heritage and Local Government has put forward, were developed in conjunction with my Department and with the input of Teagasc and address a range of important issues identified in the Teagasc submission and raised by the farming bodies. I am satisfied that the changes proposed to the Commission will be of major benefit to Irish farmers, in that they will provide them with greater flexibility in complying with fertiliser limits and simplify certain aspects of the Regulations.

Farm Waste Management.

77. **Mr. P. Power** asked the Minister for Agriculture and Food her plans for aiding digesters and other new technology to deal with pig and poultry manure arising from the application of the Nitrates Directive. [24469/06]

Minister for Agriculture and Food (Mary Coughlan): I recently announced the introduction of a new Scheme, the Scheme of Investment Aid for Demonstration On-Farm Waste Processing Facilities, which will provide grant-aid for up to ten projects throughout the country which will demonstrate the advantages of new technologies, such as fluidized bed combustion or treatment plants comprising of anaerobic or aerobic digestion, for the processing of livestock manure or mushroom compost.

The maximum investment ceiling per project is €1 million and the grant-rate is 40% , thereby bringing the total State contribution to a maximum of €4 million.

The Scheme which forms part of the National Development Plan 2000-2006 will close for applications on 31 December 2006.

Animal Diseases.

78. **Mr. Hogan** asked the Minister for Agriculture and Food the steps she is taking to reduce inheritable wind disease in National Hunt stallions; and if she will make a statement on the matter. [23594/06]

Minister for Agriculture and Food (Mary Coughlan): Under the provisions of The European Communities (Equine Stud-Book and Competition) Regulations 2004, SI 399 of 2004, I am empowered to grant approval to a person, an international association or organisation for the purposes of maintaining a stud-book subject to compliance with the requirements of the relevant legislation in force. Weatherbys Ireland GSB Limited is the organisation approved to maintain the Thoroughbred studbook in which National Hunt stallions in Ireland are registered.

The legislation provides for keepers of approved stud-books to divide the main section

of their stud-book into classes according to the animal's merits. Therefore, approved studbooks can choose to classify animals in their studbook according to their merits' (such as the inheritance of wind disease) in order to discourage the breeding of animals with a genetic defect.

I do not propose to interfere in the day to day business of approved stud book keeping organisations.

Sugar Beet Industry.

79. **Mr. Stanton** asked the Minister for Agriculture and Food steps which she is taking to protect sugar beet growers; and if she will make a statement on the matter. [23623/06]

85. **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 face substantial losses; and if she will make a statement on the matter. [23612/06]

89. **Mr. G. Murphy** 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. [23615/06]

104. **Mr. Kehoe** asked the Minister for Agriculture and Food her plans for the distribution of the sugar compensation package; and if she will make a statement on the matter. [23607/06]

120. **Mr. Connaughton** asked the Minister for Agriculture and Food the steps she intends to take to secure the maximum level of compensation for beet growers; and if she will make a statement on the matter. [23617/06]

393. **Mr. Timmins** asked the Minister for Agriculture and Food the action she will take to secure the maximum level of compensation for beet growers; when this decision will be made; the factors which will influence this decision; and if she will make a statement on the matter. [24973/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 79, 85, 89, 104, 120 and 393 together.

The compensation package negotiated in the context of reform of the EU sugar regime is worth over €310m to Irish stakeholders. There are three elements to the compensation package, which is governed by Council Regulations adopted on 20 February 2006.

The first element is the 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 and will be payable from 2006,

is worth approximately €123m to Irish beet growers over the next seven years.

The second element of the compensation package is the restructuring aid covering the economic, social and environmental costs of restructuring of the sugar industry involving factory closure and renunciation of quota. In Ireland's case, this would be worth up to €145m.

The third element of the package is the diversification aid, worth almost €44m in Ireland's case, which would be drawn down in the framework of a national restructuring programme to be prepared and submitted to the Commission by the end of the year.

Regarding the second element, the restructuring aid provided for in Council Regulation (EC) No 320/2006 is subject to the submission by the processor of a detailed restructuring plan for the industry following consultations with the beet growers. The Regulation also provides that at least 10% of the restructuring aid shall be reserved for sugar beet growers and machinery contractors and that the percentage 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. In that context, my Department last month issued an open call for submissions which will be subject to scrutiny by Indecon International Economic Consultants, who have been appointed by the Government to provide me with independent expert advice on matters relating to the implementation of the restructuring aid. Those who made submissions were invited to a series of consultation meetings to afford them the opportunity to make any supplementary points regarding their submissions. A final decision on the percentage will be made in due course having regard to the independent expert advice and following the publication in the near future of the Commission Regulation laying down detailed rules for the implementation of the restructuring aid.

The timescale for implementing the restructuring aid is very tight where, as in Ireland's case, restructuring takes place in the first year of the new regime. The Council Regulation requires that the application for restructuring aid must be made by the processor by 31 July 2006. The application must include a detailed restructuring plan for the industry. A decision on the granting of the aid must then be made by the Member State by 30 September 2006 at the latest.

It is my intention that the restructuring aid will be implemented in a fair and equitable manner and strictly in accordance with the relevant EU regulations.

Poultry Industry.

80. **Ms Burton** asked the Minister for Agriculture and Food her views on the recent EFSA report on the incidence of salmonella in eggs in a

number of European countries; and if she will make a statement on the matter. [24610/06]

Minister for Agriculture and Food (Mary Coughlan): The baseline study on the prevalence of Salmonella in flocks of laying hens, which is the subject of the recent EFSA preliminary report, was conducted in all EU countries during the year from October 2004 to September 2005. The study consisted of an extensive sampling and testing programme. In Ireland's case the testing of samples was conducted in my Department's Central Veterinary Research Laboratory.

The baseline study is the first element of a strategy to control salmonella in table eggs throughout the EU. A target for the reduction of Salmonella enteritidis and Salmonella typhimurium has recently been set. The target indicates the percentage reduction in positive flocks that each country must achieve. As from 2008 there will be a legal requirement for each laying flock in the EU to undertake its own programme of salmonella testing and there will also be a scheme of official testing. With effect from 1st January 2010 eggs from the following flocks may not be sold for consumption as table eggs: flocks not complying with the required testing regime and related controls specified in national control programmes, flocks of unknown health status, infected flocks and flocks suspected of being infected.

The EFSA report indicates a worrying level of salmonella in some Member States and it is important to public health that the EU should press on with the strategy that is in place to remedy this problem. I am glad to see that no case of S enteritidis or S typhimurium was found in Ireland in the course of the baseline study and only 4 cases of Salmonella with no public health significance were detected. This puts us in a small group of countries with an excellent status on Salmonella. This is due in no small part to the proactive and responsible attitude taken by the Irish egg industry over the years. The Bord Bia Egg Quality Assurance Scheme has also been a significant driver in promoting egg safety and most eggs sold at retail level come under this scheme. My Department will continue to work with the industry to ensure that this favourable situation continues.

Milk Quota.

81. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food the nature of the solid progress she and her Department have made in the continuing consultation process on the detailed arrangements to give effect to her decision in relation to the move to a more open market system for transferring milk quotas; and if she will make a statement on the matter. [24594/06]

Minister for Agriculture and Food (Mary Coughlan): In March I announced my intention to move to a more open market system for transferring milk quotas, which will come into effect on 1st April 2007.

My Department and I are progressing with the ongoing consultation process on the detailed arrangements to give effect to my decision. This has comprised of meetings with the relevant farm organisations and with representatives of the milk-processing sector and individual co-ops. The issue of future milk quota policy has also been discussed with the participating farm organisations at the partnership negotiations. Furthermore, there has been contact with colleagues in other countries with experience of operating more open market systems.

We are continuing with a comprehensive analysis of the issues raised and the options for dealing with them, with a view to designing an appropriate transfer mechanism. Further consultations will take place before finalising the new system, and the operational details will be announced in good time to allow for all parties concerned to make appropriate plans before the start of the 2007/2008 milk quota year.

Food Labelling.

82. **Mr. Durkan** asked the Minister for Agriculture and Food the steps she has taken or proposes to take to ensure that all meat and poultry sold here accurately reflect the country of origin and that traceability, health, hygiene, husbandry and processing procedures are in accordance with EU and Irish law; and if she will make a statement on the matter. [24568/06]

Minister for Agriculture and Food (Mary Coughlan): Regarding the labelling of beef, this is governed by comprehensive EU regulations which were introduced in 2000 and are underpinned by a full national animal identification and traceability system. These compulsory labelling regulations require all operators and organisations marketing beef within the Community to provide information on the label to enable the beef to be traced back to the animals from which it was derived and must include details on the slaughterhouse, de-boning hall and the country in which the animal was born and reared.

These requirements apply to all beef sold at retail level regardless of whether that beef was produced within the Community or in a Third Country. Where beef is imported into the Community from a Third Country and all the above details are not available, that beef must, at a minimum, be labelled as “Origin: non-EC” along with an indication of the Third Country in which slaughter took place.

Regulations for the purpose of beef labelling in the restaurant and catering sectors have now been made by the Minister for Health and Children, making the provision of country of origin

information on beef in these sectors mandatory. These Regulations, entitled Health (Country of Origin of Beef) Regulations 2006 (S.I. No. 307 of 2006), will come into operation on 3 July 2006. They require that a food business operator providing prepared beef to consumers shall not (a) advertise beef for sale or supply, (b) present it for sale or supply, or (c) sell or supply it unless the country or countries of origin of the beef is indicated at the point of advertising, presenting, sale and supply in clear legible type on the advertisement, menu or other presentation used.

Regarding the labelling of poultrymeat, there are EU Regulations which provide for the labelling of unprocessed poultrymeat at retail level. The Regulations require such poultrymeat to be labelled with the information regarding class; price per kg; condition; registered number of slaughterhouse or cutting plant and, where imported from a Third Country, an indication of country of origin.

There are no specific EU regulations governing the labelling of pigmeat or sheepmeat beyond the general food labelling regulations which do not require ‘country of origin’ information.

The general EU food labelling regulations covering all food sold in Ireland require that the information be given clearly, accurately and in a language understood by the consumer. Among these requirements is origin marking in cases where failure to provide such information would be likely to mislead the consumer to a material degree. This legislation comes under the remit of the Department of Health and Children.

Food labelling legislation is enforced by the Food Safety Authority of Ireland.

On the food labelling issue in general, I must emphasise that my primary aim is to protect consumer interests and to ensure that the consumer is properly informed. Ireland is a major exporter of food and food products and indeed there are also considerable imports, so it is imperative that the same standards are applied to the labelling of foods in every sector and that there is a level playing field for the food industry at all levels. In this context, at a meeting of the Council of Agriculture Ministers earlier this year I raised again the issue of labelling of foodstuffs and I, along with a number of Member States, asked the Commission to further examine how best food labelling should be handled at EU level in order to best protect the interests of the consumer.

I am glad to inform the Deputy that the Health and Consumer Protection Directorate of the EU Commission has recently commenced a consultative process on a wide range of issues in this area, under a document entitled ‘Labelling: Competitiveness, Consumer Information and Better Regulation for the EU’. I have arranged for my Department to make a submission on food labelling and country of origin labelling of meat in particular to the Department of Health and Children who are co-ordinating the Irish contribution to this process.

Various bodies have responsibility for the other aspects raised in the question and I am satisfied that where they come within the remit of my Department the relevant EU and Irish law relating to traceability, health, hygiene, husbandry and processing is satisfactorily enforced.

World Trade Negotiations.

83. **Mr. Stagg** asked the Minister for Agriculture and Food when the World Trade Organisation Consultancy Group last met; the agenda at its last two meetings; when it will meet again; the persons who are the members of the group; their qualifications; and if she will make a statement on the matter. [24601/06]

Minister for Agriculture and Food (Mary Coughlan): The WTO Consultative Group was established to enable interested groups and organisations to review and discuss current developments in the ongoing negotiations and to offer material, advice and expertise to my Department in the process of policy formulation. The Group met last on 4 April 2006. The agenda for the last two meetings provided for a comprehensive update on the state of play in the negotiations, analysis and discussion of the implications for Ireland and the EU as well as examination and discussion of material submitted by members of the Group. A further meeting of the Group will be held in mid-July following the WTO Ministerial Meetings in Geneva from 28 June to 2 July.

The Group comprises officials of my Department and representatives of the following organisations; Irish Farmers Association (IFA), Irish Creamery Milk Suppliers Association (ICMSA), Teagasc, Bord Bia, Irish Dairy Board, IBEC, Irish Co-operative Organisation Society (ICOS), Irish Grain and Feed Association, Macra Na Feirme and two independent agricultural economists.

Animal Welfare Bodies.

84. **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. [23609/06]

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 and to the slaughter of animals.

Primary responsibility for protecting the welfare of animals rests with the owners or keepers of the animals concerned. 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 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 €1.2m of which was paid to 86 organisations in December last to assist them during 2006. A provision of €1.1m 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.

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 An Garda Síochána who 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 Garda in such cases.

Question No. 85 answered with Question No. 79.

Food Health Promotion.

86. **Mr. Gogarty** asked the Minister for Agriculture and Food her plans to more effectively promote fresh vegetables and potatoes as part of a healthy diet for young people particularly in view of the heavy advertising aimed at children by manufacturers of high sugar, salt and fat food products. [24632/06]

Minister for Agriculture and Food (Mary Coughlan): I am very aware of the need to pro-

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mote sensible and healthy eating habits among our young people. Not alone do health, diet and nutrition impact on societal well-being, mental health and life expectancy, it pervades into every area of our economy, from lost work days to increased healthcare costs. The case for targeting the dietary habits of young people in their formative years is compelling. That is why I have introduced a range of measures in the area of research and in the area of promotion, all of which recognise the need for a collaborative, multi-stakeholder approach.

Under the FIRM programme my Department funds public good research by the food research institutions. The 2006 call for proposals included a Food and Health theme. The proposals submitted included multi-annual projects on reducing the salt content of certain foods. Following external evaluation I anticipate that up to €2 million will be approved in this area. Projects previously funded include research into developing gluten free bread and reduced fat cheese toppings.

The Scientific Study on Children's Diet, which was co-funded by my Department and the Food Safety Authority of Ireland (FSAI), was the first study to benchmark dietary intakes of a nationally representative sample of Irish children. The work was carried out by researchers in Trinity College, Dublin and University College, Cork who surveyed 600 children aged 5-12 years from primary schools throughout Ireland during 2003 and 2004. The researchers collected information on diet, physical activity and body measurements on each child in addition to lifestyle information for both the children and their parents.

In relation to diet, the study identified that intake of fruit and vegetables was low and on average well below international recommendations. Fat and salt intakes were higher than recommended while overweight and obesity in 5-12 year old schoolchildren was relatively high and increasing.

I considered it important that the data on diet and physical exercise collected in the study should be further analysed and cross-referenced with other available information to assist in evidence-based policy formulation and implementation, and to provide the public and the food industry with useful information in this area. This research, jointly funded by DAF and FSAI, commenced earlier this year and I am confident the results will assist the food industry to tailor product development and promotion to lifestyle patterns and trends based on the scientific data gathered. The research will also be of valuable assistance in formulating new products to meet emerging nutritional demands.

As part of a twin track approach, my Department has also focused on the promotion of fresh fruit and vegetables. The Food Dude Programme, which was launched last year, aims to increase consumption of fresh fruit and vegetables by primary school children at school and in the

home. The Programme, jointly funded by the EU Commission, my Department and the trade, is managed by An Bord Bia, and will be run in 150 primary schools over 3 years. It was developed by the University of Wales, Bangor and studies show that it can deliver long-lasting results across the primary school age range in terms of improving dietary habits and creating a healthy eating culture. Evidence to date indicates that the programme has been hugely successful in its inaugural year.

In addition, a 3-year advertising, PR and promotion campaign aimed at increasing the consumption of mushrooms by young households and young people has recently concluded. This programme was again a collaborative approach involving the EU Commission, my Department and the mushroom industry, through Bord Bia. In 2005, the advertising campaign achieved population coverage of 1.2 million people and, in general, has led to increased spend on mushrooms in retail outlets.

Disadvantaged Areas Scheme.

87. **Mr. Howlin** asked the Minister for Agriculture and Food her views on whether the disadvantaged areas scheme might be improved; and if she will make a statement on the matter. [24623/06]

Minister for Agriculture and Food (Mary Coughlan): The position is that under the current Disadvantaged Areas Compensatory Allowance Scheme over 100,000 farmers qualify for payments totalling some €233million annually.

The current payment levels are as follows: More Severely Handicapped (lowland) €88.88 per hectare up to 45 hectares. Less Severely Handicapped (lowland) €76.18 per hectare up to 45 hectares. Mountain type land €101.58 per hectare on first 10 hectares or part thereof and €88.88 per hectare on remaining hectares subject to an overall payment ceiling of 45 hectares.

For 2006, as a once-off measure, I have decided that modulated funds of approximately €18m will be spent in the disadvantaged areas and this will have the effect of increasing the payment levels per hectare in 2006 — from €88.88 to €95.02, from €76.18 to €81.44 and from €101.58 to €108.00.

The Council of Agriculture Ministers agreed on 20 June 2005 a new framework for rural development for the period 2007 to 2013 which provided for the maintenance of the existing arrangements for the Less Favoured Areas until 2010. Before then, the Commission will present a report and proposals to the Council concerning the future payment system and designation of these areas. My Department is currently engaged in drawing up Ireland's Rural Development Programme for the period 2007-2013. Funding levels for the Scheme under this Programme are the

subject of discussion in the farming pillar of the current Partnership talks.

The cost of the old coupled Disadvantaged Areas Compensatory Allowance schemes in year 2000 was €155m in respect of which 92,000 farmers qualified for payment i.e. an average payment of €1,684 compared with the current average of €2,316 — an increase of 37.5%. The number of beneficiaries has also increased by 9.3%, from 92,000 in 2000 to 100,600 in 2005. On the change-over to the area based scheme an additional €76m (£60m) was added from the Exchequer.

Genetically Modified Organisms.

88. **Mr. McEntee** asked the Minister for Agriculture and Food her position on the deliberate release of genetically modified crops; and if she will make a statement on the matter. [23643/06]

Minister for Agriculture and Food (Mary Coughlan): The 'Report of the Interdepartmental Group on Modern Biotechnology' published by the Department of Enterprise, Trade and Employment in October 2000 established the Irish Government's positive but precautionary position on biotechnology. This position was based on the potential that biotechnology offers in the fields of medicine, health, agriculture, etc., while at the same time recognising that caution must be exercised to ensure that food safety and the environment are protected.

EU Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms lays down a binding, Community-wide, framework for regulating the deliberate release of genetically modified organisms into the environment, including for the purposes of field trials and cultivation. Taking into account the precautionary principle, it seeks to ensure that high levels of protection are afforded to the environment and human health and requires, *inter alia*, the carrying out of a comprehensive environmental risk assessment, as part of the notification process, and post release monitoring. Any environmental risk to plants in the vicinity of the cultivation of genetically modified crops is considered in the foregoing context.

While responsibility for decisions on proposals for field trials rests with the EPA, responsibility for the establishment of measures to ensure the effective and efficient coexistence of authorised GM crops alongside non GM crops rests with my Department.

Question No. 89 answered with Question No. 79.

EU Directives.

90. **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. [23636/06]

Minister for Agriculture and Food (Mary Coughlan): Proposals for amendments to the Nitrates Regulations, along with the scientific arguments to justify the changes, were forwarded to the European Commission by the Minister for the Environment, Heritage and Local Government on 18 May. There have since been discussions and other contacts between officials of the two Departments, Teagasc representatives and the European Commission.

The proposals were developed in conjunction with my Department and with the input of Teagasc and address a range of important issues identified in the Teagasc submission and raised by the farming bodies. I am satisfied that the changes proposed to the Commission will be of major benefit to Irish farmers, in that they will provide them with greater flexibility in complying with fertiliser limits and simplify certain aspects of the Regulations.

I am hopeful that discussions on the Regulation can be brought to a quick conclusion so that negotiations can proceed on a derogation to allow certain farmers to operate, under appropriate conditions and controls, up to a level of 250 kgs of organic nitrogen per hectare. The derogation proposal was given an initial presentation to the EU Nitrates Committee in December 2005, and further scientific data have been supplied to the Commission following bilateral discussions. The proposal will have to be discussed further at future meetings of the Nitrates Committee before approval can be obtained.

Question No. 91 answered with Question No. 74.

Animal Health Policy.

92. **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. [23624/06]

142. **Mr. Ring** asked the Minister for Agriculture and Food the steps which she is taking to introduce an all island animal health regime; and if she will make a statement on the matter. [23600/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 92 and 142 together.

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. During the Foot and Mouth emergency of 2001 the

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co-operation and consultation at official, Ministerial and political levels was vital. Likewise, both administrations are currently co-operating and sharing information on measures relating to avian influenza.

The establishment of the North South Ministerial Council (NSMC) 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 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 TB

Brucellosis, FMD, BSE Avian Influenza, cross-border fraud, etc. 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.

The Farm Animal Welfare Advisory Council includes representation from the Department of Agriculture and Rural Development, (DARD). DARD was also represented at recent meetings of the Avian Influenza Advisory Group and will also be represented at future meetings of the Group.

Since the decision at EU level to lift the BSE ban on exports from the United Kingdom from 3 May 2006, arrangements are in place and working well between the two administrations facilitating the trade of cattle from Northern Ireland for slaughter, breeding and production.

The achievement of 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.

Farmers' Markets.

93. **Mr. Penrose** asked the Minister for Agriculture and Food if she will provide this Deputy with a list of all the farmers' markets operating here that her Department is aware of; and if she will make a statement on the matter. [24597/06]

Minister for Agriculture and Food (Mary Coughlan): While there is no formal register of Farmers' markets in Ireland, An Bord Bia, which operates under the aegis of my Department, works closely with other State and local agencies to exploit the growing opportunities for farmers' markets. In co-operation with Invest Northern Ireland, the Board has published a comprehensive information guide on the operation of farmers markets and the Bord Bia website www.bord-bia.ie includes a list of over a 100 markets currently in operation throughout the island. If the Deputy is aware of any other market not on the list, An Bord Bia will be happy to post it on its website.

	County	Market	Location	Day
1	Antrim	Origin Farmers Market Ballymoney	Castlecroft, Main St	Last Saturday of month 11-2pm
2	Antrim	City Food And Garden Market Belfast	St George's Street	Saturday 9-4pm
3	Antrim	Templepatrick Farmers Market	Colmans Garden Centre	
4	Antrim	Lisburn Market		Saturday
5	Armagh	Portadown Market		Last Saturday of month
6	Carlow	Carlow Farmers Market	Potato Market Carlow	Saturday 9-2pm
7	Cavan	Cavan Farmers Market	McCarren's, Farham Road, Cavan	Saturday 10am-4pm
8	Clare	Ballyvaughan Farmers Market	The Old Schoolhouse	

	County	Market	Location	Day
9	Clare	Ennis Farmers Market	Car Park, Upr. Main Street	Friday 8-2pm
10	Clare	Killaloe Farmers Market	Between the Waters	Sunday 11-3pm
11	Clare	Kilrush Farmers Market	The Square	Thursday 9-2pm
12	Clare	Shannon Farmers Market	Town Centre, next to Skycourt Shopping Centre	Friday 12.30-7pm
13	Cork	Ballydehob Food Market	Community Hall	Friday 10.30-12pm
14	Cork	Bandon Market	Bandon	Friday 10.30-1pm
15	Cork	Bantry Market	Main Square	1st Friday of month
16	Cork	Blackwater Valley Farmers Market	Nano Nagle Centre, Mallow	Every 2nd Saturday 10.30-1pm
17	Cork	Castletownbere		1st Thursday of month
18	Cork	Clonakilty Farmers Market	McCurtain Hill	Thursdays & Sundays 10-2pm
19	Cork	Cobh Market	Sea Front	Friday 10-1pm
20	Cork	Cornmarket Street Market	Cornmarket Street	Saturday 9-3pm
21	Cork	Douglas Food Market	Douglas Community Park	Saturday 9.30-2pm
22	Cork	Dunmanway	The Old Mill, Castle St	Fridays 10-2pm
23	Cork	English Market Cork	Entrances on Princes St & Grand Parade	Daily
24	Cork	Fermoy Farmers Market	Opposite Cork Marts	Saturday 9-1pm
25	Cork	Inchigeelagh Market	Creedons Hotel	Last Saturday of month
26	Cork	Mahon Point Farmers Market	West Entrance, Mahon Point Shopping Centre	Thursday 10-2pm
27	Cork	Macroom Farmers Market	The Square	Tuesday 9-3pm
28	Cork	Midleton Farmers Market	Hospital Road	Saturday
29	Cork	Mitchelstown Farmers Market	Main Square	Saturday 9-1pm
30	Cork	Schull Farmers Market	Car Park Near Pier	Sunday 10-3pm
31	Cork	Skibbereen Farmers Market	Old Market Square	Saturday 10-2pm
32	Derry	Guildhall Country Fair		Last Saturday in month
33	Donegal	Ballybofey Farmers Market	GAA grounds	Friday 12-4pm
34	Donegal	Donegal Town Farmers Market	Diamond	3rd Saturday of Month
35	Down	Newry Dundalk Farmers Market	Newry Marketplace, John Mitchell Place	Friday 9am -2-pm
36	Dublin	Dalkey Market	Dalkey Town Hall	Friday 10-4pm
37	Dublin	Dundrum Farmers Market	Airfield House	Saturday 10-4pm
38	Dublin	DunLaoghaire Harbour Market	DunLaoghaire Harbour	Saturday 10-4pm
39	Dublin	DunLaoghaire People's Park Market	People's Park	Sunday 11-4pm
40	Dublin	DunLaoghaire Shopping Centre	DunLaoghaire Shopping Centre	Thursdays 10-5pm
41	Dublin	Farmleigh Food Market	Farmleigh House	2006 dates TBC
42	Dublin	Fingal Food Fayre	Fingal Arts Centre	Last Sunday every month 12-5pm
43	Dublin	Howth Harbour Market	The Harbour, Howth	Sunday 10-3pm
44	Dublin	IFSC Farmers Market	Mayor Square, IFSC	Wednesday 11-3pm
45	Dublin	Leopardstown Farmers Market	Leopardstown Racecourse	Friday 11-7pm
46	Dublin	Malahide Market	GAA facility, Church Rd	Saturday 11-5pm
47	Dublin	Marley Park Food Market	Marlay Park Craft Courtyard	Saturday 10-4pm
48	Dublin	Monkstown Village Market	Monkstown Parish Church	Saturday 10-4pm
49	Dublin	Pearse Street Market	St Andrews Centre	Saturday 9.30-3pm
50	Dublin	Ranelagh Market	Multi Denominational School	Sunday 10-4pm
51	Dublin	Temple Bar Market	Meeting House Square	Saturday 9-5pm
52	Galway	Ballinasloe Farmers Market	Croffy's Centre, Main Street	Fridays, 10-3pm

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	County	Market	Location	Day
53	Galway	Galway Market	Beside St Nicholas Church	Saturday, 8.30-4pm & Sunday 2-6pm
54	Kerry	Cahirciveen Market	Community Centre	Thursday 10-2pm (Jun-Sept)
55	Kerry	Caherdaniel Market	Village Hall	Friday 10-12am (Jun-Sept & Christmas)
56	Kerry	Dingle Farm Produce & Craft Market	by the fishing harbour near bus stop	Friday 9.30-4pm
57	Kerry	Kenmare Farmers Market		Wed-Sun 10-6pm (7 days Jul-Aug)
58	Kerry	Listowel Food Fair	Seanchai Centre	Thursday 10-1pm
59	Kerry	Milltown Market	Old Church	Sat 10-2pm
60	Kerry	Milltown Market	Organic Centre	Tuesday-Friday, 2-5pm
61	Kerry	Sneem Market	Community Centre	Tuesday 11-2pm (Jun-Sept & Christmas)
62	Kerry	Tralee Farmers Market		Friday 9-5pm
63	Kildare	Athy Farmers Market	Emily Square	Sunday 10-2pm
64	Kildare	Larchill Market	Larchill Arcadian Gardens	3rd Sunday in month
65	Kildare	Naas Farmers Market	The Storehouse Restaurant	Saturday 10-3pm
66	Kildare	Newbridge Farmers Market	The Courtyard Shopping Centre	Friday 10-3pm
67	Kilkenny	Kilkenny Farmers Market	Gowran Park	1st & 3rd Sunday of month
68	Leitrim	Origin Farmers Market (Manorhamilton)	Beepark Resource Centre	Last Friday of each month
69	Limerick	Abbeyfeale Farmers Market	Parish Hall	Friday 9-1pm
70	Limerick	Kilmallock Farmers Market	The Kilmallock GAA Club	Friday 9-1pm
71	Limerick	Limerick Milk Market	Limerick Milk Market	Saturday 8-1.30pm
72	Longford	Longford Farmers Market	Temperance Hall	Saturday 9.30-1pm
73	Louth	Castlebellingham Farmers Market	Bellingham Castle Hotel	1st Sunday of month
74	Louth	Newry Dundalk Farmers Market	The County Museum, Jocelyn Street, Dundalk	Saturday 10am -2-pm
75	Louth	Dundalk Town Producers Market	The Squire, Dundalk	Saturday 10am -2pm
76	Meath	Kells Farmers Market	FBD Insurance Grounds	Saturday 10-2pm
77	Monaghan	Monaghan Farmers / Country Market	Castleblayney Livestock Salesyard	Last Saturday of month , 9-1pm
78	Offaly	The Full Moon Market	The Chestnut Courtyard	Every 3rd Sunday
79	Offaly	Tullamore Country Fair	Millenium Square	Saturday 9-4pm
80	Roscommon	Origin Farmers Market (Boyle)	Grounds of King House	Saturday, 10-2pm
81	Sligo	Origin Farmers Market (Sligo)	Sligo IT Sports Field Car Park	Saturday
82	Tipperary	Cahir Farmers Market	Beside The Craft Granary	Saturday 9-1pm
83	Tipperary	Clonmel Farmers Market	St Peter&Paul's Primary School, Kickham Street, beside Oakville Shopping Centre	Saturday 10-2pm
84	Tipperary	Carrick-on-Suir	Heritage Centre, Main St	Friday 10-2pm
85	Tipperary	Nenagh Farmers Market	Teach an Lean	1st Saturday of month 10-2pm
86	Tyrone	Origin Farmers Market, Strabane	The Score Centre, Dock Rd	Last Saturday of month
87	Tyrone	Tyrone Farmers Market	Tesco Carpark, Dungannon	1st Saturday of month 8.30-1pm
88	Waterford	Dunhill Farmers Market	Parish Hall	Last Sunday of month 11.30-2pm
89	Waterford	Dungarvan Farmers Market	Scanlon's Yard (beside Friary St & Mary St)	Thursday 9.30-2pm
90	Waterford	Lismore Farmers Market	Blackwater Valley	
91	Waterford	Stradbally Community Market		1st Saturday of month 10-12.30pm

	County	Market	Location	Day
92	Waterford	Waterford Farmers Market	Jenkins Lane	Saturday 10-4pm
93	Westmeath	Athlone Farmers Market	Market Square, Athlone	Saturday 10-3pm
94	Westmeath	Mullingar Farmers Market	Harbour Place Shopping Centre	1st & 3rd Sunday of Month
95	Wexford	New Ross Farmers Market	Conduit Lane	Saturday 9-2pm
96	Wexford	Wexford Farmers Market Dunbrody	Dunbrody Abbey Centre	Sunday 12-3.30pm
97	Wexford	Wexford Farmers Market Community Partnership	The Abbey Square Carpark	Saturday 9-2pm
98	Wexford	Wexford Farmers Market	Trimmers Lane West (beside La Dolce Vitae Restaurant)	Friday 9-2pm
99	Wicklow	Brooklodge Organic Market	Macreddin Village	1st & 3rd Sunday of month
100	Wicklow	Glendalough Farmers Market	Brockagh Resource Centre	2nd Sunday of month 11-6pm
101	Wicklow	Kilcoole		Saturdays — 10.30-11.30am
102	Wicklow	Powerscourt Waterfall Market	Farmyard, almost next to Powerscourt Waterfall	2nd and 4th Sunday of every month
103	Wicklow	Bray Farmers Market	Killarney Road near the Boghall Road	Saturday 10-3pm
104	Wicklow	Bray Seafront Market	Albert Avenue, just across from the aquarium	Friday & Sunday weekly

Installation Aid Scheme.

94. **Mr. Crawford** asked the Minister for Agriculture and Food the number of young farmers who have applied for installation grant in each of the past five years; if she has satisfied herself that every encouragement possible under EU rules is

being given to such farmers; and if she will make a statement on the matter. [24583/06]

Minister for Agriculture and Food (Mary Coughlan): The number of applicants in respect of the current Installation Aid Scheme for the past five years is set out in the table below.

Year	2001	2002	2003	2004	2005	Total
Applications	754	934	833	826	795	4,142

Every encouragement is being given to young farmers to participate in the Scheme.

Question No. 95 answered with Question No. 74.

European Council Meetings.

96. **Mr. Rabbitte** asked the Minister for Agriculture and Food when the next Council of European Agriculture Ministers will be meeting; what is on the agenda; and if she will make a statement on the matter. [24618/06]

Minister for Agriculture and Food (Mary Coughlan): The next meeting of the EU Agriculture and Fisheries Council is scheduled to take place on Tuesday, 18th July under the Finnish Presidency. I do not expect that the agenda for the meeting will be available until 4th July next.

Question No. 97 answered with Question No. 52.

Question No. 98 answered with Question No. 65.

Subsidy Payments.

99. **Mr. Sherlock** asked the Minister for Agriculture and Food the status of the EU Agriculture Commissioner's stated aim to place a ceiling on the amount of subsidies single land owners can receive; when this ceiling is expected to be discussed at the European Council of Ministers; when it is discussed, if she will indicate her approval of such a ceiling; when it is expected to be implemented; the likely effect on Irish landowners; and if she will make a statement on the matter. [24617/06]

Minister for Agriculture and Food (Mary Coughlan): I am aware that reference was made by the Commissioner for Agriculture and Rural Development in a recent speech to the possibility that a ceiling would be introduced on the amount of subsidies a single landowner could receive. No proposals have been made by the Commission to this effect and I have no further details of the Commissioner's intention to submit such a proposal to the Council of Ministers.

Question No. 100 answered with Question No. 74.

Farm Incomes.

101. **Mr. Penrose** asked the Minister for Agriculture and Food the action she has taken at EU level to protect the income of dairy farmers; and if she will make a statement on the matter. [24606/06]

Minister for Agriculture and Food (Mary Coughlan): Dairy farmers' incomes are made up of a combination of the market price paid for milk and direct income support. The price of milk paid to dairy farmers is a commercial matter between milk producers and milk purchasers and I have no direct role in this area.

Milk prices are influenced by a variety of factors including the structure of the dairy operation at producer and processor level, the prices paid in international markets for dairy products including currency fluctuations, the product type, the final destination of the product and the overall operation of the EU dairy market support mechanisms.

The Mid Term Reform of CAP provided that the intervention prices of milk products would reduce in the period 2004-2007 and these reductions would be compensated by the introduction of a direct premium payment. This compensation amounts to 3.6 cent per litre equivalent to €180 million in 2006.

I have consistently challenged the pace and level of the milk product price reduction towards the new MTR levels. In my view it is crucially and strategically important that the EU consolidates its international market share while challenging competition on its domestic market. I have consistently urged the Commission to maintain a competitive combination of aids and subsidies on both the internal EU market and on international export markets to achieve these objectives.

Departmental Investigations.

102. **Mr. Sherlock** asked the Minister for Agriculture and Food the position regarding Parliamentary Question No. 2 of 18 May 2006; if the meeting took place with the persons concerned; if a date from the Environmental Protection Agency was provided; and if she will make a statement on the matter. [24605/06]

Minister for Agriculture and Food (Mary Coughlan): The herd owner, his private veterinary practitioners, representatives from my Department and a number of other agencies attended the meeting which was held on 2 June 2006. At that meeting which was chaired by a representative of the Veterinary Faculty of UCD a number of action points were agreed in relation to further environmental, ecological and epidemiological work as well as animal health studies. Included as part of this programme will be a report by the EPA on work to date.

It was agreed that a further meeting would take place in early autumn to review progress.

Animal Feedstuffs.

103. **Mr. Wall** asked the Minister for Agriculture and Food when she expects to receive and to publish the Inter-Department Agency Committee to Examine Meat and Bone Meal Disposal in Non-Agriculture or Energy Sectors Report; the persons who are the members of this committee; and if she will make a statement on the matter. [24604/06]

Minister for Agriculture and Food (Mary Coughlan): The Report of the Inter Departmental/Agency Committee on Disposal Options for Meat and Bone Meal (MBM) was submitted to Government on 9 December 2003. The Report is available on the Department's website at www.agriculture.gov.ie under 2003 Publications.

The Committee members were Tom Moran (Chairman), Kevin Cassidy, Noel Dinneny, Michael Gunn and David Lynch (Department of Agriculture and Food); Liam Whelan (Department of the Environment, Heritage and Local Government); Robert Carey (Department of Finance); Gerry Wrynn (Department of Enterprise, Trade and Employment); Tom Kennington (Department of Communications, Marine and Natural Resources); Marie O'Connor and Leo Sweeney (Environmental Protection Agency); David Nolan (Food Safety Authority of Ireland); Derek Breen and Fred McDarby (Enterprise Ireland).

The Committee was established by the Government in April 2002 to consider the options for disposal of MBM in Ireland in the non-agriculture or energy sectors and to make appropriate recommendations on those best suited to Irish conditions. This followed the introduction of an EU ban on the use of MBM in feed for farmed animals as a precaution against the spread of BSE.

The Committee concluded that co-incineration of MBM in the manufacture of cement would be the most practical recovery outlet. Use of MBM as a substitute fuel for energy production provides a safe recovery outlet. In addition, the incineration of MBM would also provide a safe recovery outlet. Use of MBM in petfood production offered only limited potential. Other possible mechanisms needed to be kept under ongoing review.

The Committee's recommendations have impacted on policy in this area, and as a consequence the range of productive outlets for safe disposal of MBM within the country has been expanded.

Question No. 104 answered with Question No. 79.

Energy Crops Scheme.

105. **Mr. S. Ryan** asked the Minister for Agriculture and Food when the EU Commission will

be reviewing the operation of the premium allowed under the energy crops scheme; and if she will make a statement on the matter. [24599/06]

Minister for Agriculture and Food (Mary Coughlan): While Council Regulation (EC) No 1782/2003 provides, inter alia, for the payment of Aid for Energy Crops, at a rate of €45.00 per hectare on arable land, in respect of products considered as biofuels, Article 92 of that Regulation provides for a review of the Energy Crops Scheme. The Commission is required to submit a report to the Council by 31 December 2006, on the implementation of the Scheme, accompanied, where appropriate, by proposals taking into account the implementation of the EU Biofuels initiative. As the aid of €45 per hectare available under the Energy Crops Scheme has proven not to be sufficiently attractive in itself to stimulate the growing of such crops, at the February Council of Agriculture Ministers meeting I called for a review of the rate of premium and I am pleased to say that the EU Commission has undertaken to review the operation of the scheme.

Nitrates Action Programme.

106. **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. [23618/06]

Minister for Agriculture and Food (Mary Coughlan): The Minister for the Environment, Heritage and Local Government made Regulations in December 2005 giving legal effect to Ireland's Nitrates Action Programme. Those Regulations were finalised in consultation with my Department and in conjunction with Teagasc, following an extensive consultation process involving all stakeholders.

The Regulations came into effect on 1 February 2006, but the Minister for the Environment, Heritage and Local Government then announced a brief *de facto* deferral of the implementation of Part 3 of the Regulations dealing with nutrient management. This was to allow time for Teagasc to submit revised scientific advice, which was received early in March.

Detailed proposals for amendments to the Regulations, along with the scientific arguments to justify the changes, were forwarded to the Commission by the Minister for the Environment, Heritage and Local Government on 18 May. There have since been discussions and other contacts between officials of the two Departments, Teagasc representatives and the European Commission.

The proposals, which the Minister for the Environment, Heritage and Local Government has outlined, were developed in conjunction with my Department and with the input of Teagasc

and address a range of important issues identified in the Teagasc submission and raised by the farming bodies. I am satisfied that the changes proposed to the Commission will be of major benefit to Irish farmers, in that they will provide them with greater flexibility in complying with fertiliser limits and simplify certain aspects of the Regulations.

Afforestation Programme.

107. **Mr. Sargent** asked the Minister for Agriculture and Food the way in which she will remedy the shortfall in the afforestation programme which over the past 20 years saw an average of 15,000 hectares of new forests per year while in the past three years the average has dropped to 10,000 hectares a year, a 50 per cent drop; and her views on the need to remedy this shortfall in view of the demand for timber and wood fuel which SEI is promoting. [24625/06]

149. **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. [23640/06]

369. **Mr. Naughten** asked the Minister for Agriculture and Food her plans to improve the area of forestry being planted; and if she will make a statement on the matter. [24582/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 107, 149 and 369 together.

A comprehensive range of incentives and supports is available to encourage the planting of forests in Ireland. Under the current 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 broadleaves and pruning of conifers, and for the construction of forest roads.

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.

Approximately 10% of Irish land is afforested compared to an EU average of 35%. Over 90% of all new planting is now undertaken by farmers, which is significantly changing the structure of

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forest-ownership in Ireland, with some 16,000 private plantations now established. As these forests mature, the timber output and other non-timber benefits of forestry will play an increasingly important role in securing the economic viability of the farm holding.

Forestry will continue to remain an important alternative through the changing times ahead as the CAP Reform measures begin to take hold. A new forestry programme, in consultation with the sector, for the period 2007-2013 is being drawn up at present. I am confident that a combination of innovative support schemes, and attractive grant and premia rates along with the opportunity to consolidate under the Single Farm Payment, will lead to higher levels of planting in the coming years.

Sustainable forestry is of major importance to securing the viability of rural Ireland and adding to the quality of life of all citizens. It represents a major option for effective land-use in Ireland.

Beef Imports.

108. **Mr. O'Shea** asked the Minister for Agriculture and Food the amount of beef imported from each part of Brazil during each of the past three years; and if she will make a statement on the matter. [24608/06]

Minister for Agriculture and Food (Mary Coughlan): My Department does not capture the level of detail of data requested by the Deputy. This information is contained on health certificates that accompany all imported consignments and are retained at Border Inspection Post (BIP) of entry into the EU.

In accordance with EU legislation consignments of animal products being imported from third countries must be notified in advance to the EU approved BIP where it is proposed to enter the EU. It must be accompanied by an approved model of veterinary health certificate and be presented at the BIP to undergo documentary, identity and physical checks in accordance with Community rules.

At the BIP, in co-operation with the Customs Services, detailed checks are carried out to check that the origin of the products conforms to the approved countries and establishment listed in EU legislation and that account is taken of any safeguard Decisions introduced by the Community to control imports where there are incidents of disease outbreaks affecting third countries or regions of third countries. A careful examination of the health certification is carried out to ensure that the EU's certification requirements have been met. Once a consignment has been deemed to meet all these conditions, and it has received the required checks, and the veterinary inspections fees are received, it is then released to the Customs Services for clearance for free circulation within the EU. Copies of the BIP

clearance document (Common Veterinary Entry Document — CVED) and the health certificate must accompany the consignment to its destination. The BIP retains the health certificates and record of the examinations it has applied.

The Food and Veterinary Office of the EU carries out audits of the operation of BIP in all the member States and publishes its findings on the Commission's website.

Dairy Industry.

109. **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. [23622/06]

143. **Mr. Crawford** asked the Minister for Agriculture and Food the steps she is taking to maintain and improve the support for dairy farmers at Irish and European level; and if she will make a statement on the matter. [24584/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 109 and 143 together.

The Irish dairy industry continues to contribute very substantially to the national economy, with an annual output value of some €2.3 billion. In 2005 Irish dairy exports performed exceptionally well totalling €2 billion, despite downward adjustments to EU market supports brought about by the implementation of the Mid Term reform of the CAP.

A loss of competitiveness on world markets caused by greater competition and the fluctuating value of the US dollar have meant that 2006 is proving to be a more challenging year for the industry. The butter market, in particular, continues to experience serious difficulties. The Intervention limit of 50,000 tonnes of butter was reached at the end of May and a tendering regime for intervention purchases was opened. Under the tendering regime for intervention purchases, the EU Commission is pushing the internal market prices of butter downward to the new Mid Term Reform levels. On a more positive note, I very much welcome the Commission's decision to maintain the tendered export refund for butter and I hope this will facilitate the export of significant quantities of butter to international markets.

I remain concerned about the aggressive actions of the Commission in the past months to reduce internal aids and export subsidies to the new intervention price levels and I have regularly requested the Commissioner to redirect policy and support both the internal and international butter markets. The Commissioner 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.

At national level, I have already announced my intention to move to a more open market system

of transferring milk quotas between producers with the ultimate aim of increasing the scale and long-term efficiency of dairy production in Ireland. Consultation is ongoing with the relevant stakeholders.

Meat Imports.

110. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food the amount of meat other than beef, pork and chicken, imported for 2003, 2004, 2005 and to date in 2006; and if she will make a statement on the matter. [24609/06]

Minister for Agriculture and Food (Mary Coughlan): The Central Statistics Office (CSO) is responsible for the collection of statistics in

relation to imports of meat other than beef, pork and chicken. The following tables, compiled from data supplied by that Office, set out the details in relation to imports of meat (not including meat products) requested by the Deputy. In relation to the tables the following should be noted:

1. In certain cases the record of import may include the re-import of Irish products that were originally the subject of an export from this country.
2. While every effort is made to ensure accuracy, these returns may stand to be adjusted marginally as data is rechecked by the CSO.
3. Imports of products processed from meat are not included.

Imports of Meat into Ireland (Tonnes)

	2003	2004	2005	2006*
Mutton Fresh, Chilled or Frozen	1,461	2,310	2,020	175
Other Meat and Meat Offal, Fresh, Chilled or Frozen	51	216	286	6
Meat and Eddible Offal of Rabbits and Hares	6	144	437	21
Goat Meat, Fresh, Chilled or Frozen	0	26	39	0
Meat of Horses, Asses, Mules, Hinnies, Fresh Chilled or Frozen	0	14	22	0
Frogs Legs	1	2	4	0

*To Jan 2006.

EU legislation requires that all our meat products (for export) within the EU or to third countries must be produced in approved establishments supervised by official veterinarians. Under EU harmonized rules the import of meat into the European Union may only take place from third countries where similar rules apply, i.e. from establishments in those countries which are approved by the European Commission and which are subject to veterinary audits by the EU's Food and Veterinary Office. On import into the EU these products must be presented at an approved Border Inspection Posts where they are subject to the checks laid down in these harmonised rules to ensure compliance with EU standards in respect of animal and public health. They must be accompanied by veterinary health certification from the authorities in the country of export. Having passed these controls, the meat is regarded as being in free circulation within the EU.

Direct Payment Schemes.

111. **Mr. Boyle** asked the Minister for Agriculture and Food the criteria for receipt of national reserve entitlements from an equity point of view, in view of the fact that a 22 year old agricultural college graduate, who not owning land can just about afford to rent 30 acres is refused entitlements, whereas a retired wealthy farmer can receive entitlements up to €50,000; and if she will reform the criteria to ensure young

people are not prevented from making a career in farming as is happening at present. [24627/06]

Minister for Agriculture and Food (Mary Coughlan): The position is that the Single Payment Scheme is applicable to farmers who farmed during the three-year reference period 2000-2002, who drew down livestock or Arable Aid premia in at least one of those years and who continued to farm in 2005. Special provisions were made for farmers (including young farmers) who entered farming for the first time in either 2001 or 2002. Their Single Payment was determined based on the average of the years 2001 and 2002 or on the basis of premia paid in 2002 as appropriate.

The EU regulations also provided for the setting up of a National Reserve. In Ireland, the Reserve was created by reducing each farmer's individual Single Payment by an amount of some 1.82%. The purpose of the National Reserve is to try to minimise the impact on farmers who, for a variety of reasons, may find themselves disadvantaged in the transition to the new decoupled support regime as a result of changes in their businesses during or since the reference period. In particular the intention is to provide enhanced or new entitlements for certain farmers who made investments in production capacity or purchased or leased land on a long-term basis or who converted from dairying to a sector for which a direct payment would have been payable during the reference period. Such farmers, at the time

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when they took these decisions, had a legitimate expectation that the coupled regime of direct payments would continue into the future.

In addition each Member State may decide to include certain non-mandatory categories in the reserve. In Ireland's case, following consultations with the Single Payment Advisory Committee comprising representatives of the farming organisations, Teagasc and officials from my Department, new entrants to farming after 31 December 2002 (category D) were included as a non-mandatory category in the 2005 National Reserve. However, no provision was made in the 2005 National Reserve for new entrants who were farming rented or leased land. Such farmers had the option of leasing in the entitlements established for the farmer from whom the land was leased/rented.

Where the land in question was being leased for a nominal amount from a farmer who retired or died before 16 May 2005 and the land was leased to a third party during the reference period, then an applicant may qualify under category A of the National Reserve. Similarly, where the lease commenced before 19 October 2003 the applicant may qualify under category B(1). Where the land being farmed has been inherited then any entitlements established for the farmer from whom the land was inherited can be transferred to the new entrant.

Ireland has the option of including a category for new entrants to farming in the 2006 National Reserve. I have not yet made decisions with regard to the categories to be included in the 2006 National Reserve and the question of whether new entrants to farming using leased land should be included will be considered in that context following consultation with the Single Payment Advisory Committee. The major factor to be considered in this regard is the availability of funds for the National Reserve in 2006 and subsequent years. It should be understood that the National Reserve is a scarce resource, created by reducing the entitlements of existing farmers, and will only be replenished by a claw-back on sales of entitlements and the relinquishing of any entitlements that remain unused.

Food Safety Standards.

112. **Mr. Cuffe** asked the Minister for Agriculture and Food if she will ensure that food imports into Ireland can be stood up as having the same high standards of traceability, hormone use limitations, country of origin labelling and so on particularly following forthcoming World Trade Organisation agreement. [24630/06]

Minister for Agriculture and Food (Mary Coughlan): As a member of the EU and the World Trade Organisation (WTO) Ireland is in a position to avail of opportunities for trade that are essential for the development of our open

economy. Membership of these organizations also brings reciprocal trade obligations. All imports must come from third countries or areas of third countries that have been approved by the EU authorities for export to the EU.

In the current WTO discussions in the Council, I have pressed strongly the non-trade aspect of market access, which I regard as a crucial element in the overall negotiations. I have taken every opportunity to remind the Commission of the importance of equivalence in standards, particularly in relation to all exporting countries. These are standards the European Community has worked hard to establish in order to guarantee the safety of food for consumers and ensure the welfare of producers, their resources and the environment. I am concerned that the Commission takes all the necessary steps in terms of existing monitoring, control and certification mechanisms to ensure as level a playing field as between the standard of EU produced livestock products as those imported into 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 have been in direct contact with 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 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 for the health of EC consumers, livestock or plants. He has pointed to the adoption of safeguard measures in relation to imports, for example in the matter of dealing with the risk to the EU of the spread of high pathogenic avian influenza, in the finding of residues of unauthorised substances in poultry meat and in the quick and proportionate protective measures applied to imports of beef as a result of the recent outbreaks of Foot and Mouth Disease (FMD) 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).

I have more recently brought the attention of the Commissioner to the findings of an Irish delegation of farmers and journalists who visited the meat producing regions in Brazil and my Department is seeking assurances from the Commission that the Food and Veterinary Office (FVO) will undertake further missions to Brazil to evaluate the implementation of action plans submitted by the Brazilian authorities following FVO missions carried out last year. At a recent meeting of the Standing Committee on the Food Chain and Ani-

mal Health where the matter was again raised by Ireland, the Commission indicated to Ireland that a FVO mission is being planned to take place some time before the end of the summer.

In the meantime additional health certification requirements have been introduced for imported beef from Brazil under Commission Decision 2006/259/EC requiring guarantees concerning animal contacts, vaccination programmes and surveillance. These certification provisions took effect from 31 March 2006 and they are checked by the EU approved Border Inspection Posts through which all 3rd country imports must first be submitted.

Farm Waste Management.

113. **Mr. Wall** asked the Minister for Agriculture and Food the number of applications that have been made to her Department for the farm waste management scheme; and if she will make a statement on the matter. [24612/06]

Minister for Agriculture and Food (Mary Coughlan): I take it that the Deputy is referring to the revised Farm Waste Management Scheme introduced last March.

A total of 4,378 applications under that Scheme have been received in the Department up to the end of last week.

Animal Diseases.

114. **Mr. Coveney** asked the Minister for Agriculture and Food the funding provided by her Department for the control of varroa in bees; the funding available to beekeepers to control the mite in question; and if she will make a statement on the matter. [23616/06]

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 2005, a total of €195,996 was provided to Teagasc towards the development of integrated biological control methods under Irish conditions. Expenditure of a further €150,000 has been approved for 2006 and 2007 for this research programme. The programme, which was 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 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.

115. **Mr. English** asked the Minister for Agriculture and Food the steps which are being taken to protect this country from foot and mouth disease in view of the prevalence of foot and mouth disease in Brazil, and the inadequate tagging and traceability in that country; and if she will make a statement on the matter. [23598/06]

Minister for Agriculture and Food (Mary Coughlan): As a member of the EU and the World Trade Organisation (WTO) Ireland is in a position to avail of opportunities for trade that are essential for the development of our open economy. Membership of these organizations also brings reciprocal trade obligations. All imports into the EU 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 have been in direct contact with 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 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 for the health of EC consumers, livestock or plants. He has pointed to the adoption of safeguard measures in relation to imports, for example in the matter of dealing with the risk to the EU of the spread of high pathogenic avian influenza, in the finding of residues of unauthorised substances in poultry meat and in the quick and proportionate protective measures applied to imports of beef as a result of the recent outbreaks of Foot and Mouth Disease (FMD) 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).

A EU Food and Veterinary Office (FVO) inspection to evaluate animal health and public health control systems, traceability and certification procedures in place in Brazil was carried out in September of last year. In December the FVO completed a second mission that year to evaluate the control of residues and contaminants in live animals and animal products, including controls on veterinary medical products in that country. The FVO recently published its findings following a period of consultation with the Brazilian competent authorities. These reports, as well as all previous FVO reports on inspection of third countries' controls for export, may be accessed from the EU Commission's website.

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The reports comment on the structure, organisation and tasks of the Brazilian Competent Authorities and have listed a number of recommendations to the authorities to address deficiencies, some of which are of long standing, recorded in the course of the FVO audits. The Commission has confirmed to my Department that the action plans in question have now been received and that they are being assessed by the FVO. The FVO will report on its assessments to the European Commission and, where action is considered necessary to ensure the safety of food and the protection of consumers and animals in the EU, that appropriate proposals would be formulated and submitted to the Standing Committee of the Food Chain and Animal Health on which My Department is represented.

I have more recently brought to the attention of the Commission the findings of an Irish delegation of farmers and journalists who visited the meat producing regions in Brazil and my Department is seeking assurances from the Commission that the FVO will undertake further missions to Brazil to evaluate the implementation of its action plan. At a recent meeting of the Standing Committee on the Food Chain and Animal Health where the matter was again raised by Ireland, the Commission indicated to Ireland that a FVO mission is being planned to take place some time before the end of the summer.

In the meantime additional health certification requirements have been introduced for imported beef from Brazil under Commission Decision 2006/259/EC requiring additional guarantees concerning animal contacts, vaccination programmes and surveillance. These certification provisions took effect from 31 March 2006 and are checked by the EU approved Border Inspection Posts through which all 3rd country imports must first be submitted.

I should add that in the current WTO discussions in the Council, I have always pressed very strongly the non-trade aspect of market access, which I regard as a crucial element in the overall negotiations. I have taken every opportunity to remind the Commission once again of the importance of equivalence in standards, particularly in relation to all exporting countries, including Brazil.

Energy Crops Scheme.

116. **Mr. Broughan** asked the Minister for Agriculture and Food when the bond for 2005 growers of oilseed rape crop grown for bio-fuels will be repaid; and if she will make a statement on the matter. [24624/06]

Minister for Agriculture and Food (Mary Coughlan): Chapter 8 of Commission Regulation (EC) No 1973/2004 provides for the payment of aid to applicants under the Scheme of Aid for Energy Crops, before the raw material is pro-

cessed. The aid, which is payable in addition to the Single Payment entitlements due to the applicant, is granted in respect of areas where the production of the raw material is covered by a contract between the farmer and a processor.

Where payment in advance is made to farmers, however, an appropriate security must be lodged by the processor, as guarantee that the Scheme requirements regarding processing of the crops will be complied with, after payment of the aid. This system of advance payments, secured by bonds, is common to very many EU schemes and is vital in releasing payments to scheme participants at the earliest possible date.

My Department releases the relevant securities to processors immediately on receipt of confirmation that the necessary processing of the raw materials has been completed. The verification process in respect of 2005 production is currently under way, with returns awaited from the processors concerned.

Animal Diseases.

117. **Mr. Noonan** asked the Minister for Agriculture and Food if she has satisfied herself regarding the measures currently in place to protect this country against an outbreak of avian flu; and if she will make a statement on the matter. [23606/06]

Minister for Agriculture and Food (Mary Coughlan): The decline of the avian influenza epidemic in wild birds, which has affected a total of 13 Member States since last February, has continued this month, with no cases in wild birds being notified throughout the European Union to the 21st June. In May there were 17 cases, compared with 200 cases in February, 362 cases in March and 162 cases in April, giving a total of 741 notifications since February.

The position throughout Europe is one of relative stability, though there were concerns in early June, following an outbreak in Hungary on a free range goose farm in the south of the country. To the 21st June, a total of 15 confirmed and suspicious cases have been notified. Very stringent measures have been taken by the Hungarian authorities, with more than 500,000 poultry killed and destroyed. This brings the total number of outbreaks to date in poultry flocks in the EU to five.

Romania has now reported 127 confirmed outbreaks in 19 counties since the disease re-appeared in mid-May. A total of almost 1 million poultry have been killed and destroyed in that country with the number of outbreaks dropping significantly in the last two weeks. Control measures and additional biosecurity measures remain in place and EU safeguard decisions have been taken with regard to imports of poultry and poultry products.

I have, since last September, put in place a comprehensive range of contingency measures

aimed at minimising the risk of the virus being introduced to Ireland and ensuring that the Department is equipped, in the event of an outbreak, to ensure its very early identification and speedy eradication. A particular focus in terms of minimising the risk posed to our poultry flocks is to encourage very high levels of biosecurity on poultry farms and the Department has written to over 8,000 poultry farmers enclosing an Information Booklet for Registered Poultry Flockowners. The main objective is to avoid contact between wild birds and domestic poultry, their litter and feed. Further advice issued to all poultry flockowners advising them of the need to ensure that all water sourced from surface supplies used for poultry is treated to inactivate any viruses. This is a key message from my Department, which we have repeated given the potential for the virus to be spread by water to which wild birds may have had access.

In February, I appointed an Expert Advisory Group, comprised of veterinary, scientific, medical and ornithological experts to advise me in relation to animal health control measures. That Group has now met on three occasions and has consistently concluded that the control measures currently in place are appropriate, given the current level of risk posed by avian 'flu. The day-to-day disease management responsibility and planning with regard to avian 'flu rests within my Department.

Contingency planning is continuing and contact is being maintained with various State and non State agencies, whose assistance may be required in the event of a case / outbreak. My Department intends to meet as many of those agencies as possible next month to brief them on recent developments and to discuss further the particular roles they may be asked to play.

Due to the potential public health aspect associated with avian 'flu, my Department has engaged the services of an Occupational Health Specialist and I am also availing of the assistance of the School of Public Health in UCD who have just finalised occupational health protocols for those involved in disease control activities. The document, which is available to all of those agencies who may be involved in disease control activities in support of my Department and which has been posted on my Department's website, identifies the staff potentially exposed to the virus, indicates the circumstances where potential exposure to the virus is higher or lower and the appropriate risk reduction methods to be employed.

In the event of an outbreak in either wild birds or domestic poultry, the immediate measures to be put into place are provided for in EU legislation and have already been put into effect in those Member States affected by the disease. My Department has circulated all registered poultry flockowners setting out the measures to be implemented in the event of avian 'flu in wild

birds or an outbreak in poultry and the implications of those measures for those located in the areas. This will be updated as further modifications to EU legislation take place in the light of the recent experiences of the various Member States with this disease.

I have recently relaxed controls to facilitate pigeon racing from a limited area in France. Pigeon racing is already allowed between the United Kingdom and Ireland. Specific conditions are attached to licences issued either to import birds to transit through the State or to export birds to France to be released to race back. Should the risk assessment on which these decisions were made change at any point, to suggest an increased threat, I will not hesitate to reverse these decisions.

I am satisfied, given the range of measures in place that our contingency arrangements are currently proportionate to the current risk. They are being kept under constant review and may be modified accordingly.

Finally, because of the obvious mutual concerns shared by authorities on both sides of the border, there has been and continues to be close ongoing contact between my Department and DARD in Belfast and DEFRA in Britain.

Genetically Modified Organisms.

118. **Mr. Broughan** asked the Minister for Agriculture and Food when she expects to receive the final report of the World Trade Organisation Disputes Panel on the claims by the US, Canada, and others that the de facto moratorium on the approval of new genetically modified products within the EU constituted an economic barrier to trade; and if she will make a statement on the matter. [24587/06]

Minister for Agriculture and Food (Mary Coughlan): The WTO panel has recently issued its Final Report to the parties to the dispute (the EU, Argentina, Canada and the US). According to WTO rules, the Final Panel Report remains confidential until it has been translated into all the official languages of the WTO and has been publicly circulated. The Report does not become binding until it has been endorsed by WTO Membership at a meeting of the Dispute Settlement Body (DSB) — generally held within sixty days unless an appeal is lodged.

The EU will decide on the next steps at the WTO level on the basis of a careful analysis of the final report.

Question No. 119 answered with Question No. 65.

Question No. 120 answered with Question No. 79.

Seed Potato Industry.

121. **Mr. Carty** asked the Minister for Agri-

[Mr. Carty.]

culture and Food her views on the assistance available to the seed potato sector; and her plans for the sector. [24472/06]

Minister for Agriculture and Food (Mary Coughlan): In August 2005 I announced a new scheme of investment aid for the development of the seed potato sector under the National Development Plan. The scheme aims to speed up improvements in the marketing infrastructure and to improve efficiency and productivity of the seed potato sector. Grant assistance to seed potato producers towards the capital costs of equipment and facilities for the production, storage and marketing of seed potatoes is being provided.

The second phase of this scheme was announced recently under which €1.5m is available in 2006. To date 16 applications have been received and these are currently being processed by my Department.

Dairy Industry.

122. **Mr. Quinn** asked the Minister for Agriculture and Food the action she intends to take to further promote alternative markets abroad in view of the fact that Ireland is 300 per cent self-sufficient in dairying and beef; and if she will make a statement on the matter. [24611/06]

Minister for Agriculture and Food (Mary Coughlan): As regards dairy products, I am very pleased to report that this sector has enjoyed a number of successful years on international and EU markets and exports of dairy products and ingredients accounted for €2 billion of total agri-food exports in 2005. Over 80% of Irish Dairy Production is exported to world markets across a broad range of products including butter, milk powders, cheese, infant formula, food ingredients and functional foods.

I have worked hard to assist in the development of new and existing markets for Irish dairy products through ensuring that all the market aid mechanisms available are deployed in an effective manner so as to enable the dairy sector consolidate and grow its share of international markets. I acknowledge and welcome the investment by Irish dairy processors in R&D which will continue the drive towards greater levels of innovation and diversity in product mix and will help maintain our competitiveness in the face of challenges ahead.

The dairy market outlook for 2006 foresees the international dairy market facing renewed pressure as increased output levels from New Zealand, Australia, the US and Argentina impact on the market. Despite this increased competition, world prices are expected to remain relatively stable and global demand for dairy products is also set to rise. I am satisfied that Ireland is well positioned to take full advantage of such international

trading opportunities, however it must be remembered that energy prices and the value of the US dollar/Euro exchange rates continue to be important factors in determining the competitiveness of Irish and EU traders on the global markets.

The future development of the dairy sector is a priority for me and I will provide whatever assistance I can to encourage the sector to improve its position and to develop new markets in the increasingly competitive international markets in which it operates.

I am also committed to broadening access for Irish beef on all export markets. My Department works closely with An Bord Bia and the Department of Foreign Affairs to further this aim.

We produce about 520,000 tonnes of beef annually, over 90% of which is exported. More than half of those exports go to the UK with about 40% landing in the high value Continental EU markets. This excellent result has been achieved largely by effective marketing and promotion by the industry and Bord Bia and the delivery of a high quality, competitively priced product. The outlook for Irish beef exports is also positive with the decreasing production trend throughout Continental Europe. The EU is predicted to have a beef supply deficit of 350,000 tonnes in 2006 with this shortfall offering an opportunity for Irish beef producers to further consolidate their position in this market. While there has been a significant reduction in reliance on third country markets in recent years, these destinations will continue to be important alternative outlets for Irish beef and I will continue our efforts to ensure that as many as possible of these Third Countries are open to our exports.

My Department has responded to developments on the UAE market and the prospects for reopening that market are good. Approaches have also been made in recent months to a number of countries which have potential export opportunities including Saudi Arabia, Singapore, Philippines, Indonesia, Kuwait, Israel, Japan, China and South Africa. I am hopeful that there will be progress in a number of these markets in the future.

Poultry Industry.

123. **Dr. Devins** asked the Minister for Agriculture and Food her plans for the poultry sector in view of difficulties resulting from the outbreak of avian influenza in other European countries. [24479/06]

Minister for Agriculture and Food (Mary Coughlan): In April the Council of Agriculture Ministers adopted Regulation 679/2006 which provides a legal basis for exceptional market support measures for the poultry sector where there are serious market disturbances directly attributed to a loss in consumer confidence arising from the avian influenza situation.

I submitted a proposal to the Commission requesting co-funding and approval for a range of measures to assist those in the industry who suffered financial losses arising from the recent disturbances in the poultry market. These proposed measures included schemes of payment to breeders who had to destroy hatching eggs and reduce their breeding stock capacity, to growers and processors who had to reduce throughputs and to operators who had to carry unusually high stock levels of poultrymeat due to a virtual collapse in our export markets.

A Commission regulation was adopted at the Poultry Management Committee on 21 June last which includes several of the measures in my proposal. Some of the details of this regulation will need to be amended at a meeting of the same Committee which is due to consider the matter again on 5 July.

So far, the Commission has refused to approve any measures in relation to accumulated stocks of poultrymeat. I along with a number of other Member States raised this issue at Council last week and I will continue to press for some assistance under this heading.

Dairy Industry.

124. **Mr. Gilmore** asked the Minister for Agriculture and Food the action she is taking to implement the Prospectus Report on Dairy Farming; and if she will make a statement on the matter. [24622/06]

Minister for Agriculture and Food (Mary Coughlan): A strategic study of the Irish Dairy Industry, now known as the Prospectus Report, was commissioned by my Department in conjunction with Enterprise Ireland and the dairy industry itself and published in 2003. The Report made very clear recommendations on the response required from the dairy industry to meet international competitive challenges as well as the change in emphasis from market support to direct income support. The focus has to be firmly on increased efficiency and competitiveness at all levels of the industry.

The commissioning and carrying out of this study was and could only be, an initial step. Response at individual company level to the issues raised by Prospectus is a matter for decision by the companies themselves. My Department met with Enterprise Ireland, the dairy processors and their representatives with a view to identifying the best way of achieving the objectives set out in the report. I will continue to encourage the Irish dairy industry to implement the recommendations and I will examine all opportunities which would increase the efficiency, competitiveness and market focus of the Irish dairy industry.

EU Directives.

125. **Mr. Costello** asked the Minister for Agriculture and Food if her attention has been drawn to changes in her Department's method of dealing with the implementation of EU agriculture related Directives, in view of the European Court of Justice's judgment in March 2004 that Ireland was in breach of its EU law obligations in respect of the transposition of the Nitrates Directive; and if she will make a statement on the matter. [24591/06]

Minister for Agriculture and Food (Mary Coughlan): My Department keeps under regular review the implementation of Directives for which it has primary responsibility. The implementation of the Nitrates Directive is a matter in the first instance for the Department of the Environment, Heritage and Local Government.

Genetically Modified Organisms.

126. **Dr. Twomey** asked the Minister for Agriculture and Food her Department's plans to evaluate the economic implications of the use of genetically modified organisms; and if she will make a statement on the matter. [23633/06]

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 GM crops in Ireland including, inter alia, the economic implications. Preliminary research completed by them 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 Agri-Food industry from the use of GMOs in crop and livestock production. Teagasc have completed their study which was based on two scenarios:

(i) The economic implications of only allowing the importation into Ireland of certified GM-free soyabean and maize livestock feed ingredients;

and

(ii) 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 only certified GM free soya and maize in feedingstuffs. 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

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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 relation to Identity Preservation for conventional growers in a coexistence arrangement.

Farm Incomes.

127. **Ms Shortall** asked the Minister for Agriculture and Food when the next report of Steering Group on Farm Household Incomes will be ready; and if she will make a statement on the matter. [24603/06]

Minister for Agriculture and Food (Mary Coughlan): I have no plans to call together a further Steering Group on Farm Household Incomes. The recent introduction of the EU survey of Income and Living Conditions (EU-SILC) conducted by the Central Statistics Office has assisted greatly in the collection of information on farm household income.

It should be noted that Chapter 2 of the Department's Annual Review and Outlook 2005/2006 contains comprehensive information on farm income and farm household income from different sources such as the Central Statistics Office, Teagasc's National Farm Survey, and EUROSTAT.

Beef Imports.

128. **Mr. Kehoe** asked the Minister for Agriculture and Food if she has satisfied herself in relation to Brazilian in beef imports; and if she will make a statement on the matter. [23630/06]

Minister for Agriculture and Food (Mary Coughlan): As a member of the EU and the World Trade Organisation (WTO) Ireland is in a position to avail of opportunities for trade that are essential for the development of our open economy. Membership of these organizations also brings reciprocal trade obligations. All imports into the EU must come from third countries or areas of third countries that have been approved by the EU authorities for export to the EU. In the current WTO discussions in the Council, I have always pressed very strongly the non-trade aspect of market access, which I regard as a crucial element in the overall negotiations. I have taken every opportunity to remind the Commission once again of the importance of equivalence in standards, particularly in relation to all exporting countries, including Brazil.

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 direct contact with the Commissioner for Health and Con-

sumer Protection, Mr Markos Kyprianou, concerning the sanitary rules applying to the import of livestock products, especially beef, into the European Union.

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 for the health of EC consumers, livestock or plants. He has pointed to the adoption of safeguard measures in relation to imports, for example in the matter of dealing with the risk to the EU of the spread of high pathogenic avian influenza, in the finding of residues of unauthorised substances in poultry meat and in the quick and proportionate protective measures applied to imports of beef as a result of the recent outbreaks of Foot and Mouth Disease (FMD) as demonstrating 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).

A EU Food and Veterinary Office (FVO) inspection to evaluate animal health and public health control systems, traceability and certification procedures in place in Brazil was carried out in September of last year. In December the FVO completed a second mission that year to evaluate the control of residues and contaminants in live animals and animal products, including controls on veterinary medical products in that country. The FVO recently published its findings following a period of consultation with the Brazilian competent authorities. These reports, as well as all previous FVO reports on inspection of third countries' controls for export, may be accessed from the EU Commission's website.

These reports comment on the structure, organisation and tasks of the Brazilian Competent Authorities and have listed a number of recommendations to the authorities to address deficiencies, some of which are of long standing, recorded in the course of its audits. The Commission has confirmed to my Department that the action plans in question have now been received and that they are being assessed by the FVO. The FVO will report on its assessments to the European Commission and, where action is considered necessary to ensure the safety of food and the protection of consumers and animals in the EU, that appropriate proposals would be formulated and submitted to the Standing Committee of the Food Chain and Animal Health on which My Department is represented.

I have more recently brought to the attention of the Department the findings of an Irish Delegation of farmers and journalists who visited the meat producing regions in Brazil and my Department is seeking assurances from the Commission that the FVO will undertake further missions to Brazil to evaluate the implementation of its action plan. At a recent meeting of the Standing

Committee on the Food Chain and Animal Health where the matter was again raised by Ireland, the Commission indicated to Ireland that a FVO mission is being planned to take place some time before the end of the summer.

In the meantime additional health certification requirements have been introduced for imported beef from Brazil under Commission Decision 2006/259/EC requiring guarantees concerning animal contacts, vaccination programmes and surveillance. These certification provisions took effect from 31 March 2006 and they are checked by the EU approved Border Inspection Posts through which all 3rd country imports must first be submitted.

Farm Inspections.

129. **Mr. Glennon** asked the Minister for Agriculture and Food her plans for inspections under the cross compliance requirements of the single farm payments scheme in 2006; and the way in which this compares with the level of inspections in 2005 and 2004. [24478/06]

Minister for Agriculture and Food (Mary Coughlan): The rate of on-farm inspections for cross-compliance in Ireland in 2005 was 1% of farmers for each Statutory Management Requirement (SMR) other than identification and registration of bovine animals where 5% of producers were inspected as this level is prescribed under the relevant Regulations. The inspection visits are integrated with ground (eligibility) inspections with a view to ensuring, as far as possible, that only one visit is made to each farm. In this context inspections under the Disadvantaged Areas Compensatory Allowance scheme are also integrated with the eligibility and cross-compliance inspections under the Single Payment Scheme. This resulted in a total of just over 10,000 inspections in 2005.

My Department initiated discussions with the European Commission earlier this year with a view to ensuring that only the minimum number of inspections would be carried out in 2006 and subsequent years. The result of those discussions was that for 2006, Ireland can select the population of farmers to be checked for cross-compliance from within the 5% population to be selected for on-farm ground (eligibility) inspections. When carrying out inspections in respect of the 1% of applicants under SMRs other than identification and registration of animals, my Department is obliged to check for compliance for all of the SMRs pertaining to the applicant. My Department must also ensure that at least 5% of producers are inspected under the SMRs governing identification and registration of bovine animals. As a result of these changes, the number of farmers to be inspected under Cross-Compliance will reduce by some 2,000 from just over 10,000 in 2005 to just over 8,000 in 2006. This

compares with some 18,500 inspections carried out under the old coupled regime in 2004.

Departmental Agencies.

130. **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. [23638/06]

Minister for Agriculture and Food (Mary Coughlan): The Food Agency Co-operation Council was established in 2000 under the aegis of my Department to promote the fullest practical co-operation between the State Agencies involved in the food industry, in the interests of the optimum development of the industry. The Council met on 20 occasions between 2000 and 2003. 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, one in 2005 and one in 2006 to assess progress on the Plan in preparation for meetings of the NDP Monitoring Committees.

The Council has produced a number of publications, which were well received by the industry. In 2001 it was instrumental in the drawing up of a Human Resource Development programme for the food processing industry and produced “Market Trends — Implications for Suppliers and State Agency Initiatives”. A “National Food Incident Management Plan” was launched in 2002 and a “Market Led New Product Development Guide” was drawn up by the Council and launched in April 2003 to provide guidance to food and drink companies on best practice in this area. The Guide has since been promulgated to County Enterprise Boards. The Council has played a significant role in increasing co-operation between the state agencies in the food area and a number of “Memorandums of Understanding” have been agreed between agencies.

In the light of a more market orientated CAP, the 2015 Agri-Vision Report and the Enterprise Strategy Report my Department has examined future co-operation arrangements between agencies for the most effective development of the agri-food industry. Arising from this, I have included in the Plan of Action to implement the 2015 Agri-Vision Report, the establishment of a high level group of CEOs of food agencies, which will subsume and develop the Council’s role, and a Food Industry Committee. Both will be chaired at Ministerial level and will ensure a consolidated approach towards the development of the food sector as a whole and identify and address issues impeding the development of the sector.

Passenger Food Imports.

131. **Mr. O’Shea** asked the Minister for Agri-

[Mr. O'Shea.]

culture and Food the breakdown of all the products surrendered by being put in the amnesty bins at airports here for surrender of animal product that has been inadvertently carried into Ireland; and if she will make a statement on the matter. [24595/06]

Minister for Agriculture and Food (Mary Coughlan): The personal import into the EU for one's own consumption of meat, meat products or milk products by passengers coming from third countries has, since January 2003, been prohibited under Community law. Officers of my Department are deployed to carry out passenger interviews and bag searches on a random basis at ports and airports where travellers from third countries arrive. The interception of illegal imports from passengers whose journeys commenced within the EU is also being carried out.

The following table provides a breakdown of the animal products surrendered by passengers during 2005 and 2006 to date.

2005

Product	Amount Kgs
Meat/Meat Product	4,998
Milk/Milk Product	178.5
Total	5,156.5

2006 (To 31/5/2006)

Product	Amount Kgs
Meat/Meat Product	4,195.5
Milk/Milk Product	125
Total	4,310.5

Agri-Food Sector.

132. **Mr. Curran** asked the Minister for Agriculture and Food her key priorities for the development of the agri-food sector. [24474/06]

Minister for Agriculture and Food (Mary Coughlan): My key priorities for the agri-food sector are to increase its competitiveness, strengthen its emphasis on innovation and research and improve its consumer focus. The actions to achieve these priorities are set out in the Agri-Vision 2015 Action Plan which I launched recently.

This Plan is based on a well-founded belief that the Irish agri-food 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 R&D as significant market drivers and major changes in the structures of farming and retailing.

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 agri-food sector. There are over 160 actions that are being or will be taken to fulfil this vision and the process of implementing these actions is now underway.

Genetically Modified Organisms.

133. **Mr. Hayes** asked the Minister for Agriculture and Food her position on the release of genetically modified crops; and if she will make a statement on the matter. [23642/06]

Minister for Agriculture and Food (Mary Coughlan): The 'Report of the Interdepartmental Group on Modern Biotechnology' published by the Department of Enterprise, Trade and Employment in October 2000 established the Irish Government's positive but precautionary position on biotechnology. This position was based on the potential that biotechnology offers in the fields of medicine, health, agriculture, etc., while at the same time recognising that caution must be exercised to ensure that food safety and the environment are protected.

EU Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms lays down a binding, community-wide, framework for regulating the deliberate release of genetically modified organisms into the environment, including for the purposes of field trials and cultivation. Taking into account the precautionary principle, it seeks to ensure that high levels of protection are afforded to the environment and human health and requires, inter alia, the carrying out of a comprehensive environmental risk assessment, as part of the notification process, and post release monitoring. Any environmental risk to plants in the vicinity of the cultivation of genetically modified crops is considered in the foregoing context.

While responsibility for decisions on proposals for field trials rests with the EPA, responsibility for the establishment of measures to ensure the effective and efficient coexistence of authorised GM crops alongside non GM crops rests with my Department.

Food Labelling.

134. **Ms McManus** asked the Minister for Agriculture and Food if she will provide this Deputy with a copy of her Department's submission to

the EU consultative document on Labelling, Competitiveness, Consumer Information and Better Regulation in the EU; and if she will make a statement on the matter. [24593/06]

Minister for Agriculture and Food (Mary Coughlan): The Directorate General for Health & Consumer Protection asked Member States to submit any observations it has on food labelling as part of its overall examination of the current food labelling legislation. The document outlining Ireland's concerns was submitted to DG Sanco by the Department of Health & Children which has overall responsibility for general food labelling legislation.

Horticulture Industry.

135. **Mr. Carty** asked the Minister for Agriculture and Food her views on the progress in expanding the horticulture sector here. [24471/06]

Minister for Agriculture and Food (Mary Coughlan): The farm-gate production value of the horticulture sector continues to expand and is now estimated at €300 million.

The key issue which has impacted on the development of the horticulture industry as a whole in recent years is the increased concentration at retail level with the consequent significant change in the supply chain. My Department, recognising the marketing advantages and challenges of consolidation and scale, has contributed to the development of the industry, particularly through its grant aid schemes under the National Development Plan. These schemes have been a catalyst for investment and growth and have assisted producers to upgrade or develop new production facilities and have also enabled commercial enterprises to improve marketing and processing facilities.

The scheme to assist capital investment on farms under the National Development Plan aims to promote the specialisation and diversification of on-farm activities, improvement in the quality of products and to facilitate environmentally friendly practices and improved working conditions on farms. Since 2001 nearly €13m in grant aid has been paid to horticultural producers throughout the country to support investments to the value of €38m. In 2006 a further €6.5m grant package will fund projects to the investment value of €18.5m in respect of 163 applications recently approved by my Department. All areas of horticulture are eligible for the scheme.

Demand in the consumer and food service sectors is buoyant, both for fresh and prepared chilled produce and convenient value-added products. The retail value of prepared horticultural produce was estimated to be €59.8m in 2004, representing a two-fold increase on 2001 and there are real investment opportunities and challenges for development of this sector.

Under my Department's Capital Investment Scheme for the Marketing and Processing of Agricultural Products a total of €10.5m has been awarded in the horticultural sector under the NDP to date. €7m was awarded in respect of 15 projects in the Fruit and Vegetable sector earlier this year.

In addition, horticulture producers benefit from EU aid under the Producer Organisation scheme. €5.6m was paid to 10 recognised Producer Organisations 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.

Farm Consolidation.

136. **Mr. M. Higgins** asked the Minister for Agriculture and Food the action she is taking to ensure a greater level of farm consolidation is encouraged; and if she will make a statement on the matter. [24621/06]

Minister for Agriculture and Food (Mary Coughlan): Developing scale and efficiency is an important component to having a commercial full-time farming sector. The Government has a number of incentives in place that encourage greater levels of land mobility and farm consolidation. These include:

- An Early Retirement Scheme pension of up to €13,515 for a period of up to 10 years on farms transferred by gift, sale or lease.
- An installation aid grant of €9,520 for young trained farmers.
- Capital Gains Tax — Retirement Relief for farmers over 55 years.
- A rental income tax exemption of up to €15,000 for farmers over 40 years who lease out land for a period of 7 years or more.
- A rental income tax exemption of up to €10,000 for farmers over 40 years who lease out land for a period of 5 to 7 years.
- A 90% Agricultural Relief from Capital Acquisitions Tax.
- The provision of full Stamp Duty relief for young trained farmers.

A specific measure to deal with the issue of farm consolidation was introduced in Budget 2005 to deal with situations where farmers wish to swap land to reduce the fragmentation of their holdings. In these cases there is Stamp Duty relief available for land swapped for the purpose of farm consolidation.

Such incentives help to improve land mobility through early farm transfer, encouraging leasing

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and land swaps. These, in turn, help improve the availability of land to farmers who wish to enter farming, allow them to increase the size of their holdings and to improve efficiency through the reduction of farm fragmentation.

Animal Remedies Regulations.

137. **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. [23632/06]

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 which 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 recognize 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 the 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 and subject to appropriate safeguards, allows a pharmacist to supply a prescription medicine in advance of receiving a written prescription. Finally, I understand that Udaras na Gaeltachta provides funding to subsidise veterinary practices in remote areas in consultation with the local farming community.

Forestry Industry.

138. **Mr. Cassidy** asked the Minister for Agriculture and Food her views on the value of the forestry sector to the economy; and the number of jobs involved in the sector. [24468/06]

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.

Recent economic data reveals that forestry's contribution to the economy is 0.3% of GDP.

While it is difficult to provide economic values for the non-timber benefits of Irish forests, the 2004 Bacon Review estimated an annual value in the region of €88.4 million for the recreation, carbon-storage and biodiversity benefits.

Some 16,000 private plantations have been established, the vast majority of these by farmers. In 2005, a total of €57.8 million in forestry premiums was paid out to forest owners. In addition, it is estimated that forestry generates employment for a further 16,000 people, directly and indirectly.

Live Exports.

139. **Mr. P. Power** asked the Minister for Agriculture and Food her views on live cattle exports and cattle slaughterings in meat plants here to date in 2006 compared with the same period in 2005. [24470/06]

Minister for Agriculture and Food (Mary Coughlan): Live exports continue to be an important outlet for our cattle, providing an essential element of competition with the beef trade. Following a near 40% increase in such exports in 2005, the strong upward trend has continued in 2006. The live trade to the EU remains strong with 138,000 head exported to date in 2006 against 89,000 for the same period last year, an increase of about 55%. Within that, the calf trade is exceptionally good at 87,000 head, which is up 80% on last year probably mostly reflecting the difficulties in the poultry sector in the earlier part of the year. As forecast, live exports to third countries have declined significantly this year, this trade being now almost non-existent due largely to the removal of export refunds last December on live cattle exports other than for breeding. Consequently the live trade will, in the future, be centralised in the closer EU market, which due to its declining livestock production has a demand for such cattle.

Total cattle slaughterings for 2006 to date amounts to over 750,000 head. This represents an increase of over 91,000 on the same period in 2005, a rise of 14%. This figure signifies a return to the levels last seen in 2003. The kill for the year as a whole is, however, expected to level out at approximately 5% up on last year.

National Genotyping Programme.

140. **Mr. Deenihan** asked the Minister for Agriculture and Food her plans to review the National Genotyping Programme; her views on extending the provisions of the scheme, including the payment of compensation, to rams that were genotyped prior to 1 September 2005; and if she will make a statement on the matter. [23597/06]

Minister for Agriculture and Food (Mary Coughlan): The enhancements introduced under the National Genotyping Programme in 2005

only applied to sheep genotyped between 1 September 2005 and 18 November 2005. The enhancements included the payment of a flat rate of compensation in respect of any ram which, when tested, was found to be in one of the categories which are susceptible or highly susceptible to scrapie, provided that such rams were slaughtered on or before 30 November 2005. I have consistently emphasised that compensation payments would be made only in respect of animals genotyped during the qualifying period and, consequently, the issue of making compensation payments in respect of rams genotyped prior to September 2005 does not arise.

On 15 March 2006, I announced further measures worth up to €1.5 million to encourage greater participation in the National Genotyping Programme (NGP). The initiative involves the payment by the Department of a contribution towards laboratory testing costs (€12 per test for male and female animals genotyped) and the payment of compensation for rams tested on or after 1 January 2006 and found to be susceptible or most susceptible to scrapie. Rams qualifying for compensation must be removed for slaughter on or before 1 September 2006 and the total amount of compensation payable to any one claimant in 2006 is capped at €1,200.

Question No. 141 answered with Question No. 74.

Question No. 142 answered with Question No. 92.

Question No. 143 answered with Question No. 109.

Question No. 144 answered with Question No. 65.

Farm Waste Management.

145. **Mr. P. Breen** asked the Minister for Agriculture and Food the steps which she is taking to ensure that farm building grants cover the increasing cost of construction; and if she will make a statement on the matter. [23601/06]

Minister for Agriculture and Food (Mary Coughlan): The Standard Costings used for the revised Farm Waste Management Scheme are currently under review.

Revised costings will be introduced following completion of that review.

Question No. 146 answered with Question No. 64.

147. **Mr. Ring** asked the Minister for Agriculture and Food the grant aid which will be made available to small farmers to manage rainwater under the nitrates action plan; and if she will make a statement on the matter. [23644/06]

Minister for Agriculture and Food (Mary Coughlan): With regard to rainwater, the technical specifications for farm buildings operated by my Department for the purposes of the revised Farm Waste Management 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.

Milk Quota.

148. **Mr. Neville** 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. [23621/06]

Minister for Agriculture and Food (Mary Coughlan): In March I announced my intention to move to a more open market system for transferring milk quotas, which will come into effect on 1st April 2007. It must be borne in mind that over the last five years on average less than 4% of the total milk quota changed hands each year under the existing restructuring scheme.

My Department and I are progressing with the ongoing consultation process on the detailed arrangements to give effect to my decision. This has comprised of meetings with the relevant farm organisations and with representatives of the milk-processing sector and individual co-ops. The issue of future milk quota policy has also been discussed with the participating farm organisations at the partnership negotiations. Furthermore, there has been contact with colleagues in other countries with experience of operating more open market systems.

We are now continuing with a comprehensive analysis of the issues raised and the options for dealing with them, with a view to designing an appropriate transfer mechanism. Further consultations will take place before finalising the new system, and the operational details will be announced in good time to allow for all parties concerned to make appropriate plans before the start of the 2007/2008 milk quota year.

Question No. 149 answered with Question No. 107.

Sheepmeat Industry.

150. **Mr. Quinn** asked the Minister for Agriculture and Food when a strategy implementation group will be appointed on foot of the recent Sheep Industry Development Strategy Report; and if she will make a statement on the matter. [24598/06]

Minister for Agriculture and Food (Mary Coughlan): The Deputy will be aware that I welcomed the recent publication of this report which sets out positive recommendations for the future

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development of the sheep sector. It is now very important that all the stakeholders work together to ensure that the required decisions and actions are taken to guarantee the future viability of the sector.

I am now in the process of setting up an agreed implementation structure in association with the main stakeholders involved and expect to be in a position to make an announcement on it in the near future.

Farm Retirement Scheme.

151. **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 ERS; and if she will make a statement on the matter. [23639/06]

Minister for Agriculture and Food (Mary Coughlan): The report of the Joint Committee covered a range of issues and I responded to it in detail. As I explained in my response, a number of the Committee's recommendations are precluded by the EU Regulations under which the current Scheme and its predecessor are operated. I saw some merit in certain other aspects of the Committee's report, specifically those relating to income limits and the maximum age of transferees in the current Scheme. However, this Scheme will close to new applications in December and the practical effect of any such changes would now be very small.

The Committee paid particular attention to two issues. One was the implications of decoupling for retired farmers who had leased out quota as well as land to transferees during the single payment reference period. I believe we have secured the best deal that we could for people in this situation, in spite of the fact that the Commission were unsympathetic at the outset. In family cases, where a farm reverted to the retired farmer at the end of a lease without any entitlements, a family member taking it over will have access to the National Reserve. Retired farmers in the current Scheme who farmed during the reference period can activate entitlements and lease them to their transferees; and at the end of the lease they can either sell the entitlements with or without land or lease the entitlements with land.

The other issue the Joint Committee focused on was the levels of payment under the two Schemes. The European Commission has repeatedly ruled out the idea of indexation in the current Scheme and has pointed out that the rate in the earlier Scheme was set at the maximum amount for co-funding that the Regulation allowed.

Tourism Statistics.

152. **Mr. Kehoe** asked the Taoiseach the

number of Irish residents who have gone on skiing holidays for the past ten years; and a breakdown of the figures per year. [24763/06]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The CSO does not compile any statistics on the number of Irish residents travelling abroad on skiing holidays. The tourism statistics published by the CSO provide a breakdown distinguishing holidays, business trips, visiting friends or relatives and other reasons for travel. The statistics do not give any further details on the types of foreign holiday taken by Irish residents.

Farm Statistics.

153. **Mr. Durkan** asked the Taoiseach the number of full-time farmers in 1996; the number currently engaged in full-time farming; and if he will make a statement on the matter. [24979/06]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The exact information requested by the Deputy is not available. The Farm Structure Survey provides estimates of farm numbers and the following table shows figures for June 1995, 1997, 2000 and 2003 (the latest year currently available).

Number of active farms from 1995 to 2003 (the latest data available)

Year	Farmwork is sole occupation of farm owner	Farmwork is not sole occupation of farm owner	Total
	No. of Farms ('000)		
1995	101.2	51.8	153.0
1997	98.3	49.3	147.6
2000*	78.7	62.6	141.3
2003	77.9	57.2	135.1

*June 2000 Census of Agriculture figure.

Legal Proceedings.

154. **Mr. Rabbitte** asked the Taoiseach the number of extant legal proceedings to which the Attorney General is a party or a notice party in which the constitutional validity or consistency of an enactment has been challenged, indicating the enactments involved and the present stage of those proceedings; the number of those cases in which a Minister of the Government is not also a party, indicating the arrangements in place for consultation with an appropriate Minister on the defence of such proceedings; the number of cases in which the Director of Public Prosecutions or another public authority is also a party, indicating if there are arrangements for joint carriage of the defence of those cases; and if he will make a statement on the matter. [23711/06]

The Taoiseach: Following is the information requested by the Deputy.

1. *The Number of Extant Cases*

There are in the order of 664 cases extant where challenges have been made to the constitutionality of acts of the Oireachtas or to Statutory Instruments. This figure includes 85 cases pending where the Road Traffic Act legislation, providing for the use of intoxiliser equipment, is being challenged as being repugnant to the Constitution. It also includes 317 cases involving constitutional challenges to the imposition of nursing home charges. There is also 1 case involving Article 35.4 of the Constitution.

In addition there are ten test cases extant arising from the operation of the Irish Born Child 2005 scheme in cases where applicants were refused leave to remain for various reasons. There are in excess of 80 other such cases in the background and where proceedings have already issued. Challenges are based on constitutional arguments as to right of the family and of the child.

There are approximately 70 to 80 cases challenging the Immigration Act, 1999 (Deportation) Regulations 2002 SI 103 of 2002. Several of these cases have been pleaded in terms that challenge the constitutionality of the regulations.

2. *Enactments Involved and Current Stage of Proceedings*

Court proceedings have issued and are at different stages of the litigation process to challenge several areas of statutory law including provisions of:

- Pharmacy Act, 1962,
- Public Health (Tobacco) Acts, 2002 and 2004,
- Processed Animal Products Regulations, 2000, · Medical Practitioners Act, 1978, (Part III),
- Mental Treatment Acts,
- Health Acts, (Equalisation),
- Health (Flouridation of Water Supplies) Act, 1960,
- Gas Act, 1976,
- Refugee Act, 1996,
- Immigration Act, 2003,
- Immigration Act, 1999,
- Deportation Regulations,
- Illegal Immigrants (Trafficking) Act, 2000,
- Irish Nationality and Citizenship Act, 1965, as amended,
- Companies Act, 1963, (S.390),
- Bankruptcy Act, 1988 (S.85),
- Defence Act, 1954 (and Regulations)

- Garda Síochána Discipline Regulations, 1989,
- Rules for the Government of Prisons, 1947, (R.63).
- Coroners Act, 1962, (S.26(2)),
- Civil Legal Aid Act, 1995,
- Civil Liability Act, 1961, as amended,
- Courts (Establishment and Constitution) Act, 1961 (S.1 & 2(b)), as amended,
- Statute of Limitations, 1957,
- Tribunals of Inquiry (Evidence) Acts, 1920-2002,
- Rules of Superior Courts (O.22, r.1 — libel and slander),
- Equal Status Act, 2000,
- Civil Registration Act, 2004 & Regulations (Births, Deaths & Marriages),
- Family Law (Divorce) Act, 1996,
- Sexual Offences Act, 2001,
- Offences Against the State Act, 1939,
- Vagrancy (Ireland) Act, 1847,
- Sex Offenders Act, 2001 (Ss 7(2), 8(3), 10 & 11),
- Criminal Law Amendment Act, 1935 (S. 2),
- Criminal Justice (Public Order) Act, 1994,
- Criminal Justice Act 1997 & Prison Rules,
- Criminal Justice Act, 1993,
- Criminal Justice Act, 1990,
- Criminal Justice Act, 1999,
- European Arrest Warrant Act, 2003,
- Offences Against the Persons Act, 1861,
- Prosecution of Offenders Act, 1974, (S.3),
- Road Traffic Act, 1994 (S. 41),
- Road Traffic Act, 1961, (S. 65),
- Proceeds of Crime Act, 1996,
- Finance Act, 1992,
- Finance Act, 1997,
- Finance Act, 2001 (S. 127 (2)) & related provisions,
- Taxes Consolidation Act, 1997,
- Landlord and Tenant (Ground Rents) Act, 1967, as amended,
- Social Welfare Acts,
- Deceased Wife's Sisters Marriage Act, 1907, as amended,
- Industrial Relations (Amendment) Act, 2001,

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- Electoral Act, 1992, as amended,
- Fishery Harbour Centres legislation,
- Fishery Harbour Centre (Management, Control, Operation and Development) Bye Laws,
- Housing Act, 1966-2004 (Provision of Accommodation),
- Housing Act, 1966, S.62.
- Housing Act, 1966, (Compulsory Purchase),
- Housing (Miscellaneous Provisions) Act, 1992
- Housing (Miscellaneous Provisions) Act, 2002,
- Derelict Sites Act, 1990,
- Planning and Development Act, 2000, Part XIV (Compulsory Purchase),
- National Monuments Act, 1930,
- Environmental Protection Agency Act, 1992.

3. Cases where Minister is not a Party

In all cases, the parties include 'Ireland and the Attorney General' — the inclusion of the Attorney General as a party is a legal requirement where the constitutionality of legislation is challenged in proceedings taken against the State. In 92 extant cases, Ministers of Government are not named as parties in the action.

4. Arrangements in place for consultation with Minister

In cases where the Minister is a party to the proceedings, instruction on the case is sought from the Department and the Department is kept informed on developments in the case and attend pre hearing consultations. Similarly in the case where a Department may not be a named party but where they have a responsibility for the subject matter of the litigation, it is notified of the proceedings.

Procedures in this respect have been strengthened. New notification procedures have been introduced by the Attorney General to be followed in cases of constitutional challenge and these include arrangements for notification of all pleadings and submissions to the Secretary General of the Department concerned and provide for regular reviews with Departments in constitutional cases. The procedures provide for

regular meetings between the Office of the Attorney General, the Director of Public Prosecutions and the Department of Justice to review and assess the effect, if any, on the general enforcement of the criminal law of any constitutional challenge.

Under the new procedures, a Memorandum of Information for the Government is to be brought quarterly to Government through the Taoiseach so as to give regular updates on constitutional actions.

5. DPP or other Public Body

There are approximately 130 instances where other public agencies are parties to these extant actions, e.g. Garda Commissioner, Revenue Commissioners, the refugee agencies, Tribunals, local authorities, prison governors, Health Service Executive, Environmental Protection Agency, An Bord Pleanála and the Director of Public Prosecutions. The Director of Public Prosecutions is a party to the action in 22 cases. The State's legal service does not act for all public agencies in all these cases — such as is the case for several of the agencies mentioned. However, where the State defends a challenge to the constitutionality, it does so on behalf of Ireland and the Attorney General.

6. Arrangements in place for joint carriage of defence

In cases involving the Director of Public Prosecutions where there is a constitutional challenge the AGO/CSSO work in close co-operation with the Office of the DPP. Generally, counsel are shared between the two offices and court documentation and steps taken in the case are approved by both the Office of the Attorney General and the Office of the Director of Public Prosecutions.

There is high degree of cooperation in refugee/asylum law cases where the AGO/CSSO act for the agencies involved with a full input from the agencies in defending the cases.

Departmental Reports.

155. **Ms C. Murphy** asked the Taoiseach the number of reports commissioned by his Department by year since 2002; the number that were conducted internally; the number that were carried out by consultants; what those reports were; the amount they cost; and if he will make a statement on the matter. [24353/06]

The Taoiseach: The information requested by the Deputy is given in the schedule below.

Title of Report	Year Report was commissioned	Internal Reports	Reports carried out by Consultants	Cost of Report
Consultation document 'Towards Better Regulation'	2002	Yes — with some input from Consultant		€31,665 of which €6,692 was in respect of consultant's input
Report on submissions received arising from public consultation on 'Towards Better Regulation'	2002	Yes — with some input from Consultant		€11,790 of which €4,000 was in respect of consultant's input
Report on 'Evaluation of Customer Action Plans'	2002		Yes	€33,528 of which €30,473 was in respect of consultant's input
'Communicating Change and Modernisation in the Civil Service'	2002		Yes	€30,166
Irish Civil Service — Customer Satisfaction Survey 2003	2003		Yes	€36,000
'Customer Charters — Guidelines for preparation'	2003	Yes — with some input from Consultant		€39,003 of which €4,840 was in respect of consultant's input
An Inquiry into certain matters in relation to procurement as requested by the Taoiseach, Mr. Bertie Ahern, T.D.	2004	Yes	No	Nil
The Contribution of Better Regulation to Social Progress — A Report for Irish EU Presidency Conference	2004		Yes	€18,876
'Quantifying the impacts of Regulation' — A report for the Irish EU Presidency Conference	2004		Yes	€5,250
'Our Commitments to our Colleagues — Internal Customer Service in the Civil Service'	2004	Yes		€11,060
Examination of the Brick and Block Laying Sector of the Construction Industry	2004	No	Yes	This work is not yet completed the costs are therefore not yet available.
'Redress for Civil Service Customers — International Approaches'	2004		Yes	€81,943 of which €76,894 was in respect of consultant's input

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Title of Report	Year Report was commissioned	Internal Reports	Reports carried out by Consultants	Cost of Report
Three Progress Reports produced on the Implementation of the Affordable Housing Initiative	2004 & 2005	No	Yes	€3,675
Report to the National Implementation Body Re: Cost and Implications of Proposed Amendments made by the Communications Workers' Union on 3 August 2005	2005	No	Yes	€61,172
Report on the introduction of Regulatory Impact Analysis	2005		Yes	€29,890
Report and Database of Regulatory Bodies in Ireland	2005 (due for completion by end Summer 2006)		Yes	€13,310 (to date)
Review of PMDS Evaluation results for Technical and Professional Staff	2005		Yes	€15,125
*Lisbon Agenda National Reform Programme Ireland	2005	Yes	No	€13,885
Irish Civil Service (General Public) Customer Satisfaction Survey 2006	2005		Yes	€32,973
Research Project on the Special Initiatives under Sustaining Progress	2005	No	Yes	€37,207.50
Report on Affordable Housing	2005	No	Yes	€9,680
Survey of Business attitudes to Regulation	May 2006 (due for completion Autumn 2006)		Yes	€90,000 allocated
Irish Civil Service (Business) Customer Satisfaction Survey 2006	2006		Yes	€17,848

*The Cross Departmental Team to the Cabinet Committee on Housing, Infrastructure and PPPs has since its establishment in 1999 prepared an Annual Progress report. These reports are prepared internally at marginal cost and take approximately one month to prepare. They are laid before both Houses of the Oireachtas and the latest five are available on the Department of the Taoiseach website.

Irish Language.

156. **Mr. Durkan** asked the Taoiseach the number of people who indicated that they had an ability to speak Irish or who use Irish on a daily basis in the last ten census of population. [24698/06]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The information requested by the Deputy is contained in the following table. Irish speakers aged 3 years and over, 1926-2002

Year	
1926	540,802
1936	666,601
1946	588,725
1961	716,420
1971	789,429
1981	1,018,413
1986	1,042,701
1991	1,095,830
1996	1,430,205
2002	1,570,894

A new question on ability to speak the Irish language and frequency of speaking Irish was introduced in the 1996 Census of Population. The new version of the question marked a major departure from the version used in previous censuses and the results for earlier years are therefore not directly comparable. The version used in those years asked respondents to write “Irish only”, “Irish and English”, “Read but cannot speak Irish” or to leave blank as appropriate. The version introduced in 1996 was retained unchanged for 2002.

In respect of the most recent Census of Population, which was carried out in April 2006, a further distinction was introduced between those who speak Irish daily within the education system and those who speak it daily outside the education system.

Equal Opportunities Employment.

157. **Mr. Callely** asked the Taoiseach the targeted percentage of employment of people with a disability by his Department; if the 3 per cent target be surpassed or is his Department restricted to this percentage; the percentage of people with a disability employed in his Department; and if he will make a statement on the matter. [24816/06]

The Taoiseach: The Disability Act 2005 gives legal status to a previous positive action measure which set a 3% target for the employment of people with disabilities in the public service. Whereas the Act sets the 3% target as a minimum employment percentage, it does not restrict Departments or public bodies from surpassing

that target. The percentage of persons with disabilities currently employed in my Department is 3.66%.

My Department also follows the guidelines set out in the Code of Practice for the Employment of People with Disabilities in the Civil Service.

Foreign Adoptions.

158. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the status of the Irish Vietnamese adoption application of persons (details supplied) in County Monaghan and other prospective adoptive parents who have paid considerable sums of money to a persons who has been instructed by the Irish Adoption Board to desist from adoption facilitation; and if she will make a statement on the matter. [24560/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The Adoption Board is enquiring into certain anonymous allegations made against the named individual. Immediately on receiving the allegations the Adoption Board raised the matter with the Ministry of Justice in Vietnam.

The Adoption Board has also:

(i) asked the Gardai to check the veracity of the allegations; and

(ii) written to the registered Adoption Mediation Agency concerned (Helping Hands) advising it that the named individual should abstain from any involvement in Vietnamese adoptions until this investigation has been completed.

It is not considered that these enquiries will affect the status of the Vietnamese adoption applications made by the persons referred to above and other prospective adoptive parents.

Grant Payments.

159. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children when an application by a committee (details supplied) in County Galway for capital grant funding will be approved; if his attention has been drawn to the need in this immediate area for such a service; if his further attention has been drawn to the fact that the Kinvara proposal has been designed to cater for 78 children, aged three months to twelve years and incorporates the existing community playgroup which has been operating successfully since 1979; and if she will make a statement on the matter. [24757/06]

173. **Mr. McHugh** asked the Tánaiste and Minister for Health and Children the position in relation to an application for a capital grant for a facility (details supplied) in County Galway; when the application will be approved; and if she will make a statement on the matter. [24391/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I propose to take Questions Nos. 159 and 173 together.

As the Deputy will be aware, I have responsibility for the Equal Opportunities Childcare Programme 2000-2006 (EOCP) and the National Childcare Investment Programme 2006-2010, which are being implemented by the newly established Office of the Minister for Children.

With regard to the application for capital grant assistance under the EOCP referred to by the Deputy, I understand from enquiries I have made that this application for funding is currently in the appraisal process. Each application undergoes a thorough assessment by Pobal, formally known as ADM Ltd., to ensure that it meets the criteria of the Programme. All applications are processed as speedily as possible.

Following this assessment, the application will be considered by the Programme Appraisal Committee and a recommendation made to the Secretary General of the Department of Health and Children, before a decision is made regarding funding.

The Group in question will be informed of the decision in due course.

Health Services.

160. **Mr. Callely** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the difficulties created in the educational system due to long delays for speech and language therapy for children who have been referred for appointment; and if she will make a statement on the matter. [24794/06]

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.

161. **Mr. Callely** asked the Tánaiste and Minister for Health and Children if the issue of secondary supports for pupils with special needs such as speech and language, social work therapy and so on has been brought to her attention; the issues which are of concern; and if she will make a statement on the matter. [24795/06]

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.

162. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children the number of planned hospital developments that have been requested by her Department to be put on hold pending a completion by her Department of a value for money analysis; the process involved; if she will confirm if phase 2B of Longford Westmeath General Hospital, Mullingar is subject to this cost benefit evaluation; if same will delay its anticipated completion date; and if she will make a statement on the matter. [24862/06]

250. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children if her Department has instructed that the planned second stage of phase 2B development at Longford-Westmeath Hospital, Mullingar, be put on hold, while same is subject to the Department of Finance's value for money assessment; if so, the reason such an important infrastructural development which has been planned for up to 20 years, should now be subject to a process where the result is self evident; and if she will make a statement on the matter. [24871/06]

251. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children the impact plan that is being put in place by her Department for the completion of phase 2B of Longford-Westmeath Hospital at Mullingar; the estimated cost of same; the completion date for same; and if she will assure the people of Longford and Westmeath that the completion of this overdue health facility will no longer be subject to excuses or delays; and if she will make a statement on the matter. [24872/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 162, 250 and 251 together.

In accordance with Department of Finance requirements, no capital project in the Health Sector costing more than €30 million can proceed without a detailed cost benefit analysis being completed. Capital projects at the following locations are affected by this requirement — Our Lady of Lourdes Hospital, Drogheda, National Rehabilitation Hospital, Dún Laoghaire and Phase 2B Stage 2 of the Longford/Westmeath Hospital at Mullingar.

In relation to Longford/Westmeath Hospital, it should be noted that the completion of Stage 1 of Phase 2B of the development is not affected. This involves the fitting out of ward accommodation in a shelled-out area that was constructed in the 1990s and will provide a net increase of 45 beds. This project went to tender on 23 June last and the target date for completion is mid-2007.

As regards the questions raised in relation to Stage 2 of Phase 2B, my Department is requesting the Parliamentary Affairs Division of the Health Service Executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

163. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children if, in relation to a number of planned hospital developments, she will indicate that her Department's sanction for these capital projects is contingent upon revenue implications in respect thereof being met from the Health Service Executive's own resources; the way in which the HSE will identify such savings or reductions being made in respect of each individual project; and if she will make a statement on the matter. [24863/06]

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.

Genetically Modified Organisms.

164. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she has satisfied herself that there is no risk of contamination from the importation of genetically modified foods or food products; and if she will make a statement on the matter. [24991/06]

Minister of State at the Department of Health and Children (Mr. S. Power): In response to consumer concerns, the European Union's new regulatory framework for Genetically Modified Organisms (GMOs) entered into force in 2004. Ireland, in common with other Member States and as required by EU rules, applies EU legislation on GM foods, produced within the EU or imported. Under EU rules, only authorised GM foods, or foods containing ingredients thereof, can be placed on the market. The safety of GM products is independently assessed by the European Food Safety Authority (EFSA) on a case by case basis and GM food is required to be clearly labelled, thus ensuring greater consumer confidence and choice.

In the production of food, feed and seed, it is almost impossible to achieve products that are 100% GM free. Minute traces of GMOs can arise in conventional food and feed during cultivation, harvest, transport and processing. Accordingly, to ensure legal certainty, thresholds have been established above which conventional foods must

be labelled as consisting of or containing or being produced from a GMO. The labelling requirement is not for food safety reasons, rather a consumer choice measure and does not apply to foods with GM content in a proportion no higher than 0.9% of the food ingredients considered individually or food consisting of a single ingredient, provided that this presence is adventitious or technically unavoidable: previously, the level had been 1%. The new threshold applies to all GMOs authorised under the current Regulations and also applies to those authorised under the Novel Foods Regulation.

The Food Safety Authority of Ireland (FSAI) is the competent authority in Ireland for the enforcement of EU legislation regarding genetically modified (GM) foods: the FSAI carries out checks of the marketplace for compliance with the GM legislation.

Food Labelling.

165. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when there will be a comprehensive labelling scheme within the catering trade; and if she will make a statement on the matter. [24581/06]

Minister of State at the Department of Health and Children (Mr. S. Power): Regulations recently signed by the Tánaiste entitled Health (Country of Origin of Beef) Regulations 2006 (S.I. no. 307 of 2006) provide that with effect from 3 July next, catering establishments will be required to indicate on their menus or in another appropriate form, the country of origin of beef which is served. The making of these regulations was facilitated by existing traceability of beef arrangements under the European Communities (Labelling of Beef and Beef Products) Regulations 2000 (S.I. no. 435 of 2000).

While enabling legislation passed by the Oireachtas in March of this year also facilitates the extension of country of origin labelling to all meats, due to different systems of traceability and some import/export complexities, it is not as straightforward as it is for beef. There are no plans at present to extend the country of origin of beef requirements to other meats but the matter will be kept under review.

Services for People with Disabilities.

166. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children if respite care services will be provided in the north east area for children with autism living in County Louth (details supplied); and if she will make a statement on the matter. [24339/06]

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

[Mr. T. O'Malley.]

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.

Health Services.

167. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the reason five hours home help per week has been reduced to three hours in the case of a person (details supplied) in County Kilkenny; and if she will re-examine the case and expedite a response. [24340/06]

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.

Benchmarking Awards.

168. **Ms McManus** asked the Tánaiste and Minister for Health and Children further to the recommendation made by the Labour Court on 1 March 2005 that salaries of staff working in the National Learning Network be brought in line with those paid to professionals in similar employment but who come under benchmarking agreement, the reason they have not received a pay award; and if she will make a statement on the matter. [24357/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I wish to advise the Deputy that the matter she refers to is receiving urgent attention and that satisfactory interim arrangements have been made pending the conclusion of investigations.

Medical Cards.

169. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if a medical card will be approved in the case of a person (details supplied) in County Kilkenny in view of their medical circumstances and the support given to their application by their general practitioner and consultant; and if she will expedite the matter. [24359/06]

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.

Hospital Services.

170. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if she will intervene with St James's Hospital and have a person (details supplied) in County Leitrim admitted for treatment. [24375/06]

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 case investigated and to have a reply issued directly to the Deputy.

Long-Term Illness Scheme.

171. **Mr. McHugh** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Galway suffering from multiple sclerosis was not approved under the free medicines for prescribed long term illnesses scheme, in view of the fact that the Health Service Executive documentation specifically states that the scheme applies to persons suffering from multiple sclerosis; if this application will be recognised; and if she will make a statement on the matter. [24387/06]

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, including the operation of the Long Term Illness Scheme, 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.

Health Services.

172. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if the Health Service Executive will reassess a person (details supplied) in County Mayo so that they can be approved orthodontic treatment, in view of the fact that three independent dentists have indicated that the person needs orthodontic work carried out. [24390/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and per-

sonal 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.

Question No. 173 answered with Question No. 159.

Cancer Screening Programme.

174. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the position regarding the construction of the BreastCheck facility in Cork; and if she will make a statement on the matter. [24399/06]

176. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children when BreastCheck will be available to patients from the Waterford constituency; and if she will make a statement on the matter. [24401/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 174 and 176 together. I have met with representatives of BreastCheck and they are fully aware of my wish to have a quality assured programme rolled out to the remaining regions in the country as quickly as possible. For this to happen, essential elements of the roll out must be in place including adequate staffing, effective training and quality assurance programmes. I have made available additional revenue funding of €2.3m available to BreastCheck to meet the additional costs of roll out. I have also approved an additional 69 posts.

BreastCheck recently interviewed for Clinical Directors for the Southern and Western regions and appointments have been made and both will take up their positions later this year. Both are currently undergoing additional training in relation to their role as Clinical Director. This month BreastCheck will begin recruiting Consultant Radiologists, Consultant Surgeons and Consultant Histopathologists for both centres. BreastCheck are also recruiting radiographers. While the recruitment of radiographers is difficult at present as there is a shortage internationally of trained personnel, BreastCheck is confident that it will be in a position to employ sufficient radiographers at both sites.

BreastCheck also requires considerable capital investment in the construction of two new clinical units and in the provision of five additional mobile units and state of the art digital equipment. I have made available an additional €21m capital funding to BreastCheck for this purpose. BreastCheck is in the process of shortlisting applicants to construct the new clinical units at the South Infirmary/Victoria Hospital, Cork and University College Hospital Galway.

BreastCheck is confident that the target date of next year for the commencement of roll out to the Southern and Western regions will be met.

Hospital Services.

175. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the number of patients referred for radiotherapy to Cork University Hospital from the Waterford constituency since the appointment of the radiation oncologist from Cork with outreach to Waterford; and if she will make a statement on the matter. [24400/06]

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 respond directly to the Deputy in relation to the matter raised.

Question No. 176 answered with Question No. 174.

National Cancer Strategy.

177. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to provide funding for the major capital development arising from the implementation of the National Cancer Strategy; and if she will make a statement on the matter. [24402/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy will be aware that I recently launched a new Strategy for Cancer Control which has been developed by the National Cancer Forum. The Strategy makes recommendations in relation to organisation, governance, quality assurance and accreditation across the continuum of cancer care from prevention and health promotion through to treatment services, palliative care and research.

The Government is fully committed to significant additional investment in cancer control based on the reform programme now being implemented by the HSE. Additional investment will be addressed from within the annual financial allocation approved by Government commencing in 2007. To this end, I have asked the HSE to prepare a robust needs assessment for cancer control for the next five years to reflect priorities in cancer control, equitable distribution and priority setting that maximises efficiency and reduces dependancy on hospital in-patient care.

The HSE has announced the establishment of a National Cancer Control Programme to implement the new Strategy, details of which will be outlined by the Executive over the coming weeks. The Programme will provide the necessary leadership, governance and integration to create an essential framework for cancer control.

[Ms Harney.]

It will be led by a National Programme Director and will host a single national budget for all cancer control activities.

Since the implementation of the National Cancer Strategy commenced in 1997, approximately €920 million has been invested in the development of cancer services. The Vote for the Health Service Executive in 2006 includes a sum of €9 million to continue to meet the additional service pressures in cancer care, improve the quality of care, facilitate better access to radiation oncology services and to continue the preparation for the national cervical screening programme.

The capital funding requirement arising from the implementation of the National Cancer Strategy is primarily a matter for the Health Service Executive in the context of determining its priorities under the Health Capital Investment Framework 2006-2010. The Framework has earmarked an unprecedented capital funding provision of approximately €3.36 billion up to the year 2010.

Hospitals Building Programme.

178. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the capital funding which has been provided to the Health Service Executive south for development at Waterford Regional Hospital for the period 2006 to 2010; and if she will make a statement on the matter. [24403/06]

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 expenditure under 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.

179. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposal to provide capital funding for the provision of specialist palliative care in Waterford in line with the €17.5 million which has been provided for the new specialist palliative care hospice at St. Patrick's Marymount, Cork City; and if she will make a statement on the matter. [24405/06]

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.

Cancer Treatment Services.

180. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children if a decision has been made regarding the cancer services transport proposal for the Health Service Executive south east which has been under consideration (details supplied); and if she will make a statement on the matter. [24406/06]

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 respond directly to the Deputy in relation to the matter raised.

Cancer Incidence.

181. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children the incidents of death through breast cancer and colon cancer for each of the years from 2000 to 2005; and if she will make a statement on the matter. [24407/06]

Tánaiste and Minister for Health and Children (Ms Harney): Statistics in relation to cancer incidences are collated by the National Cancer Registry. My Department has asked the Director of the Registry to examine this matter and to reply directly to the Deputy.

Health Services.

182. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a decision will be made on a home care package for persons (details supplied) in County Mayo; the further reason a previous question in this regard was not replied to by the Health Service Executive; and when the persons will be notified of a decision in this case. [24418/06]

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. The Department has again 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.

183. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children when she expects the Health Service Executive to receive the

report of the high level working group established to develop a standardised high quality home help service; and if she will make a statement on the matter. [24419/06]

Tánaiste and Minister for Health and Children (Ms Harney): The high level working group was established by the Health Service Executive with representatives from IMPACT and SIPTU with a view to establishing a standardised high quality home help service which will benefit both clientele and staff. The group has commenced a process based on the partnership model and its terms of reference are set out below for the Deputy's information.

A plan of work has been agreed by the parties in order to give effect to the agreed terms of reference. The high level group met on Wednesday 7 June 2006, to review progress and establish a number of subgroups to further progress tasks associated with the terms of reference. The overall aim is to establish a blueprint for the delivery of home help services going forward. It is anticipated that the bulk of the issues can be addressed within an overall six-month timeframe.

The terms of reference of the group are: To review existing models/structures of home help services to address issues pertaining to the standardisation of services to include inter alia:

1. The demands being placed on the services through the implementation of the home help agreement.
2. Outstanding issues pertaining to the implementation of the home help agreement.
3. Clarification on the nature of the service to be provided by home helps.
4. Explicit and agreed criteria for the assessment of need.
5. Standard criteria for entitlement.
6. Contractual service agreements with the voluntary organisations.
7. National guideline provisions for level of service provisions and the assessment of needs.
8. Recognition of the home help service as a service in its own right.
9. The role and status of home help organisers within this service.
10. The terms and conditions of home help organisers and other support staff employed by voluntary organisations.

Care of the Elderly.

184. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children the progress made to date by the Health Service Executive mid-west in extending the HSE pilot project of establishing teams of personnel to help elderly people to remain at home after becoming ill; the areas

where this pilot scheme operates at present; the cost of the pilot scheme; the funding provided for its expansion; the expected duration before the scheme is available nationally; and if she will make a statement on the matter. [24420/06]

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.

Hospital Services.

185. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the action she will take to reverse the crisis faced by the State's Sexual Assault Treatment Units, as described in the new report Sexual Assault Treatment Services A National Review; if, in particular, she will ensure that funding is made available for these units, only one of which is currently funded by her Department; and if she will make a statement on the matter. [24429/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy may wish to note that all existing Sexual Assault Treatment Units are funded by the HSE. Most are funded through the hospital in which they are based. My Department does not directly fund or co-ordinate health and personal social services to victims of abuse. Monies are made available each year, formerly through the health boards, and now through the Health Services Executive, for the provision of services to women victims of violence. In recent years there has been a substantial increase in funding so that now over €12 million is provided annually for the provision of such services. The distribution of this funding is now a matter for the Health Services Executive. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

186. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the action she is taking to provide full time education for a person (details supplied) in County Kilkenny who has not attended school for two and a half years; if she will arrange for them to be seen by the appropriate consultants at Waterford Hospital in view of the proximity of the hospital to their home; and if she will make a statement on the matter. [24436/06]

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.

Health Service Allowances.

187. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 206 of 23 May 2006 if she will request the Health Service Executive to issue a comprehensive response and to engage with the persons concerned to resolve the urgent issues; and if she will make a statement on the matter. [24437/06]

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.

Hospital Services.

188. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to ensure the proper resourcing and future of the sexual assault unit at Waterford Regional Hospital; and if she will make a statement on the matter. [24445/06]

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.

Health Services.

189. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the amount of funding which was allocated within the western region of the Health Service Executive towards the home-care package; the amount which was allocated to County Mayo; the number of people in County Mayo who have been approved the homecare package; the reason it takes so long to implement the homecare package scheme in Mayo; and if

she will make a statement on the matter. [24446/06]

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.

Health Service Property.

190. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the annual rent paid by the Health Service Executive for the building in Naas which houses its headquarters; the square footage of space rented by the HSE in the building; the number of HSE full-time staff working on a daily basis in the building; and if she will make a statement on the matter. [24453/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the exercise by the Health Service Executive of its functions under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to reply directly to the Deputy in relation to the information sought.

191. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the annual rent paid by the Health Service Executive to rent a building on Parkgate Street, Dublin 8; the square footage of the space rented by the HSE; the number of HSE full-time staff working on a daily basis in the building; and if she will make a statement on the matter. [24454/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the exercise by the Health Service Executive of its functions under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to reply directly to the Deputy in relation to the information sought.

192. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the services that are being provided by the Health Service Executive from the building it rents on Parkgate Street, Dublin 8; and if she will make a statement on the matter. [24455/06]

Tánaiste and Minister for Health and Children (Ms Harney): Section 6 of the Health Act, 2004 states that the Health Service Executive is a corporate body. Accordingly, my Department has requested the Parliamentary Affairs Division of

the Executive to have a reply issued directly to the Deputy.

Hospital Services.

193. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a bed will be provided for a person (details supplied) in County Mayo in a hospital in Galway. [24456/06]

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 respond directly to the Deputy in relation to the matter raised.

Health Services.

194. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Kerry has been waiting four and a half years for orthodontic treatment; and if she will make a statement on the matter. [24460/06]

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.

195. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Kerry will be called for orthodontic treatment; and if she will make a statement on the matter. [24461/06]

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.

196. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children the average waiting time for people seeking orthodontic treatment in County Kerry; and if she will make a statement on the matter. [24462/06]

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.

Hospital Visits.

197. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children if she intends to visit Kerry General Hospital on her next visit to County Kerry; and if she will make a statement on the matter. [24463/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy will wish to note that I have made several visits to hospitals around the country following my appointment as Minister for Health and Children. I have not yet been in a position to visit Kerry General Hospital. It is my intention to continue to visit various facilities around the country, including Kerry General Hospital, as my schedule allows.

Health Services.

198. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children when revenue funding will be made available for the proposed community nursing unit in Tralee; and if she will make a statement on the matter. [24464/06]

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.

Health Service Allowances.

199. **Ms Shortall** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that the Health Service Executive has allowed the domiciliary care allowance application form to go out of print while it is being updated; if she will ensure that a downloadable copy is available on a website; the way in which she otherwise intends to resolve the shortage; when the new forms will be available; and if she will make a statement on the matter. [24491/06]

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

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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.

Cancer Screening Programme.

200. **Mr. N. O'Keefe** asked the Tánaiste and Minister for Health and Children if she will assist in arranging a mammogram appointment for a person (details supplied) in County Cork. [24502/06]

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.

Health Services.

201. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason the home help hours for a person (details supplied) in County Mayo have been reduced. [24522/06]

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.

202. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a homecare package application for a person (details supplied) in County Mayo was first received by the Health Service Executive western area; when it will be dealt with; when a decision will be made in this case; and the help which will be given to this person in view of the obvious need in this case. [24523/06]

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.

Nursing Home Subventions.

203. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason the enhanced subvention payment is not being extended to new applicants in County Mayo at present; if this is Government policy; the further reason this decision is being implemented by the Health Service Executive western area in view of the fact that the highest number of elderly people reside in this area; if she will provide additional funding to the HSE western area specifically for the restoration of the enhanced subvention payment; the number of new applicants who have been refused this payment to date; the number of existing applicants who have been denied an increase in their enhanced subvention payment to date; the number of people in the county of Mayo who have availed of the enhanced subvention payment from 1 January 2006 to date; and the annual cost of this payment in Mayo. [24524/06]

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, i.e. €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, subject to the provisions of the Health Act, 2004. The average rate of subvention paid by the HSE generally exceeds the current approved basic rates. The supports paid by the HSE vary from person to person and region to region, depending on prices for example.

In relation to the issue of funding and the number of applicants for subvention in the Western Area 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.

Hospital Services.

204. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the number of beds which are located in a facility (details supplied) in County Mayo, including details of the bed type; the number of these beds which are currently occupied and the occupancy rate for each of the past ten years; the position in relation to the works that have to be carried out at that facility;

the length of time these works are going on; when the Health Service Executive expects to open up the wards that were closed down over the past number of years; the number of wards in this facility which are currently closed and the date of their closure; the works which have taken place since then; her plans to increase the bed numbers in this facility; and if she will make a statement on the matter. [24525/06]

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.

Hospitals Building Programme.

205. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children, further to the fact that a decision has been taken to amalgamate the three children's hospitals and to locate the single hospital in the north inner city, the future plans for paediatric services outside this hospital, in particular, accident and emergency services for young people; and if she will make a statement on the matter. [24535/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Report of the Task Group that was established by the Health Service Executive (HSE) to advise on the optimum location for the new national paediatric hospital was presented to the Board of the HSE on 1st June. The Report and its recommendations were endorsed by the Board. At its meeting on 8th June, the Government strongly endorsed the recommendations of the Board of the HSE, in line with the recommendation of the Report of the Task Group, that the new paediatric hospital be developed as an independent hospital on a site to be made available by the Mater Misericordiae Hospital.

It is now a matter for the HSE to move forward with the development of the new national tertiary paediatric hospital and associated urgent care centres, and to explore any philanthropic proposals in relation to its development.

The governance arrangements that will arise in the context of the amalgamation of the three children's hospitals will also be pursued, in particular the measures needed to ensure that the new children's hospital is multi-denominational and pluralist in character.

Health Services.

206. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the number of hours

speech therapy that children in special language units receive on a weekly basis. [24572/06]

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.

Nursing Home Charges.

207. **Mr. Aylward** asked the Tánaiste and Minister for Health and Children the progress to date on the long-term stay charges repayment scheme; and when it is expected repayments will issue under this scheme. [24646/06]

241. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children the position in relation to long-stay patients entitled to a refund with regard to repayments to residence of public funded long stay care homes; if this payment will be made as a matter of urgency; and if she will make a statement on the matter. [24842/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 207 and 241 together.

The Health (Repayment Scheme) Act 2006 was signed by the President on 23 June 2006. This Act provides a clear legal framework for a scheme to repay recoverable health charges for publicly funded long term care.

The Health Service Executive (HSE) are in the process of announcing the appointment of a preferred service provider to administer this repayment scheme. On appointment the company will immediately begin work on the scheme to ensure that a significant proportion of patients will receive their repayments within a short period. The company will, within four weeks of appointment, begin to issue application forms and begin notifying approximately 7,600 living patients of the amount of repayment due to them. The HSE has indicated that the details of these repayments have been prepared in advance of the appointment of the company. On submission of an application and receipt of notification of the calculated amount of repayment due, the applicant will have a period of 28 days in which to appeal or reject the calculated amount of repayment due prior to the issuing of money by the HSE.

General Practitioner Co-operatives.

208. **Mr. J. Higgins** asked the Tánaiste and Minister for Health and Children the reason the Health Service Executive is attempting to impose an outside of hours general practitioner service

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on the people of west Kerry, in view of the fact the local population demands cover by local doctors who are known to them and who are prepared to provide the service. [24647/06]

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.

Health Service Contracts.

209. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the information she has received from the Health Service Executive on its investigation into awarding of contracts in its Dublin north east division; if her attention has been drawn to the scope of the investigation, the personnel responsible for conducting it, and when the investigation will be complete; if her Department will be conducting its own investigation; and if she will make a statement on the matter. [24648/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Service Executive's Internal Audit Unit is currently conducting an investigation into the awarding of contracts in the Dublin North East Region.

Section 25 of the Health Act 2004 requires employees of the Health Service Executive to maintain proper standards of integrity, conduct and concern for the public interest in performing functions under that or any other enactment as employees of the Executive. Section 25 also obliges the Executive to issue codes of conduct for employees other than employees to whom a code of conduct under section 10 (3) of the Standards in Public Office 2001 applies. A code of conduct issued by the Executive for employees must indicate the standards of integrity and conduct to be maintained by them in performing their functions. A person to whom such a code of conduct relates is required to have regard to and be guided by the code in performing his or her functions.

Under the HSE's procurement policy, which was published this year it is stated that it is HSE policy to maintain its high reputation for ethical behaviour and fair dealing in the context of its business. The HSE code of conduct and behaviour for staff applies in the context of all HSE procurement.

As the issue raised by the Deputy is a matter for the Health Service Executive under the Health Act 2004, my Department has asked the

Parliamentary Affairs Division of the Executive to respond directly to the Deputy.

Health Services.

210. **Mr. Crowe** asked the Tánaiste and Minister for Health and Children the reason for the lack of resources at a clinic (details supplied) in Dublin 7 which is closing on 3 July 2006. [24649/06]

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.

211. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if assistance will be given to a person (details supplied) in Dublin 3. [24650/06]

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.

Hospital Staff.

212. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children the situation regarding the offering of places on FETAC healthcare support course level five in Tallaght for all hospital staff; if this includes all staff including cleaners and porters; and if she will make a statement on the matter. [24651/06]

213. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children the representations she has made to St. Loman's Hospital, Lucan Road to ensure that all staff can avail of FETAC level five training in healthcare support as understood to be part of a benchmarking pay agreement; and if she will make a statement on the matter. [24652/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 212 and 213 together.

The Deputy's questions relates to training, education and development of support staff in the health services which is comprehended by the SKILL Project (Securing Knowledge Intra Life-long Learning). The SKILL training fund orig-

inated as part of the parallel benchmarking agreement for support staff titled “Recognising & Respecting the Role”. Under the SKILL Project €60m is being provided over a four year period, 2004 — 2008 for training of support staff. All grades of support staff have equal access to the training programmes, which are FETAC accredited e.g. porters, catering, household etc. The SKILL Project Team have identified the numbers and grades of staff who will undergo the FETAC programmes in 2006. The numbers undertaking the programme are representative of the sector as a whole and of the various grades of support staff.

The allocation of places in particular institutions is a human resource management issue within the Health Service Executive. As these are matters for the Executive under the Health Act 2004, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have them investigated and to have a reply issued directly to the Deputy.

Benchmarking Awards.

214. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children the reason benchmarking payments were withheld from staff at St. Loman’s Hospital, Lucan Road; the conditions pertaining to their eventual payment; and if she will make a statement on the matter. [24653/06]

Tánaiste and Minister for Health and Children (Ms Harney): My Department issued sanction for the final phase of the benchmarking increases and the 1.5% Sustaining Progress with effect from 1 June, 2005 to the interim Health Service Executive on the 3 June, 2005. The sanction did not include any requirement to withhold benchmarking increases to staff of St. Loman’s Hospital, Lucan Road and neither my Department nor the Health Service Executive Employers Agency are aware of any situation at local level which resulted in the withholding of the payments.

Health Service Staff.

215. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children the reason funding was made available to SIPTU in 2001 for the provision of training courses such as FETAC level five; the reason such training has not been provided to date; and if she will make a statement on the matter. [24654/06]

Tánaiste and Minister for Health and Children (Ms Harney): I assume the Deputy is referring to the funding of the health care assistant programme, which was introduced in 2001 on a pilot basis. SIPTU represents the staff concerned.

The Report of the Commission on Nursing (1998) recommended that there be an examin-

ation of opportunities for the increased use of care assistants and other non-nursing staff.

The Report of the Working Group — Effective Utilisation of the Professional Skills of Nurses and Midwives (DoHC, 2001) made 15 recommendations in relation to health care assistants, including that an NCVA Level 2 (now FETAC level 5) qualification be the preparation required for employment as a health care assistant.

A pilot training programme for Health Care Assistants commenced in 14 pilot sites in autumn 2001. The training course was evaluated by the Review Group on Health Service Care Staff and rolled out on a nationwide basis from autumn 2003. The numbers trained to 2005 are 1,721 and a further 1,000 places will be offered in 2006/2007.

Departmental Correspondence.

216. **Ms Enright** asked the Tánaiste and Minister for Health and Children when she will be in a position to respond to correspondence submitted on 22 March 2006 (details supplied); and if she will make a statement on the matter. [24684/06]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): Unfortunately, there is no record of my Department having received the Deputy’s letter of the 22nd March. My Department has been in contact with the Deputy since the issue was brought to its attention this week. The matter is being investigated by my Department and a reply will issue as soon as possible.

Ambulance Service.

217. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the amount paid out in each of the Health Service Executive areas in respect of the hire of private ambulance services for each year since 2002; the number of times ambulances were hired privately; and if she will make a statement on the matter. [24685/06]

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.

Health Services.

218. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children further to numerous representations to a range of sections of the Health Service Executive and to Parliamentary Question No. 87 of 23 June 2005 the steps which are being taken to address the

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backlog in audiology services in County Roscommon; and if she will make a statement on the matter. [24702/06]

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.

219. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when a person (details supplied) will be able to obtain audiology services in County Roscommon; and if she will make a statement on the matter. [24703/06]

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.

220. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when a person (details supplied) will be able to obtain audiology services in County Roscommon; and if she will make a statement on the matter. [24704/06]

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.

221. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when a person (details supplied) will be able to obtain audiology services in County Roscommon. [24705/06]

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.

222. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when a person (details supplied) will be able to obtain audiology services in County Roscommon. [24706/06]

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.

223. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when a person (details supplied) will be able to obtain audiology services in County Roscommon. [24707/06]

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.

224. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when a person (details supplied) will be able to obtain audiology services in County Roscommon. [24708/06]

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.

225. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when a person (details supplied) will be able to obtain audiology services in County Roscommon. [24709/06]

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.

Medical Cards.

226. **Mr. English** asked the Tánaiste and Minister for Health and Children if a person who has cancer will automatically get a medical card on application or if they have to be means tested; and if she will make a statement on the matter. [24731/06]

Tánaiste and Minister for Health and Children (Ms Harney): At present, medical cards are granted primarily on the basis of means and individual circumstances. Under the Health Act, 2004 determination of eligibility for medical cards is the responsibility of the Health Service Executive. Persons aged seventy years and over are automatically entitled to a medical card, irrespective of means. The HSE has discretion, in cases of exceptional need, to provide assistance to individuals where undue hardship would otherwise be caused.

I have no plans to provide for the granting of medical cards to any particular group as a whole. However, my Department is currently reviewing all legislation relating to eligibility for health and personal social services with a view to making the system as fair and transparent as possible.

Hospitals Building Programme.

227. **Ms McManus** asked the Tánaiste and Minister for Health and Children if there were any hospital consultants and if there were any hospital consultants from Our Lady's Hospital for Sick Children, Crumlin on the membership of the review group that recommended the location of the new children's hospital; and if she will make a statement on the matter. [24739/06]

Tánaiste and Minister for Health and Children (Ms Harney): A joint HSE/Department of Health and Children Task Group was established in February 2006 to advise on the optimum location of the new national children's hospital. The Task Group also included representation from the Office of Public Works. The membership of the joint Task Group was as follows: Health Service Executive Mr John O'Brien, Temporary National Director, National Hospitals Office (Chairman to April 2006) Ms Laverne McGuinness, National Director of Shared Services (Chairman from April 2006) Mr Tommie Martin, National Director, Office of the CEO Dr Fenton Howell, Population Health Directorate Mr Joe Molloy, Director of Technical Services and Capital Projects, HSE West Ms Fionnuala Duffy, National Hospitals Office Ms Ruth Langan, Office of the CEO Department of Health and Children Mr Paul Barron, Assistant Secretary Dr Philip Crowley, Deputy Chief Medical Officer Mr Paul deFreine, Deputy Chief Architectural Adviser

Mr Denis O'Sullivan, Principal Officer Office of Public Works Mr David Byers, Commissioner There were no hospital consultants on the Task Group. However, the Task Group engaged in an extensive consultation process which included meetings with the Dublin paediatric hospitals. These meetings were attended by consultants from each of the three hospitals. Advice was also sought from clinicians in other countries.

I am satisfied that the Group undertook a comprehensive examination of the issues involved in making its recommendation on the optimum location for the new paediatric hospital. As the Deputy will be aware, its recommendation have been accepted by the Board of the HSE and has been endorsed by the Government.

Health Service Inquiries.

228. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children if she will carry out an inquiry into all issues in relation to the death of person (details supplied); and if she will make a statement on the matter. [24743/06]

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.

Hospital Services.

229. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children the paediatric services which are available at St. Columcille's Hospital, Loughlinstown; her plans to upgrade or extend their services; and if she will make a statement on the matter. [24751/06]

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.

Nursing Home Subventions.

230. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 123 of 18 May 2006 regarding the rates of nursing home subvention approved by her Department and the response issued by the Health Service Executive to the question, the reason her Department has not

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increased the rate from 2001; if the issue will be examined by her Department with a view to approving an increase in the rate being operated by the HSE; and if she will make a statement on the matter. [24752/06]

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, i.e. €114.30, €152.40 and €190.50 for the three levels of dependency which are medium, high and maximum. There are no plans to increase the subvention rates at present.

When the Scheme was first launched in September 1993, €5 million was made available for the administration of the Scheme. In 1994, the first full year of the Scheme, this was increased to €15 million. This year, additional funding of €20 million was made available, bringing the full budget to €160 million.

Health Services.

231. **Mr. Deenihan** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Kerry will be called for orthodontic assessment; and if she will make a statement on the matter. [24759/06]

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.

Ambulance Service.

232. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children the reason a 24 hour 7 day ambulance service is still no available in the Scariff area in County Clare in view of the fact that it is included in the Ambulance Service Development Plan 2005/2006; and if she will make a statement on the matter. [24776/06]

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.

Hospital Services.

233. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be called for an MRI scan in view of the fact that they have been waiting since March 2006. [24777/06]

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 case investigated and to have a reply issued directly to the Deputy.

Health Services.

234. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Clare will receive an appointment for orthodontic treatment in Limerick; and if she will make a statement on the matter. [24781/06]

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.

235. **Ms Enright** asked the Tánaiste and Minister for Health and Children the number of first responder schemes in County Offaly; and if she will make a statement on the matter. [24799/06]

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.

236. **Ms Enright** asked the Tánaiste and Minister for Health and Children the number of first responder schemes in County Laois; and if she will make a statement on the matter. [24800/06]

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.

Mental Health Services.

237. **Mr. Callely** asked the Tánaiste and Minister for Health and Children her Departments policy with regard to the acceptable waiting time for the provision of referred services to children for psychiatry, psychology, social work and speech and language; the waiting time following referral for first appointment; the waiting time for appropriate therapy to commence; if there are delays in any of these disciplines; and if she will make a statement on the matter. [24801/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy may be aware, the future direction and delivery of all aspects of our mental health services, including child and adolescent psychiatry were considered in the context of the work of the Expert Group on Mental Health Policy. The Government published the Group's report entitled "A Vision for Change" in January, 2006.

The Report provides a framework that outlines a set of values that will guide both Government and service providers in developing a modern, high quality mental health service in the next 7-10 years.

Under the Health Act 2004 the management and delivery of health and personal social services, including waiting times for the disciplines referred to by the Deputy, are the responsibility of the Health Service Executive. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Mental Illness Incidence.

238. **Mr. Callely** asked the Tánaiste and Minister for Health and Children the percentage of people who suffer with a mental illness; the breakdown for the Dublin region; and if she will make a statement on the matter. [24802/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): According to the World Health Report 2001, Mental Health: New Understanding, New Hope, a significant number of people are affected by mental health problems at any one time. It estimates that about one in four individuals will have a mental health problem at some point in their lives. The WHO in its 2003 Report, Shaping the future, has calculated the global burden of disease and found that mental disorders rank second in the global burden of disease, following infectious diseases. Information regarding the number of people in

the Dublin area with a mental illness is not available to my Department.

Mental Health Services.

239. **Mr. Callely** asked the Tánaiste and Minister for Health and Children the level of support and services in place for people who suffer with a mental illness; if she is satisfied that there are adequate supports and services in place; and if she will make a statement on the matter. [24803/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Report of the Expert Group on Mental Health Policy, "A Vision for Change" was launched on the 24th January, 2006. This policy envisions an active, flexible and community-based mental health service where the need for hospital admission will be greatly reduced. The Government has accepted the Expert Group's report as the basis for the future development of the mental health services. In this connection, an additional €25 million was made available this year to the Health Service Executive for the further development of our mental health services, bringing the total revenue spend to in excess of €800 million in 2006.

The report recommends that multidisciplinary community mental health teams shall provide a single point of access for primary care for advice, routine and crisis referral to all mental health services both community and hospital based. Currently, 95% of mental health illnesses are treated at primary care level. This is the appropriate route to access interventions that do not require specialist mental health services. Many of the new primary health care teams include or have access to psychological services. The HSE Mental Health Services has, in conjunction with the Irish College of General Practice, introduced a training course for GPs which aims to improve detection, assessment, management and follow-up of common mental health problems in general practice.

The Health Service Executive, which has primary responsibility for implementing the recommendations of "A Vision for Change" is in the process of establishing a National Implementation Group to ensure that the recommendations are realised in a timely and coordinated manner. I have recently appointed an Independent Monitoring Group, as recommended in the Report, to oversee the implementation of "A Vision for Change".

Equal Opportunities Employment.

240. **Mr. Callely** asked the Tánaiste and Minister for Health and Children the targeted percentage of employment of people with a disability by her Department; if the 3 per cent target will be surpassed or is her Department restricted to this percentage; the percentage of people with a

[Mr. Callely.]

disability employed in her Department; and if she will make a statement on the matter. [24817/06]

Tánaiste and Minister for Health and Children (Ms Harney): Currently 2.3% of the total staff numbers serving in my Department are recorded as having a disability. The figure is lower than the target of 3% due to a combination of circumstances.

The Public Appointments Service (PAS) undertakes the recruitment of staff to posts in my Department following approval from the Department of Finance. As the Deputy is aware, my Department is currently undergoing major restructuring and has no suitable posts to be filled at this time.

I understand that the Department of Justice, Equality and Law Reform is currently in discussions with the PAS concerning future competitions for persons with disabilities and that there are a number of issues to be taken into consideration. Irrespective of any quotas, my Department is, and always has been, willing to provide placements for persons with disabilities.

My Department is participating in the Willing Able Mentoring (WAM) Project during this summer. The WAM project, which is administered by the Association of Higher Education Access and Disability (AHEAD), aims to provide graduates with disabilities temporary placements with public and private sector employers.

Question No. 241 answered with Question No. 207.

Mental Health Services.

242. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children her views on whether an out of hours, community based on-call service for people suffering from mental health problems is essential, in view of the fact that sufferers may need care outside of office hours and should have 24 hour emergency care available in the same way as people suffering from physical illnesses; and if she will make a statement on the matter. [24860/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The report of the Expert Group on Mental Health Policy, "A Vision for Change" was launched on the 24th January 2006. This policy envisions an active, flexible and community-based mental health service where the need for hospital admission will be greatly reduced. The Government has accepted the Expert Group's report as the basis for the future development of the mental health services.

The report recommends that local multi-disciplinary community mental health teams should provide a single point of access for primary care for advice, routine and crisis referral

to all mental health services (community and hospital based). It recommends that research should be undertaken to establish how many services currently have effective community mental health teams and to identify the factors that facilitate and impede effective team functioning and the resources required to support the effective functioning of community mental health teams. The report sets out a requirement for the service providers to clarify procedures for a 24 hour access to Mental Health Services.

At present 95% of mental health conditions are being treated at primary care level. General practitioners act as one of the gateways to psychiatric care. This is the appropriate route to access interventions that do not require specialist mental health services. A study by the HSE and the Irish College of General Practice outlined a range of supports (educational and specific skilled counsellors) to enhance primary care mental health provision, which is endorsed by "A Vision for Change". Many of the new primary health care teams include or have access to psychological services.

The Health Service Executive, which has primary responsibility for implementing the recommendations of "A Vision for Change" is in the process of establishing a National Implementation Group to ensure that the recommendations are realised in a timely and coordinated manner. I have recently appointed an Independent Monitoring Group, as recommended in the Report, to oversee the implementation of "A Vision for Change".

Hospital Services.

243. **Mr. Dennehy** asked the Tánaiste and Minister for Health and Children if she has satisfied herself with the provision of dialysis facilities in the Munster region; and if she will make a statement on the matter. [24864/06]

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.

Counselling Services.

244. **Mr. Dennehy** asked the Tánaiste and Minister for Health and Children if she has satisfied herself that adequate bereavement counselling services are available for children; and if she will make a statement on the matter. [24865/06]

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.

However, I have been informed by the Health Service Executive that the psychology departments within the Health Service Executive provide bereavement counselling to any children or teenagers referred following a significant death. They also provide support to parents who are concerned about bereaved children. As the Deputy may be aware, there are also many other organisations which take referrals of this nature and that are funded by the Health Service Executive.

Hospital Services.

245. **Mr. Dennehy** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the concerns regarding the funding of sexual assaults treatment units in Cork and in other centres; and if she will make a statement on the matter. [24866/06]

Minister of State at the Department of Health and Children (Mr. S. Power): I was pleased to launch earlier this week the report 'Sexual Assault Treatment Services — A National Review'. The Deputy should be aware that my Department does not directly fund or co-ordinate health and personal social services to victims of abuse. Monies are made available each year, formerly through the health boards, and now through the Health Services Executive, for the provision of services to women victims of violence. In recent years there has been a substantial increase in funding so that now over €12 million is provided annually for the provision of such services. The distribution of this funding is now a matter for the Health Services Executive. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Vaccination Programme.

246. **Mr. Dennehy** asked the Tánaiste and Minister for Health and Children if she has satisfied herself with the operation of the MMR vaccination scheme; her proposals to increase the take up of the vaccine; and if she will make a statement on the matter. [24867/06]

Tánaiste and Minister for Health and Children (Ms Harney): The MMR vaccine protects against measles, mumps and rubella and, in accordance with the recommendations of the Immunisation Advisory Committee of the Royal College of Physicians of Ireland, can be administered to children between 12 — 15 months of age. A vaccine

uptake rate of 95% is required in order to protect children from the diseases concerned and to stop the spread of the diseases in the community. Measles, in particular, is a highly infectious and serious disease; approximately 1 in 15 children who contract measles suffer serious complications.

In Ireland, uptake of the first dose of the Measles, Mumps and Rubella vaccine (MMR1) is calculated on a quarterly basis among children of 24 months of age. In Quarter 4 of 2005 the national uptake rate for this vaccine was 88%. This represents an increase of 5% in the national uptake rate when compared with the same quarter in 2004. The national uptake rates have risen from 77% at 24 months in Q1 of 2003 to 88% at 24 months in Q4 of 2005. Although MMR1 uptake rates have been improving over the past two years, they are still 7% lower than the national target rate of 95%.

I am concerned about the unsatisfactory MMR immunisation uptake rates because of the risk of unimmunised children contracting the potentially serious diseases concerned. The outbreak of measles in 2000, which resulted in approximately 2,000 cases and 3 deaths, is evidence of the consequences of insufficient immunisation uptake. However, I am encouraged by the fact that the immunisation uptake rates are steadily improving.

A Measles Eradication Committee has been convened by my Department to develop a national five year action plan for the elimination of measles and rubella in line with the World Health Organisation Strategic Plan for 2010. The work of this Committee is ongoing. I also understand that the HSE is currently formulating specific initiatives that will be employed to target areas of low uptake.

I would like to take this opportunity to urge all parents to have their children immunised against the diseases covered by the childhood immunisation programme in order to ensure that both their children and the population generally have maximum protection against the diseases concerned.

Mental Health Services.

247. **Mr. Dennehy** asked the Tánaiste and Minister for Health and Children her proposals to improve the child psychiatric assessment services; and if she will make a statement on the matter. [24868/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy may be aware, the future direction and delivery of all aspects of our mental health services, including child and adolescent psychiatry, were considered in the context of the work of the Expert Group on Mental Health Policy. The report of the Expert Group, entitled "A Vision for Change", was launched in January 2006. It has

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been accepted by the Government as the basis for the future development of Mental Health Services.

The report sets out how positive mental health in children can be promoted generally in our society, and how specialist mental health services can be delivered efficiently to children who need them. Child and adolescent psychiatric services are in place in each Health Service Executive area, with 39 community health teams offering a wide range of therapeutic approaches.

“A Vision for Change” acknowledges gaps in the current provision of child and adolescent services and makes several recommendations for the further improvement of these services. Recommendations include early intervention and health promotion programmes, primary and community care services, specialist mental health services for the treatment of complex disorders and the provision of additional multidisciplinary Community Mental Health Teams.

The development of child and adolescent psychiatric services has been a priority for my Department in recent years. The number of approved child and adolescent consultant psychiatrist posts has been increased from 45 in 2000 to 70 in 2006.

Garda Vetting Service.

248. **Mr. Dennehy** asked the Tánaiste and Minister for Health and Children if she has satisfied herself that sufficient safeguards are in place to ensure adequate vetting of staff in private nursing homes; and if she will make a statement on the matter. [24869/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The vetting of staff for private nursing homes is currently a matter for the owner of the home concerned.

A Working Group has been established, chaired by the Department, to develop standards for long-term residential care settings, both public and private. It is intended to circulate these draft standards to interested parties for consultation in the near future.

Diabetes Incidence.

249. **Mr. Dennehy** asked the Tánaiste and Minister for Health and Children her views on reports that large numbers of people may suffer from undetected diabetes; if she will initiate a campaign to raise public awareness on the matter; and if she will make a statement on the matter. [24870/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The National Diabetes Working Group chaired by this Department's Chief Medical Officer submitted its Report in 2005. Diabetes has been acknowledged

as a priority area for 2006 and the Health Service Executive is currently progressing implementation of the recommendations contained in Report.

Responsibility for public awareness campaigns in the area of health promotion now falls within the remit of the Health Service Executive. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to respond directly to the Deputy in relation to the proposal to have a public awareness campaign on Diabetes.

Questions Nos. 250 and 251 answered with Question No. 162.

Child Care Services.

252. **Ms Fox** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that developmental checks are unavailable in north Wicklow for young children; and if her attention has further been drawn to the fact that Parliamentary Question No. 195 of 7 June 2006 has not been responded to by the Health Service Executive. [24873/06]

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 again 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.

Drug Treatment Services.

253. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the steps being taken to deliver alternative medical and non-treatment types of programmes that would allow greater flexibility and choice in addressing the emergence of cocaine and polydrug use on a wide scale; and if she will make a statement on the matter. [25016/06]

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.

254. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children in relation to drug treatment and rehabilitation programmes in prison, the steps which will be taken to ensure

continuity of service upon release or during temporary release. [25017/06]

Tánaiste and Minister for Health and Children (Ms Harney): The arrangements made within prisons for people upon release or during temporary release from prison is a matter for my colleague the Minister for Justice Equality and Law Reform in the first instance.

The management and delivery of drug treatment and rehabilitation programmes 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.

255. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the drug treatment and rehabilitation programmes available for teenagers under the age of 18; and if she will make a statement on the matter. [25019/06]

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.

256. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the steps which have been taken to ensure that all drug-related services, including residential services, have access to appropriate childcare facilities or services. [25020/06]

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.

257. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the number of illegal substance abusers who are availing of various treatments funded by the Health Service Executive; if she will list same; her plans to expand the range of treatment options for recovering drug misusers, in particular options for counselling and therapeutic services; and if she will make a statement on the matter. [25021/06]

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.

258. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children her plans to develop residential rehabilitation or detox facilities which do not require clients to be drug-free on admission as another aspect of addressing the varied needs of addicts desiring to address their addictions; and if she will make a statement on the matter. [25022/06]

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.

Hospital Services.

259. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if she will intervene on behalf of a person (details supplied) in County Leitrim and have them called for their treatment in Beaumont Hospital. [25046/06]

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 case investigated and to have a reply issued directly to the Deputy.

260. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if she will intervene on behalf of a person (details supplied) and have them called immediately for their operation; and if she will make a statement on the matter. [25047/06]

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

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the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Suicide Incidence.

261. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the recent recommendation that the Government should invest an additional €60 million on measures to reduce the level of suicide; the plans the Government has to adopt a target of reducing the rate of suicide by 20 percent by 2016; and if she will make a statement on the matter. [25050/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Reach Out — a National Strategy for Action on Suicide Prevention, 2005-2014 which was launched by An Tánaiste and Minister for Health in September, 2005 builds on the work of the National Task Force on Suicide (1998) and takes account of the efforts and initiatives developed by the former health boards in recent years. The approach to the Strategy is a straightforward one. Four levels of action comprise the main body of the strategy. These are categorised as: general population approach; target approach; responding to suicide; and information and research.

At each level, Action Areas have been identified (26 in total) and specific points of action have been identified to be implemented in three phases over the coming years (an average of 3 to 4 actions per area).

“Reach Out” recommends a combined public health and high risk approach. This approach to suicide prevention is also that advocated by the International Association for Suicide Prevention (IASP) and is in keeping with the European Action Plan for Mental Health which was signed and endorsed on behalf of ministers of health of the 52 member states of the European Region of the World Health Organisation at the Ministerial Conference on Mental Health in Helsinki, Finland in January 2005.

I assume the Deputy is referring to the recent media coverage regarding the work of the Joint Oireachtas Committee on Health and Children's Sub-Committee on the High Level of Suicide in Irish Society. I understand that the report has yet to be published and am therefore not in a position to respond in detail at this time.

I can confirm however that much consideration was given to the setting of an overall target for the reduction of our national suicide rate as an outcome measure of this strategy. At this stage, it has been decided that a specific target will not be set for the following two reasons: the priority is to establish the accuracy of suicide mortality in Ireland; and due to the range and inter-play of factors that influence the suicide rate, a direct cause and effect relationship between prevention

programmes and a change in the overall population rates is virtually impossible to establish.

Nevertheless, there are undoubted advantages to setting targets for an overall reduction, not least the fact that it focuses the attention of those working at all levels of suicide prevention. An overall target for the reduction of suicide rates will be set by the Government, on the advice of the Minister for Health and Children, when the Minister is satisfied that suicide rates have been accurately determined.

Medical Cards.

262. **Mr. Perry** asked the Tánaiste and Minister for Health and Children the directive she has issued to the Health Service Executive to include coverage for alternative medicine under the medical card scheme; if negotiations have taken place; and if she will make a statement on the matter. [25051/06]

Tánaiste and Minister for Health and Children (Ms Harney): In consideration of inclusion of medicinal products in the General Medical Services Scheme, the product must be an allopathic medicinal product which is the subject of a current product authorisation granted by the Irish Medicines Board or an authorisation granted or renewed by the European Commission. Among other criteria, the product must be such that it is ordinarily supplied to the public only on foot of a medical prescription. I am not aware of any negotiations with my Department. There are currently no plans to include coverage for alternative medicine under the medical card scheme.

Decentralisation Programme.

263. **Mr. Wall** asked the Minister for Finance the position regarding the purchase of a site for the transfer of his Department to Newbridge as part of the decentralisation programme; if a site has been chosen; if the price of the site has changed since purchase negotiations started; and if he will make a statement on the matter. [24514/06]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works has identified a suitable site in Newbridge to accommodate the Department of Defence Headquarters and negotiations to acquire the site from Kildare County Council are at an advanced stage.

A number of issues need to be resolved before the acquisition is finalised, mainly the relocation of playing pitches and the provision of a footbridge over the railway to provide safe pedestrian access to the station and the town. OPW has, following consultation with Kildare County Council, commissioned a consultant engineer to prepare an outline plan for relocation of playing pitches in order to free up the site chosen for the Department of Defence. We expect that Kildare Council

will shortly seek Planning Permission for the new playing pitches. On the question of safe pedestrian, access, CIE has agreed to cooperate fully with the construction of a new footbridge over the rail line, and planning for this will be progressed in consultation with Kildare County Council and CIE.

Notwithstanding the fact that agreement on the purchase price for the site has not yet been finalised, the County Manager of Kildare Council has given his approval in principal to OPW's seeking tenders for the construction of the offices. While no absolute or definite guarantees can be given, OPW are hopeful, subject to all the outstanding planning, legal, technical and negotiation issues being resolved over the coming months, that the site can be acquired in time to allow construction to commence next year.

Flood Relief.

264. **Mr. Ring** asked the Minister for Finance if the Office of Public Works, in conjunction with the local authority and the Fisheries Board, will draw up a plan to try and resolve a serious flooding problem for persons (details supplied) in County Mayo; if the OPW has contacted the persons in regard to this situation. [24388/06]

Minister of State at the Department of Finance (Mr. Parlon): The position relating to this matter is being examined on foot of a recent representation from the Deputy on behalf of the persons concerned. A response will issue to the Deputy as early as possible.

Services for People with Disabilities.

265. **Mr. Deasy** asked the Minister for Finance if he intends to invite submissions from disability groups in relation to the 2004 inter-Departmental review of the 1994 disabled drivers/disabled passengers tax concessions scheme; if he has estimated the cost of proposed recommendations of the review group; when he proposes to introduce changes to the scheme; and if he will make a statement on the matter. [24430/06]

Minister for Finance (Mr. Cowen): A special Interdepartmental Review Group reviewed the operation of the Disabled Drivers Scheme. The terms of reference of the Group were to examine the operation of the existing scheme, including the difficulties experienced by the various groups and individuals involved with it, and to consider the feasibility of alternative schemes, with a view to assisting the Minister for Finance in determining the future direction of the scheme.

The Group's Report, published on my Department's website in July 2004, sets out in detail the genesis and development of the scheme. It examines the current benefits, the qualifying medical criteria, the Exchequer costs, relationship with other schemes and similar schemes in other coun-

tries. The Report also makes a number of recommendations, both immediate and long-term, encompassing the operation of the appeals process and options for the possible future development of the scheme. The short-term recommendations in respect of the appeals process have been implemented.

In respect of the long-term recommendations, including the qualifying disability criteria, I should say that given the scale and scope of the scheme, further changes can only be made after careful consideration. For this reason, the Government decided that the Minister for Finance would consider the recommendations contained in the Report of the Interdepartmental Review Group in the context of the annual budgetary process having regard to the existing and prospective cost of the scheme. There are around 9,500 claimants under the scheme and the cost to the Exchequer was over €56m last year.

The best way of addressing the transport needs of people with disabilities of whatever kind, and the effectiveness, suitability or otherwise of the Disabled Drivers Scheme in that regard will be considered and progressed in consultation with the other Departments who have responsibility in this area. A car tax concession scheme can obviously only play a partial role in dealing with this serious issue, and examination of the scheme is taking place in that context. Any changes to this scheme will be considered in the context of the overall development of policy in this area.

As regards consultation with disability groups, the Review Group received over 260 written submissions from individuals and organisations representing persons with disabilities and heard 21 oral submissions from some of these individuals and organisations. The submissions were taken into account in the preparation of the Report and its recommendations.

Garda Stations.

266. **Mr. M. Higgins** asked the Minister for Finance the position regarding the renovation and refurbishment of Oughterard Garda Station in County Galway, a project towards which moneys had been allocated following public calls for the provision of such funds, but which were not subsequently spent; if the moneys promised for this project remain available; the status regarding the renovation of this building; and if he will make a statement on the matter. [24450/06]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works operate the Garda accommodation programme from a prioritised list provided by the Department of Justice, Equality and Law Reform and the Garda Authority. Monies are set aside based on planned works arising from this list.

The Commissioners of Public Works have not received any requests from the Department of Justice, Equality and Law Reform or the Garda

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Authorities to carry out renovation/refurbishment works to Oughterard Garda Station, Co. Galway.

National Development Plan.

267. **Ms Cooper-Flynn** asked the Minister for Finance the breakdown under each operational programme and for each year, for the Border Midland Western and south east regions, of funding allocated and expended as sourced from the EU and the Exchequer and private sources separately in relation to the National Development Plan (details supplied). [24489/06]

Minister for Finance (Mr. Cowen): The Deputy will have received the information requested which was provided to her by my Department on 23rd June 2006 in response to Parliamentary Question number 255 of 23rd May 2006. The information is in the form of a series of tabular statements and a copy has been made available for the information of the House.

Tax Code.

268. **Mr. Timmins** asked the Minister for Finance if a person (details supplied) in County Wicklow is in receipt of the homecarer spouse credit; and if he will make a statement on the matter. [24490/06]

Minister for Finance (Mr. Cowen): The Revenue Commissioners have informed me that the person concerned is in receipt of the home carer tax credit for the current year and has been for the last number of years. This credit is in the sum of €770 per annum and is shown on the person's tax credit certificate.

Decentralisation Programme.

269. **Mr. Wall** asked the Minister for Finance the position regarding the purchase of a site for the transfer of his Department to Athy as part of the decentralisation programme; if a site has been chosen; if the price of the site has changed since purchase negotiations started; and if he will make a statement on the matter. [24515/06]

Minister of State at the Department of Finance (Mr. Parlon): The latest Decentralisation Implementation Group Report of June 2005 specifies an indicative timeframe of mid 2009 for a building for Athy. Following An Bord Pleanála's decision not to allow the proposed Inner Relief Street in Athy, several suitable sites had to be ruled out. OPW is currently carrying out further evaluations on several sites in Athy, including some new proposals. Temporary accommodation for an advance party of decentralising Revenue Staff is also currently being evaluated by OPW in Athy and has been put to Revenue for consideration.

270. **Mr. Wall** asked the Minister for Finance the position regarding the purchase of a site for the transfer of his Department to Kildare as part of the decentralisation programme; if a site has been chosen; if the price of the site changed since purchase negotiations started; and if he will make a statement on the matter. [24516/06]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works are in discussions with Kildare County Council, in relation to the provision of a suitable site in Kildare Town to accommodate a decentralisation office. When a suitable site has been identified terms will be negotiated.

Departmental Staff.

271. **Mr. Ring** asked the Minister for Finance if the stamping of deeds by the Revenue Commissioners can be dealt with in the Dublin office until such time as the Galway office is sufficiently staffed and trained to deal with the volume of business in the western area; and if he will make a statement on the matter. [24566/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the delay in stamping deeds in the Galway Stamps Office is being addressed. In May additional staff were assigned and further staff are due to be assigned when the recruitment process for them is completed. As a result of the measures already taken the level of arrears has dropped by twenty five percent. Once the additional staff are in position and trained it is expected that the Customer Service standards will be fully met. The Galway Office will continue to give priority to urgent cases, and customers should continue to forward deeds to Galway in the normal manner as the Dublin Stamp Office is working to full capacity.

Tax Code.

272. **Mr. Callely** asked the Minister for Finance if he intends to make provisions for a first time buyer and a non-first time buyer who are joining together to buy a house for €300,000 in view of the fact that as the total price is less than €317,500 no relief is available to the first time buyer; and if he will make a statement on the matter. [24655/06]

273. **Mr. Callely** asked the Minister for Finance if he intends to make provisions for the situation of two first time buyers buying a house for €320,000 as even though both of them are paying only €160,000 for their share of the house they are not exempt from stamp duty; and if he will make a statement on the matter. [24656/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 272 and 273 together.

Reduced rates of stamp duty on second-hand residential property for first-time buyers were

introduced in the Finance Act (No. 2) 2000 in order to assist first-time buyers entering the housing market. The reduced rates apply where the purchaser or purchasers declare that they have not purchased property before and where they will occupy the property for at least five years. Where a property is purchased jointly each purchaser must satisfy the conditions in order to qualify for the reduced rates applicable to first-time buyers.

As regards the situation where two first-time buyers purchase a house valued at €320,000, the position is that the value of the property exceeds the €317,500 exemption limit for first-time buyers and therefore stamp duty is charged on the conveyance at 3%. The stamp duty thresholds applicable to first-time buyers apply on the basis of the full market value of the entire property and not the value of the interest in the property acquired by each first-time buyer.

Any proposals concerning the rates, structure and impact of stamp duty are a matter for the Budget and will be considered in this context. It should be mentioned, however, that I have acted already in a number of respects, to lessen the burden of stamp duty on first-time buyers. As the Deputy may be aware, new houses, which are purchased for occupation as a principal place of residence, are generally exempt from stamp duty already.

Departmental Guidelines.

274. **Mr. Kenny** asked the Minister for Finance if all commercial semi-State bodies are subject to his Department's Guidelines for the Appraisal of Capital Expenditure Projects which affects all capital projects valued at over €30 million; if not, the bodies which are exempt from these guidelines; the reason thereof; and if he will make a statement on the matter. [24730/06]

Minister for Finance (Mr. Cowen): The Guidelines for the Appraisal and Management of Capital Expenditure Proposals in the Public Sector, as amended by my Department's Value for Money Circular Letter of 26 January 2006, apply, as appropriate, to all semi-State bodies which are expected to ensure that best practice is applied in assessing the commercial viability of all major projects. The guidelines state that the Board of each State Company must satisfy itself annually that the company is in full compliance with the guidelines.

Tax Code.

275. **Dr. Cowley** asked the Minister for Finance if he has given further consideration to the area of VAT refunds on conferences held in hotels here as is a practice in many other countries; and his views on whether this would allow Ireland to play on a level playing field; and if he will make a statement on the matter. [24734/06]

Minister for Finance (Mr. Cowen): As the Deputy will be aware from recent replies to similar questions on this issue, I want to make sure any such relief can work and does not open up the VAT system to other very costly demands. The examination of the matter is ongoing and I will consider it in the context of next year's Budget.

Court Accommodation.

276. **Mr. McGuinness** asked the Minister for Finance his intentions in relation to the courthouse and site at Urlingford, County Kilkenny; if part of the lands will be offered for sale; and if he will make a statement on the matter. [24769/06]

Minister of State at the Department of Finance (Mr. Parlon): The courthouse and site at Urlingford are not in the ownership of the Office of Public Works. It is my understanding that they are in the ownership of the Local Authority and the building is now used as a library. The Office of Public Works has no responsibility in this matter.

Tax Code.

277. **Mr. Carey** asked the Minister for Finance if stamp duty can be waived in the case of a person (details supplied) in County Meath who has to purchase a new home to accommodate a child who has muscular dystrophy as their existing home cannot be modified without incurring prohibitive costs; and if he will make a statement on the matter. [24770/06]

Minister for Finance (Mr. Cowen): Stamp duty is a tax on certain documents, generally legal documents, used in transferring property or in creating rights for the parties concerned. The stamp duty code generally does not provide exemptions based on an individual's particular circumstances and introducing such a provision would represent a significant departure from normal stamp duty rules. However, I have been advised by the Department of Environment, Heritage and Local Government that a scheme of disabled persons grants is operated by local authorities with capital provision from that Department. These grants are designed to meet the needs of persons who are either physically handicapped or are suffering from severe mental handicap or severe mental illness. Where a new dwelling is being bought or built a maximum grant of €12,700 is payable. In the case of adaptation of an existing dwelling, 90% of the approved cost of the works is available up to an effective maximum grant of €20,320. Full details of the scheme and the conditions applicable are available from the local authority in whose area the dwelling is situated.

I would point out that there is no stamp duty on the purchase of new residential property for

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owner-occupiers where the dwelling is not greater than 125 square metres and complies with certain conditions in relation to building standards. If the property is over 125 square metres, stamp duty is charged on the site value or one quarter of the total value of the property (whichever is the greater).

You will appreciate that stamp duty is a significant contributor to the Exchequer and stamp duty receipts allow for a broader tax base than would otherwise be possible. These receipts form an important element of State revenues which permits Government spending on services such as health and education.

State Property.

278. **Mr. Timmins** asked the Minister for Finance further to Parliamentary Question No. 145 of 21 June 2006, the reason the information with respect to the other bids is deemed to be commercially sensitive; and if he will make a statement on the matter. [24772/06]

Minister of State at the Department of Finance (Mr. Parlon): The information is deemed to be commercially sensitive as it could impact on prices achieved in future sales.

Architectural Heritage.

279. **Mr. Sherlock** asked the Minister for Finance if the Office of Public Works has received a request from Mitchelstown Heritage to clean the Fanahan Sculpture at Mitchelstown Garda Station; and if the necessary arrangements are being made to carry out the work. [24798/06]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works has received a request from Mitchelstown Heritage Society to clean the Fanahan sculpture at Mitchelstown Garda Station.

The cleaning project will be undertaken in consultation with the sculptor, Cliodhna Cussen.

Equal Opportunities Employment.

280. **Mr. Callely** asked the Minister for Finance the targeted percentage of employment of people with a disability by his Department; if the 3 per cent target be surpassed or is his Department restricted to this percentage; the percentage of people with a disability employed in his Department; and if he will make a statement on the matter. [24818/06]

Minister for Finance (Mr. Cowen): The Department of Finance, in common with all other civil service Departments and Offices, fully implements the Government's policy on the employment of people with a disability.

The Deputy may wish to note that, as part of a review of policy on the employment of people

with a disability in the civil service, my Department commissioned independent research in relation to the operation of the 3% employment target. A survey carried out as part of this research which was published as "Employment and Career Progression of people with a disability in the Irish Civil Service," shows that 7% of Civil Service staff have a disability compared with the 2% to 3% generally reported in the annual surveys. The consultants therefore concluded that the arrangements in relation to reporting disabilities needed to be addressed.

In the light of the consultants' recommendations, the Government approved proposals to improve the operation of the existing policy. These included [a] the development, in conjunction with the staff unions, of a new code of practice for all Departments to support staff with a disability and [b] ensuring that the civil service continues to provide employment opportunities which might not otherwise exist for people with a disability.

A number of significant initiatives have been taken recently. The Department of Finance has recruited a Disability Advisory Officer to develop guidelines in consultation with the Chief Medical Officer for the monitoring, reporting and recording arrangements for staff with a disability in the Civil Service. My Department is working with the National Disability Authority to explore potential new approaches to supporting staff with disabilities, including the possible use of a survey based on voluntary self-disclosure, both for new staff on appointment and for existing staff. A Disability Liaison Officers network involving all Departments has also been set up to share information and advice. It is also important that the Civil Service continues to offer employment opportunities to people with disabilities. In light of the research and the independent consultants' recommendations in relation to recruitment, discussions are taking place with the Public Appointments Service about putting in place a programme of targeted recruitment for the Civil Service. It is expected that the programme will begin in the autumn.

It is estimated that the percentage of staff in the Department of Finance with a disability currently stands at 2.85 % based on reporting arrangements which as outlined above are under review.

Garda Stations.

281. **Mr. Deenihan** asked the Minister for Finance the position regarding the provision of a new Garda station at Tralee, County Kerry; and if he will make a statement on the matter. [24861/06]

Minister of State at the Department of Finance (Mr. Parlon): In recent weeks, an advertisement appeared in the press seeking a suitable site in Tralee for a new Garda Station. Any responses

received will be evaluated by the Commissioners of Public Works.

Public Procurement Contracts.

282. **Mr. Bruton** asked the Minister for Finance the areas of the proposed new public procurement contracts in dispute with bodies representing contractors; and if he will list in the case of each disputed item the reason he believes private contractors are in a better position to manage the risk concerned than the public sector; the core reason the State would choose to contract out the risk. [25014/06]

Minister for Finance (Mr. Cowen): The Government's policy objectives in relation to construction procurement reform is to seek to achieve greater cost certainty, better value for money and more cost effective delivery of public works projects. My Department, with the assistance of the Government Contracts Committee for Construction (GCCC), specialist legal drafters and external technical expertise, has developed a suite of Standard Forms of Construction Contract to give effect to the core Government's objectives in this area. The well established principle in relation to risk transfer is that risk should reside with those best able to manage and control it. This is the guiding principle throughout the new suite of contracts and is the basis upon which they have been prepared. In finalising the public sector contract conditions, I am now satisfied that this principle is being applied in a fair, reasonable and balanced way.

My officials have had extensive and constructive consultations with the construction industry over the last year on the content of the contracts. During this process, there has been very significant movement on the part of the State to help meet the industry's concerns without compromising the core policy of having fixed price lump sum contracts with appropriate risk transfer, tendered on a competitive basis as the norm for future capital works projects. Following a very useful exchange of views with representatives of the construction industry earlier this month, I am aware that there are a small number of outstanding concerns for the industry. Some of these go to the very core of fixed price lump sum contracts, including the length of the fixed period and the extent of, and scope for, risk apportionment under a number of headings and types. Others relate to the more effective operation of the contracts themselves and the sanctions available for non-compliance. It would not be appropriate for me to comment further on the details at this time. However, let me say that I have listened carefully to the industry's comments and views and I am currently reflecting on the points made with a view to finalising the contracts very shortly.

It is important that we move the process on now and prepare for the next phase of implementation, which is a comprehensive training prog-

ramme for public sector practitioners, to ensure that the new arrangements are used appropriately across the public sector as soon as possible.

Statutory Regulations.

283. **Mr. P. McGrath** asked the Minister for Finance the regulations which have been enacted by his Minister of State at his Department since his appointment; the statutory instruments under which he is carrying out his functions; and if he will make a statement on the matter. [25042/06]

Minister for Finance (Mr. Cowen): No statutory regulations have been made by Mr. Tom Parlon TD, Minister of State at the Department of Finance. Mr. Parlon was appointed by the Government as Minister of State with special responsibility for the Office of Public Works and his activities at that Office arise from that appointment.

National Development Plan.

284. **Mr. Perry** asked the Minister for Finance if, with regard to the €75 billion which is due to be spent on infrastructure between 2007 and 2013 under the New National Development Plan, Counties Sligo and Leitrim will be targeted to bring growth to the region; the amount of funding that will be ringfenced for Counties Sligo and Leitrim; and if he will make a statement on the matter. [25049/06]

Minister for Finance (Mr. Cowen): The preparation of the next NDP (2007-2013) is proceeding at present. The NDP will be a high level strategic document which will set out a clear framework for investment priorities over the period to 2013. It will encompass 7 year indicative allocations at national level rather than the current two region level. Allocations will not be set out at county level. A key objective of the NDP will be the promotion of balanced regional development in line with the National Spatial Strategy.

The NDP will also give priority to North/South co-operation. Such co-operation should be of particular benefit to Border counties.

Biofuels Sector.

285. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources if any party expressed an interest in setting up and developing an ethanol business in south Kildare, in view of the recent problems experienced by the tillage farmers of that region; and if he will make a statement on the matter. [24747/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): A number of initiatives are in place to support the development of a biofuels sector in Ireland. The 2005 pilot mineral oil tax relief scheme for biofuels has

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resulted in eight projects being awarded excise relief and will result in 16 million litres of biofuels being placed on the Irish transport market by next year.

Building on the success of this scheme and following extensive discussions with industry and relevant Government Departments and agencies, I agreed with the Minister for Finance a further targeted package of excise relief valued at €205m, which was announced in the last Budget. The new excise relief programme, which is subject to State-aid approval, will be rolled out from this year to 2010 and will enable us to reach a target of 2% market penetration of biofuels by 2008. When fully operational the relief is expected to support the use and production of some 163 million litres of biofuels each year. I am also providing funding towards the capital cost of developing biofuels processing facilities, which will critically underpin the excise relief package.

Officials in my Department have met with several prospective biofuels developers, from a number of areas across the country. While I am not aware of any specific proposal for an ethanol facility in the south Kildare region, any emerging bioethanol, biodiesel or pure plant oil projects could potentially impact on tillage farmers across Ireland, including farmers in South Kildare.

Telecommunications Services.

286. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources when announcements regarding the third round of the group broadband scheme will be made; if his attention has been drawn to the importance of this scheme to smaller communities and in particular in the context of employment generation possibilities; and if he will make a statement on the matter. [24330/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My Department administers a group broadband scheme which is designed to promote the rollout of broadband access through the establishment of sustainable broadband services in towns, villages, rural hinterlands and under-served areas of larger towns on the basis of local and regional authority coordination and community driven initiatives.

The most recent call for proposals has now closed and I expect to launch further schemes of this nature shortly.

287. **Mr. Lowry** asked the Minister for Communications, Marine and Natural Resources the progress that has been made in relation to the provision of broadband access; when broadband access will be made available at locations (details supplied); if there are plans to bring broadband to other areas in Tipperary; and if he will make a statement on the matter. [24411/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): 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 independent Commission for Communications Regulation (ComReg).

My Department administers a Group Broadband Scheme which is aimed at grant aiding broadband service providers when establishing services in rural areas with populations below 1,500. Under the second phase of this scheme several broadband projects have been approved for the Tipperary area among which the towns of Newport, Borrisokane and Ballina are included.

The most recent call for proposals has now closed and I expect to launch further schemes of this nature shortly.

My Department's website www.broadband.gov.ie gives full details of broadband availability in all areas, including ADSL, cable, fibre, satellite and fixed wireless. The website also lists prices of the various service levels on offer and contact details for each service provider.

288. **Mr. McHugh** asked the Minister for Communications, Marine and Natural Resources the process available to rural communities to avail of broadband; the procedures to be followed and the funding available; and if he will make a statement on the matter. [24431/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): 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 independent Commission for Communications Regulation (ComReg).

My Department administers a group broadband scheme which is designed to promote the rollout of broadband access through the establishment of sustainable broadband services in towns, villages, rural hinterlands and under-served areas of larger towns on the basis of local and regional authority coordination and community driven initiatives. Full details of the scheme are available on the website www.gbs.gov.ie.

The most recent call for proposals has now closed and I expect to launch further schemes of this nature shortly.

Post Office Network.

289. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources his plans to provide grant aid to ensure that post offices that serve local communities are viable; and if he will make a statement on the matter. [24440/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): While the development and continued viability of the post office network is, in the first instance, a matter for the board and management of An Post, this Government and the Board of An Post are committed to the objective of ensuring the continuation of a viable and sustainable nationwide post office network as set out in the Programme for Government. The challenge for all stakeholders in An Post is to generate sufficient profitable business to maintain the network at its current size.

I have asked the company to ensure that any strategy for the development of the company should ensure the long term viability of the post office network and in this light, An Post is currently working on a financial services initiative which could see the development and expansion of the range of financial services that it can deliver through its network of post offices.

Following recent Government approval the board and management of An Post have now commenced exclusive negotiations with the company's preferred partner, Fortis, to expand the range of retail financial services available through the post office network with a view to increasing the levels of post office business. If the initiative proves to be successful, it could lead to a significant increase in post office business and contribute to the enhanced viability of the network.

Telecommunications Services.

290. **Mr. McHugh** asked the Minister for Communications, Marine and Natural Resources if it is anticipated that a town (details supplied) in County Galway will be included in the next roll-out of the MANs programme; and if he will make a statement on the matter. [24497/06]

291. **Mr. McHugh** asked the Minister for Communications, Marine and Natural Resources if a broadband service will be provided to a town (details supplied) in County Galway; the time-frame for the delivery of same; and if he will make a statement on the matter. [24498/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 290 and 291 together.

In planning the second phase of the Metropolitan Area Network (MANs) programme, a review of the availability of DSL broadband in the regions showed over 90 towns with a population of 1,500 and above that were not being offered a broadband option by the private sector, and these towns were targeted for the provision of MANs under Phase Two of the programme.

The Census of 2002 on which the population figures were based, shows that at the last census Headford had a population of 703. For smaller towns and communities such as Headford financial assistance is available under my Depart-

ment's Group Broadband Scheme, which enables local community groups in smaller towns and rural areas to come together on a cooperative basis with the service providers and obtain broadband for their area using the most suitable technology. I expect to launch further schemes of this nature shortly.

Coastal Erosion.

292. **Mr. N. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources if he will approve funding to carry out coastal erosion protection works at a location (details supplied) in County Cork. [24499/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Responsibility for coast protection rests with the property owner whether it be a local authority or a private individual. In July 2002 the Department requested all coastal local authorities to submit proposals, in order of priority, for consideration in the context of the 2003-2006 National Coast Protection Programmes. Cork County Council did not submit an application for funding works at Ring Strand, Ballymacoda, Co Cork. Any funding application which Cork County Council wish to submit will be considered in the context of the amount of Exchequer funding available for coast protection works going forward and overall national priorities.

Telecommunications Services.

293. **Mr. Allen** asked the Minister for Communications, Marine and Natural Resources if he had contact with Eircom regarding the inadequacies of sub-exchanges to provide a broadband service nationwide; the location of all the sub-exchanges that are unable to provide a broadband service; and the action he proposes to take in relation to the problem. [24531/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market regulated by the independent Commission for Communications Regulation (ComReg).

DSL availability and line failure rates are a matter for Eircom and I have no function in the matter.

294. **Mr. Allen** asked the Minister for Communications, Marine and Natural Resources if Eircom have been in contact with him regarding Government financial support for the upgrading of a sub-exchange in the Glanmire area due to the fact that hundreds of homes can not receive a broadband service in the Glanmire area because

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of the inadequacy of a sub-exchange service in that area; and if a decision on the request will be made shortly in order to eliminate this deficiency in the area. [24537/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market regulated by the independent Commission for Communications Regulation (ComReg).

DSL availability and line failure rates are a matter for Eircom and I have no function in the matter.

Foreshore Protection.

295. **Mr. J. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources if he will confirm that enforcement proceedings will be issued with a view to enforcing the terms of the Foreshore Acts and the protection of the foreshore arising from the blocking of public access along the foreshore and the putting in place of hazards to navigation at Walton Court, Oysterhaven, County Cork. [24741/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The Department is currently awaiting definitive legal advice in relation to this matter. The Deputy will be aware, however, that the Department is determined to protect the foreshore in accordance with the provisions of the Foreshore Acts and acting in accordance with legal advice.

Telecommunications Services.

296. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources when the third round of the group broadband scheme will be announced; the operational time-scale to have regional broadband rolled-out to rural communities (details supplied) in County Westmeath; and if he will make a statement on the matter. [24750/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): 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 independent Commission for Communications Regulation (ComReg).

My Department administers a group broadband scheme which is designed to promote the rollout of broadband access through the establishment of sustainable broadband services in towns, villages, rural hinterlands and under-served areas of larger towns on the basis of local

and regional authority coordination and community driven initiatives.

The most recent call for proposals has now closed and I expect to launch further schemes of this nature shortly.

My Department’s website www.broadband.gov.ie gives full details of broadband availability in all areas, including ADSL, cable, fibre, satellite and fixed wireless. The website also lists prices of the various service levels on offer and contact details for each service provider.

Equal Opportunities Employment.

297. **Mr. Callely** asked the Minister for Communications, Marine and Natural Resources the targeted percentage of employment of people with a disability by his Department; if the 3 per cent target be surpassed or is his Department restricted to this percentage; the percentage of people with a disability employed in his Department; and if he will make a statement on the matter. [24819/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The percentage target for employment of people with disabilities in the Civil Service is the responsibility of the Minister for Finance and is currently set at 3%.

The percentage of staff in my department with a disability exceeds this target and currently stands at 4.75%. As part of my Department’s ‘Achieving Potential Through Equality and Diversity Action Plan 2004-2006’ our goal is to maintain and enhance existing compliance with the Government’s employment target of 3% for staff with disability, including temporary recruitment.

Telecommunications Services.

298. **Mr. Dennehy** asked the Minister for Communications, Marine and Natural Resources if he is satisfied with on-going progress in relation to provision of broadband facilities throughout the country, and in particular provision of local loop unbundling; and if he will make a statement on the matter. [24846/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): 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 independent Commission for Communications Regulation, ComReg.

Promotion and regulation of Local Loop unbundling is the responsibility of ComReg under the Communications Regulation Act of 2002 and the transposed EU regulatory framework for Electronic Communications Networks

and Services. ComReg is independent in the exercise of its functions.

A principal reason for the slow rollout of broadband services generally has been the lack of investment by the private sector in the necessary infrastructure to deliver broadband to all areas.

The Government in partnership with the Local Authorities is addressing the broadband infrastructure deficit in the regions by building high-speed, open-access Metropolitan Area Networks (MANs) in 120 towns and cities nationwide. Phase One of this Programme has delivered fibre optic networks to 27 towns and cities throughout the country. These networks are offering these towns opportunities to attract inward investment in advanced technology and knowledge based enterprises.

This Programme has been extended to over 90 towns in various locations nationwide. It is expected that these MANs will be completed during 2006 and 2007. These networks will contribute to balanced regional development and allow the private sector to offer world-class broadband services at competitive costs.

My Department also offers funding assistance for smaller towns and rural communities through the County and Group Broadband Scheme. The scheme is technology-neutral, allowing the community to select the most suitable broadband delivery platform for the area. To date, over 150 projects have been approved for funding under this Programme. I expect to launch further schemes of this nature shortly.

My Department's website www.broadband.gov.ie gives full details of broadband availability in all areas, including ADSL, cable, fibre, satellite and fixed wireless. The website also lists prices of the various service levels on offer and contact details for each service provider.

299. **Mr. Callely** asked the Minister for Communications, Marine and Natural Resources the level of investment by Government in broadband infrastructure; the percentage of the country which has adequate infrastructure to permit those wishing to access broadband to do so; and if he will make a statement on the matter. [24847/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): 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 independent Commission for Communications Regulation, ComReg.

The rate of broadband uptake is dependent on a combination of factors. These include access by the private sector service providers to suitable infrastructure, as well as competition between broadband service providers and demand conditions for broadband in the economy and in society in general.

A principal reason for the slow rollout of broadband services generally has been the lack of investment by the private sector in the necessary infrastructure to deliver broadband to all areas.

The Government in partnership with the Local Authorities is addressing the broadband infrastructure deficit in the regions by building high-speed, open-access Metropolitan Area Networks (MANs) in 120 towns and cities nationwide. Total investment over the duration of the National Development Plan will be in the order of €200m. Phase One of this Programme has delivered fibre optic networks to 27 towns and cities throughout the country. These networks are offering these towns opportunities to attract inward investment in advanced technology and knowledge based enterprises.

This Programme has been extended to over 90 towns in various locations nationwide. It is expected that these MANs will be completed during 2006 and 2007. These networks will contribute to balanced regional development and allow the private sector to offer world-class broadband services at competitive costs.

My Department also offers funding assistance for smaller towns and rural communities through the County and Group Broadband Scheme. The scheme is technology-neutral, allowing the community to select the most suitable broadband delivery platform for the area. To date, over 150 projects have been approved for funding under this Programme. I expect to launch further schemes of this nature shortly.

My Department's website www.broadband.gov.ie gives full details of broadband availability in all areas, including ADSL, cable, fibre, satellite and fixed wireless. The website also lists prices of the various service levels on offer and contact details for each service provider. There are broadband technologies that can deliver broadband to any customer in Ireland at the moment.

300. **Mr. Callely** asked the Minister for Communications, Marine and Natural Resources the estimated number of people in the north City and County Dublin area that have been denied broadband access due to inadequate infrastructure; and if he will make a statement on the matter. [24848/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): 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.

My Department's website www.broadband.gov.ie lists all service providers offering broadband services in both North City and County Dublin, and gives contact details for each company,

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together with prices for the various service levels on offer.

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 authorities, in 53 towns in North County Dublin; Skerries, Donabate, Lusk, Kinsealy and Portrane. These Metropolitan Area Networks (MANs) will allow the private sector to offer world-class broadband services at competitive costs.

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. I expect to launch further schemes of this nature shortly. Full details of the scheme, including application procedures, are available on the website www.gbs.gov.ie.

Mobile Telephony.

301. **Mr. Callely** asked the Minister for Communications, Marine and Natural Resources the mobile telephone costs here in comparison to other EU Member States; and if he will make a statement on the matter. [24849/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in regulating pricing of services in the mobile phone market.

The regulation of telecommunications operators, including regulatory issues surrounding pricing in the mobile phone market, is the responsibility of the Commission for Communications Regulation (ComReg) in accordance with the requirements of the Communications Regulation Act 2002 and the Regulations which transpose the EU Regulatory Framework for Electronic Communications.

An Post.

302. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources the latest report which he has from An Post regarding its financial position; and if he will make a statement on the matter. [25008/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The latest audited report received on An Post's financial situation was the company's recently published accounts for 2005 which showed an operational profit of €16.2 million and a group profit of €40.7 million at year end.

Telecommunications Services.

303. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the level of

charges incurred by some subscribers in County Donegal through BT provider; and if he will make a statement on the matter. [25009/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in regulating pricing of services in the telecommunications market.

The regulation of telecommunications operators, including regulatory issues surrounding pricing is the responsibility of the Commission for Communications Regulation (ComReg) in accordance with the requirements of the Communications Regulation Act 2002 and the Regulations which transpose the EU Regulatory Framework for Electronic Communications.

Given the above position, I have forwarded the correspondence referred to in the Deputy's question to ComReg for investigation and on completion of any investigation to contact the subscribers concerned directly.

Flight Incident.

304. **Mr. Timmins** asked the Minister for Foreign Affairs if photographs and details taken with respect to passengers on board a recently diverted flight (details supplied) will be destroyed; and if not what the situation is. [24356/06]

Minister for Foreign Affairs (Mr. D. Ahern): On 12 April 2006, a bomb warning note was found on board Ryanair flight FR 25 from Beauvais to Dublin and as a result, the flight was diverted to Prestwick airport, in Scotland. Strathclyde Police managed the incident on the ground in Prestwick and later authorised the departure of the flight to Dublin.

At my request, the Embassy in London and the Consulate in Edinburgh have been in contact with the responsible authorities. They have been informed that the need to retain personal details still exists as passengers on the flight might be required in any future criminal proceedings, should the person or persons responsible be identified. They were also informed that the photographs have been destroyed as they hold no evidential advantage to the enquiry and were, therefore, superfluous to needs.

Diplomatic Representation.

305. **Mr. Neville** asked the Minister for Foreign Affairs the reason a person from Limerick who required assistance in Bangkok on 4 May 2006 was unable to make contact with Irish Consulate or Embassy staff as were Thai immigration staff. [24530/06]

Minister for Foreign Affairs (Mr. D. Ahern): As I informed the Deputy in my letter of 15 June, 2006, his correspondence about this matter was brought to the attention of the Honorary Consul in Bangkok and of our Ambassador to Malaysia,

who is also accredited to Thailand and who supervises the operation of the Consulate in Bangkok.

Honorary Consuls are not full-time officials of the Department of Foreign Affairs but are honorary appointees who undertake, in addition to their normal work, to provide consular services to Irish citizens where there is no Irish Embassy.

The Consulate in Bangkok has no record of a call from the person concerned, or from the Thai authorities about him, on Thursday 4th May or thereafter. I should mention that when the Consulate is closed, including at weekends, the Honorary Consul, who is very experienced and dedicated, monitors the calls personally. If, for whatever reason, the Honorary Consul is out of the country, callers are referred to the Embassy in Kuala Lumpur.

The dedicated and personal consular service that the Honorary Consul in Bangkok provides to Irish citizens who find themselves in difficulty in Thailand is greatly valued by this Department.

I am sorry that on this occasion the person referred to by the Deputy experienced difficulties in contacting the Consulate.

Human Rights Issues.

306. **Ms Burton** asked the Minister for Foreign Affairs the efforts he is making to seek the immediate and unconditional release of Aung San Suu Kyi; the further efforts he is making to oppose the Salween Dams and SHWE gas pipeline projects; if he will take all necessary measures to support the speedy restoration of democracy in Burma, if he will encourage the European Union and Ireland's partners in the European Union to join in collective efforts by all Member States to assist in the restoration of democracy in Burma; and if he will make a statement on the matter. [24585/06]

Minister for Foreign Affairs (Mr. D. Ahern): Ireland takes a consistently strong position on Burma, including in the European Union framework and at the United Nations. Together with our EU partners, we avail of all opportunities to call for the immediate release of Aung San Suu Kyi, to condemn the abuse of human rights and fundamental freedoms and deplore the lack of progress towards democracy in Burma.

The recent visit by UN Under-Secretary-General (UN USG) Gambari to Burma from 18-20 May was the first high-level visit to that country by a UN representative in more than two years. I welcome the fact that he was able to meet with the most senior Burmese leaders as well as with Aung San Suu Kyi and representatives of her party, the National League for Democracy, during the visit. I also welcome the agreement by the Burmese government that the UN should play a role in promoting common ground between the government and the National League for Democracy so that the National Convention, which is due to resume its work in

October, can proceed in a more inclusive way. I would appeal to the Burmese authorities to live up to their undertakings in this regard.

While welcoming the above developments, I remain very concerned about the situation. On 26 May, the EU issued a statement which noted with deep concern that the process of democratisation in Burma had recently suffered a worrying setback as the Burmese government stepped up its pressure against ethnic groups and the two main political parties. The statement noted that these actions contradict the professed intention to establish a genuine democratic nation. The statement also urged the Burmese government to accelerate the democratisation process, a process which should engage all political and ethnic forces in the country in a genuine dialogue and lead to the speedy completion of a constitution under civilian rule, which commands popular support and promotes peaceful and sustainable development.

I remain deeply concerned that Aung San Suu Kyi has been detained continuously for three years without charge and, once more, urge the Burmese government to restore fully her freedom and civil liberties. UN USG Gambari's visit generated high hopes that her detention under house arrest, which was up for renewal a few days after he left Burma, might not be renewed by the authorities. This did not happen. On 27 May, the EU issued a further statement which deeply regretted the decision of the Burmese government to extend the house arrest of Aung San Suu Kyi and deplored the fact that international appeals, including that of the EU, had once again gone unheard. It said that this decision will be seen as yet another sign that the Burmese government is unwilling to compromise and move in the direction of an all-inclusive democracy.

I am aware of concerns relating to a possible international project to build a series of dams on the Salween River and also a proposal to construct the SHWE gas pipeline. While both projects are still at the planning stage, I believe that they should be the subject of full environmental and social impact assessments which should take the views of all stakeholders into account, and in particular those of the local populations. Insofar as the Salween Dams project is concerned, I understand that the Electricity Generating Authority of Thailand has recently begun a feasibility study of the project. It is expected to consider all aspects of the project including financing, environmental and social aspects and that it will take about two years to complete. A decision on whether or not to proceed with the project will only be taken when the feasibility study is complete. I have instructed our Ambassador to Thailand to express the Government's concern to the Thai authorities.

I will continue to raise concerns about Burma on all possible occasions and to call on the Burmese government to assume its responsibilities

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towards its people and to allow the fullest possible UN involvement in a genuine process of democratisation and reconciliation. I am also strongly supportive of the fullest possible involvement by the UN Secretary-General, and his representatives, in working with the Burmese authorities on a genuine process of democratisation and reconciliation and in responding to the humanitarian needs of the long-suffering Burmese people.

Northern Ireland Issues.

307. **Mr. Callely** asked the Minister for Foreign Affairs if he will make a statement on the lack of progress on the restoration of the Northern Ireland Assembly. [24657/06]

308. **Mr. Callely** asked the Minister for Foreign Affairs the role he is playing in assisting the restoration of the Northern Ireland Assembly. [24658/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 307 and 308 together.

When the Taoiseach and Prime Minister Blair met at Farmleigh on 26 January, they said that 2006 would be the decisive year for the peace process. Since that meeting, the Taoiseach and I have been engaged in intensive efforts, in conjunction with Prime Minister Blair and Secretary of State Hain, with the aim of achieving fully functioning devolved institutions in Northern Ireland this year. As part of this process, over recent months we have of course had regular and ongoing contact with the political parties.

As the Deputy is aware, on 6 April in Armagh, the Taoiseach and Prime Minister Blair set out the Governments' joint strategy for achieving a fully functioning Assembly and Executive in 2006. They announced that the Assembly would be recalled on 15 May and that Members would be given until 24 November, at the latest, to form an Executive. The strategy is founded on a shared conviction that devolved partnership government, as enshrined in the Good Friday Agreement, provides the best opportunity to create a peaceful and prosperous Northern Ireland.

The Assembly was recalled on 15 May and in the last few weeks, for the first time in over three years, Assembly Members have been engaging with each other at Stormont. While in itself this is positive, it is also clear that for real progress to be achieved, the parties will need to use the weeks and months ahead to make serious and thorough preparations for power-sharing government.

To add impetus to that process, later this week I will accompany the Taoiseach to Stormont for a series of high-level meetings between the Governments and the political parties. We want the parties to use the time ahead for genuine

engagement to chart the way for important decisions affecting the lives of every section of the community to be taken by locally elected politicians.

We have been clear that the deadline of 24 November for formation of an Executive is firm. I sincerely believe that if all sides are truly committed to working together, then there is no reason why, by that deadline, or even before, Northern Ireland should not have a First and Deputy First Minister and a power-sharing administration. I can assure the Deputy that I personally will spare no effort over the coming months to ensure that the Government is successful in achieving this objective.

Diplomatic Representation.

309. **Mr. F. McGrath** asked the Minister for Foreign Affairs if assistance will be given to persons (details supplied). [24672/06]

Minister for Foreign Affairs (Mr. D. Ahern):

The person mentioned by the Deputy is in direct contact with officers of the Consular Division of the Department of Foreign Affairs. Through the Irish Embassy in Spain and the Honorary Consulate in Malaga (Fuengirola), he is being given all possible consular assistance, particularly in the matter of obtaining further copies of the death certificate of his father, who died in Malaga on 6 June 2006.

Five further copies of the death certificate have been requested from the Spanish authorities and will be forwarded to the person concerned as soon as the Embassy receives them. The Embassy has stressed the urgency of this request to the Spanish authorities.

International Agreements.

310. **Mr. Rabbitte** asked the Minister for Foreign Affairs the number of meetings of the EU 133 Committee which have discussed issues relating to the ACP-EU Economic Partnership agreements since negotiations were launched on 27 September 2002; the number of those meetings a member of the staff of Irish Aid attended; the grade of those Irish Aid officials who attended; and if he will make a statement on the matter. [24683/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The Article 133 Committee is the principal body consulted in the formulation and development of the Common Commercial Policy of the European Union. Issues relating to the ACP-EU Economic Partnership Agreements are regularly considered at Article 133 Committee meetings and have featured formally on the agenda on twenty-five occasions since September 2002.

Meetings of the Article 133 Committee are serviced by officials from the Department of

Enterprise, Trade and Employment. The Department of Foreign Affairs is represented at Full Members meetings of the Article 133 Committee by an official from EU Division.

Irish Aid inputs into the co-ordination process between the Department of Foreign Affairs, the Department of Enterprise, Trade and Employment and the Department of Agriculture and Food to prepare for meetings of the Article 133 Committee, both through attendance at inter-Departmental meetings to establish Ireland's position on the agenda items and through regular ongoing contact with the Department of Enterprise, Trade and Employment.

In addition to this co-ordination process, Irish Aid staff and staff of the Department of Enterprise, Trade and Employment attend regular meetings of a Joint Expert Group on Trade and Development chaired by the European Commission, where the Economic Partnership Agreements are frequently discussed.

Equal Opportunities Employment.

311. **Mr. Callely** asked the Minister for Foreign Affairs the targeted percentage of employment of people with a disability by his Department; if the 3 per cent target be surpassed or is his Department restricted to this percentage; the percentage of people with a disability employed in his Department; and if he will make a statement on the matter. [24820/06]

Minister for Foreign Affairs (Mr. D. Ahern):

The target for the employment of people with disabilities in the Civil Service is 3%. Policy in relation to this target is the responsibility of the Minister for Finance.

The compilation of statistics in this very sensitive area is dependent, to a large extent, on voluntary self-disclosure of a disability by staff. However, I am satisfied that the percentage of staff with a disability in the Department of Foreign Affairs is in excess of the 3% target. Our estimate would put the figure at about 3.5%.

My Department is looking forward to participating in the Willing Able Mentoring (WAM) project, which is administered by AHEAD — the Association of Higher Education Access and Disability — and supported by the Department of Finance. The purpose of this project is to provide between three and six months work experience for graduates with disabilities. The Department is pleased to have been able recently to offer a six-month placement to a graduate under this scheme.

Passport Applications.

312. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if examinations will be made into the existing situation whereby an applicant for a passport wishing to use the Irish version of their name must provide evidence that they have used

the Irish version for two years previous on either a bank account or a household bill; and his views on whether this policy complements the stated aim of this Government to encourage the use of the Irish language. [24855/06]

313. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if his attention has been drawn to the anomalous situation whereby a young family from Donegal who wish to start using the Irish version of their names cannot do so, in view of the fact that they can open a bank account or get married using the Irish version of their name; and if he will make a statement on the matter. [24856/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 312 and 313 together.

A passport is an identity document issued by the State to facilitate foreign travel. It is issued in the official name of the holder of the passport which is usually the name in which the person's birth was registered or in their married name when so requested. The long form of the birth certificate and, as the case may be, the marriage certificate are required as supporting documents.

If a person seeks a passport in a form of his/her name other than that supported by his/her birth/marriage certificate, the Passport Office will require proof of usage of the form of name over a period of two years. This is sought in all cases, including when a person seeks a passport in the English form of the name but the birth certificate shows the Irish version, and vice versa.

The requirements of the Passport Office in this respect are set out in the notes which accompany the application form as follows:

Name to appear on the Passport

- Complete Part A in the name by which you are normally known. Enter forenames 1, 2, 3 and 4 [if applicable] in the order as indicated on the form.
- If the name by which you are commonly known differs from the version entered on your birth certificate, other than by marriage, you will be required to produce either a deed poll or evidence of usage of the name for at least two years, e.g. tax documents, bank statements, drivers licence, school reports etc. It will be necessary to produce at least two examples of such usage.

Where an applicant does not have the full 2 years proof of usage, the Passport Office can issue a passport, initially valid for 2 years, in the new form of their name, with a record of their birth certificate name entered on the observations page of the passport. After 2 years, the holder may then reapply for a passport solely in the new form of their name upon submitting proof of its usage.

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I consider that the procedures set out above are sensible and prudent, and are important in helping ensure the integrity of the passport process.

Foreign Conflicts.

314. **Mr. Rabbitte** asked the Minister for Foreign Affairs if his attention has been drawn to the call made by the Irish Commission for Justice and Social Affairs of the Irish Bishops Conference for the Government to pressure the EU and the UN to apply sanctions against the perpetrators of the Darfur conflict; if he will use his offices as a member of the EU and the UN to ensure an increase in the number of peace-keeping troops in that region; if he will ensure that the Sudanese Government rebel groups halt all attacks on civilians and cooperate with UN authorised agencies; the action he intends to take in regard to these matters; the other initiatives the Government proposes, to secure an end to the conflict in Darfur; and if he will make a statement on the matter. [25015/06]

Minister for Foreign Affairs (Mr. D. Ahern): I am very conscious of the statement issued by the Bishops' Commission for Justice and Social Affairs issued regarding Darfur on 12 June. The Government has been particularly supportive of efforts to improve the situation in Darfur. Members of the Permanent Defence Forces, for instance, have served with the African Union Monitoring Mission in Sudan (AMIS) and, in 2004-5, the Government committed €10 million to Darfur for relief purposes. I myself will travel to Sudan in the first week of July and will meet with representatives of the Government of Sudan as well as with representatives of the UN and NGOs. I will also travel to Darfur at that time to see for myself the situation on the ground in the displaced persons camps.

Ireland fully supports the Conclusions adopted on Sudan by the General Affairs and External Relations Council on 12 June 2006 and the Declaration adopted by the European Council on 16 June. The General Affairs Council stated that the EU will work for the full and rapid implementation of the Darfur Peace Agreement (DPA) and called on all parties to implement the Agreement. The Council made plain its willingness to take measures against those impeding the peace process as well as its support for the International Criminal Court investigation into human rights abuses in Darfur. The EU remains committed to support AMIS through provision of planning, technical, financial and equipment support to both military and police components and taking into account the new tasks arising for AMIS from the DPA. At Ireland's initiative, the Council also called on all parties in Darfur to remove any obstacles to the delivery of humanitarian aid. This has been a matter of particular concern to the Government.

The international community remains fully engaged in the effort to bring a lasting peace to

Darfur. On 22 June, a Technical Assessment Mission jointly led by the UN and the African Union (AU) concluded a two-week mission in Sudan. At the request of the UN Security Council, they carried out an evaluation of requirements for the transition from the AMIS force to a UN mission. A report will be made to the UN Security Council on the matter this week. Early indications are that the report will recommend that planning for transition proceed though transition on the ground cannot occur without the consent of the Government of Sudan.

Overseas Development Aid.

315. **Mr. P. McGrath** asked the Minister for Foreign Affairs the regulations which have been enacted by his Minister of State with responsibility for overseas development and human rights at his Department since his appointment; the statutory instruments under which he is carrying out his functions; and if he will make a statement on the matter. [25044/06]

316. **Mr. P. McGrath** asked the Minister for Foreign Affairs the regulations which have been enacted by his Minister of State with responsibility for European Affairs at his Department since his appointment; the statutory instruments under which he is carrying out his functions; and if he will make a statement on the matter. [25045/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 315 and 316 together.

The Minister of State with special responsibility for Overseas Development and Human Rights and the Minister of State with special responsibility for European Affairs were appointed under Section 1 of the Ministers and Secretaries (Amendment) (No. 2) Act 1977, as amended by Section 2 of the Ministers and Secretaries (Amendment) Act 1980 and Section 1 of the Ministers and Secretaries (Amendment) Act 1995.

No delegation orders in respect of the Ministers of State assigned to the Department of Foreign Affairs have been made under Section 2 of the Ministers and Secretaries (Amendment) (No. 2) Act, 1977 nor have they enacted any regulations since they were appointed on 5 October 2004.

Equal Opportunities Employment.

317. **Mr. Callely** asked the Minister for Arts, Sport and Tourism the targeted percentage of employment of people with a disability by his Department; if the 3 per cent target be surpassed or is his Department restricted to this percentage; the percentage of people with a disability employed in his Department; and if he will make a statement on the matter. [24821/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Under the Disability Act, 2005 my

Department is required to ensure that not less than 3% of persons employed by it are persons with disabilities. Currently over 4% of staff in my Department are persons with disabilities.

My Department is fully committed to the employment of persons with disabilities, where possible, and is fully aware of the requirements of the Disability Act 2005 in this regard. However all assignments to my Department are currently made with a view to the decentralisation of the Department to Killarney in 2007 in line with central arrangements in this regard. This may have an effect on the numbers of persons with disabilities employed in the Department in the short term.

Work Permits.

318. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the position in relation to a work permit for a person (details supplied) in County Galway; the mechanism involved in such a request, in view of the qualifications of the person and the benefit of their involvement to the community; and if he will make a statement on the matter. [24773/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Work Permit section of my Department has informed me that it has no record of any valid application in this instance. Application forms are available on the Department's website at www.entemp.ie.

It should be pointed out, however, that incomplete or incorrectly completed applications are returned to the employer concerned for amendment.

Grocery Industry.

319. **Dr. Cowley** asked the Minister for Enterprise, Trade and Employment if his Department has examined the supermarket chains to ensure that they are passing the benefits of the abolition of the Groceries Order onto the general public; and if he will make a statement on the matter. [24358/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Groceries Order was in place for 18 years and in that time it fundamentally altered the structure and composition of the grocery trade. While I do not think we should expect to see fundamental changes in the sector in the short term following the abolition of the Order, consumers are nonetheless seeing early benefits with one multiple announcing its intention over the coming months to reduce prices of products previously covered by the Order.

I believe, however, that the real benefits will be felt over time as more competition emerges at retail level in the trade. This will create a downward pressure on prices from which consumers will ultimately benefit.

I have asked the Competition Authority to closely monitor the grocery sector over the coming months and years, not least to ensure that the benefits of removing the Order are not thwarted by the emergence of other anti-competitive practices. My officials have had some preliminary discussions with the Authority in this regard and will meet them regularly as the process develops. I have also asked the Authority to report periodically on the results of its monitoring and to make any recommendations it considers appropriate in the light of its findings.

Work Permits.

320. **Ms Lynch** asked the Minister for Enterprise, Trade and Employment if plasterers from non EU countries are eligible for new work permits as indicated on his Department's web site; and if he will make a statement on the matter. [24433/0]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Work Permit section of my Department informs me that the position of plasterer is on the list of occupational sectors eligible for Work Permits. However, information received from FÁS/EURES indicates that there is currently an adequate supply of qualified plasterers available from within the EU to meet all needs in this area. Accordingly, Work Permit applications are not currently being approved for this job category.

Employment Action Plan.

321. **Mr. Crawford** asked the Minister for Enterprise, Trade and Employment the number of foreign investors which have been brought to visit each of the counties of Cavan and Monaghan in each of the past five years in an effort to provide high quality employment for graduates here; if he is satisfied that from 2001 to 2005, 872 IDA jobs have been lost in the border region; the effort he will make to encourage industry into this area as part of the ongoing peace process; and if he will make a statement on the matter. [24549/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment (FDI) to Ireland and its regions. The marketing of individual areas, including the counties of Cavan and Monaghan, 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 Industrial Development Acts from giving directives regarding individual undertakings or from giving preference to one area over others.

I have been informed by the Agency that, during the years 2001 to 2005 inclusive, there have

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been a total of 13 site visits to the counties of Cavan and Monaghan. The following tabular statement sets out the number of site visits to each county in each of those years.

As regards the number of job losses, I have been informed by the Agency that, in the same period, the number of jobs in IDA supported companies in Cavan and Monaghan fell from 1,725 to 1,359, which is a net loss of 366. Any job losses are to be regretted but job creation and job losses are a feature of economic development in all countries as various sectors expand and contract in response to market demand for goods and services, competitive forces, restructuring and technological change. An encouraging development is that in the same period the number of new jobs created in Enterprise Ireland supported companies in these two counties amounted to 1,260.

The pursuit of the national goal of balanced and sustainable regional development is an important goal for my Department and the agencies under its remit. The National Spatial Strategy provides a framework for this goal wherein the focus is on the Gateway and Hub locations, with Cavan and Monaghan designated as Hub towns. I have been assured by all of the agencies, IDA Ireland, Enterprise Ireland and the County Enterprise Boards that they are actively working in collaboration with other stakeholders in the Border area to avail of the opportunities arising from the peace process and to secure new investment and jobs.

IDA Ireland is actively marketing Cavan and Monaghan through its range of overseas offices. The Agency manages a very good quality Business Park in Cavan town and is exploring the possibility of developing a new park in Monaghan.

I am confident that the strategies and policies being pursued by the agencies together with the ongoing commitment by Government to regional development and the National Development Plan will bear fruit in terms of investment and jobs for the people of Cavan and Monaghan and the Border region as a whole.

Number of site visits by IDA Ireland client companies to counties Cavan and Monaghan in each of the years from 2001 to 2005.

	2001	2002	2003	2004	2005
Cavan	4	1	2	1	2
Monaghan	2	1	0	0	0

Flexible Work Practices.

322. **Mr. Hayes** asked the Minister for Enterprise, Trade and Employment if all employers have to abide by the new regulations in relation to carer's leave. [24733/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Carer's Leave Act 2001 applies to all employees and, by extension, their employers. The Act sets out the procedures to be followed by employees who wish to avail of carer's leave.

The Carer's Leave Act 2001 was amended by Section 48 of the Social Welfare Law Reform and Pensions Act 2006 (No. 5 of 2006) which increased carer's leave entitlements to workers from 65 weeks to 104 weeks with effect from 24th March 2006. This extended entitlement applies to employees who apply for carer's leave on or after that date.

An employee may refer a dispute with his or her employer in relation to an entitlement under the Carer's Leave Act, 2001, or any matter arising out of such an entitlement, to a Rights Commissioner of the Labour Relations Commission for adjudication. Hearings of the Rights Commissioners under the Act are held in private. Such referrals must be made in writing within 6 months of the occurrence of the dispute. In certain circumstances a Rights Commissioner may extend this period by a further 6 months.

Either party may appeal against a decision of the Rights Commissioner to the Employment Appeals Tribunal. An appeal is made by giving written notice to the Tribunal within 4 weeks of the date on which the Rights Commissioner's decision is notified to the prospective appellant. The Tribunal may, if it considers it reasonable to do so, having regard to all the circumstances, extend by no more than a further 6 weeks, the period of time within which a notice of appeal is required to be given to it.

However, disputes in relation to dismissal of an employee availing of carer's leave are dealt with under the provisions of the Unfair Dismissals Acts rather than under the Carer's Leave Act 2001.

My colleague, the Minister for Social and Family Affairs, has made Regulations (S.I. No. 288 of 2006) which came into effect on 1st June 2006 and which increase the number of hours an employee may work, from 10 hours per week to 15 hours per week (subject to an earnings limit), while in receipt of the parallel Carer's Benefit Scheme administered by the Department of Social and Family Affairs. This new provision also applies to a person availing of carer's leave.

Capital Funding.

323. **Dr. Cowley** asked the Minister for Enterprise, Trade and Employment if seed capital promised of several hundred million euro will be made available to help the lack of regional development by being made available to western based companies; if so, the amount that will be made available; and if he will make a statement on the matter. [24736/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): In respect of seed and venture capital programmes participated in by Enterprise Ireland, the industrial development agency that falls under my remit, and on 22nd May 2006 I announced a major injection of liquidity into the venture capital market by Enterprise Ireland. Enterprise Ireland will be investing €175 million, which will leverage an estimated €1 billion for investment into seed, start-up and development stage businesses.

The objectives of the scheme are to continue to support the venture capital industry, to leverage private sector funding and to encourage investment in those sectors that have difficulty in sourcing funding. Enterprise Ireland has advertised in the national press seeking proposals from venture capitalists and promoters who can demonstrate the experience and capability to operate proposed funds on a commercial basis.

Preference for investment will be given to funds that demonstrate the ability to meet the following criteria:

- The extent to which the funds will focus in Ireland on small and medium enterprises (SMEs) with international trading potential;
- The extent to which the funds will invest in:
 - seed
 - start-up and
 - development stage investments.

Proposals for all stages will be considered. However, a primary objective is to support and develop companies in the seed and start-up stages of growth:

- The likely impact of venture capital investment on SMEs gaining access to other forms of national and international funding; and
- The extent to which the funds will invest in regions outside of Dublin.

Prioritisation for investment and the level of investment for the successful applicants will depend on how the funds' investment strategy aligns with the objectives of the scheme and with the overall strategic objectives of Enterprise Ireland. Regional development is a core strategic objective of Enterprise Ireland. The successful venture capitalists and promoters will be looking for commercial opportunities for investment throughout the State, including companies based in the western counties.

Company Closures.

324. **Mr. Hayes** asked the Minister for Enterprise, Trade and Employment if all the rules have been adhered to in relation to payment in a receivership issue (details supplied); and if the liquidator has issued his report to the Director of

Corporate Enforcement as referred to in the reply to Parliamentary Question No. 412 of 28 April 2006. [24742/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): My previous responses on 25 April and 21 February 2006 to queries raised by the Deputy (Ref. No. 14490/06 and 6931/06 respectively) addressed the liquidation process and the need for the owner of the travel voucher to make the liquidator aware of the company's liability under the voucher. The receipt, analysis and determination of any report submitted by a liquidator under section 56 of the Company Law Enforcement Act 2001 is a matter for the Director of Corporate Enforcement.

Employment Rights.

325. **Mr. S. Ryan** asked the Minister for Enterprise, Trade and Employment the status of retained firefighters in regard to the Protection of Employees (Part Time Work) Act 2001. [24796/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Protection of Employees (Part-Time Work) Act 2001 provides that a part-time employee is an employee whose normal hours of work are less than the normal hours of work of an employee — defined as a comparable full-time employee — in relation to him or her (i.e. that part-time employee).

The 2001 Act provides that a part-time employee shall not be treated less favourably than a comparable full-time employee in respect of conditions of employment including pay and pensions.

In order to invoke the anti-discrimination provisions in the Act, the part-time employee must find a full-time comparator with (a) the same or associated employer or, (b) where (a) does not apply, as specified in a collective agreement or, (c) where neither (a) nor (b) applies, in the same sector or industry. In the case of (a) and (c), the part-time employee and the comparable full-time employee, must perform the same work or similar work or work of greater or equal value.

Under the 2001 Act, an employer may treat a part-time employee less favourably than a comparable full-time employee, if he or she has objective grounds for doing so. Under the Act, a ground shall not be regarded as an objective ground, unless it is based on considerations other than the status of the employee concerned as a part-time employee, and the less favourable treatment which it involves for that employee, is for the purpose of achieving a legitimate objective of the employer, and such treatment is appropriate and necessary for that purpose.

Therefore, if a retained fire fighter considers himself or herself to be a part-time employee as defined in the 2001 Act and if he or she considers a whole-time firefighter is a comparable full-time

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employee in relation to him or her, the retained fire fighter has the option to make a claim for application of the same conditions of employment including pay and pensions as the whole-time firefighter unless, their employer has objective grounds for treating the retained firefighter less favourably than the whole-time firefighter.

If there is a dispute about whether a retained firefighter is a part-time employee for the purposes of the 2001 Act, or about whether a whole-time firefighter is a relevant full-time employee for comparative purposes under the Act, the matter can be referred to a Rights Commissioner for adjudication by the retained firefighter or his or her employer.

Equal Opportunities Employment.

326. **Mr. Callely** asked the Minister for Enterprise, Trade and Employment the targeted percentage of employment of people with a disability by his Department; if the 3 per cent target be surpassed or is his Department restricted to this percentage; the percentage of people with a disability employed in his Department; and if he will make a statement on the matter. [24822/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The policy in relation to the employment of people with disabilities in the civil service, including the setting of compliance targets, is the responsibility of my colleague the Minister for Finance. The Disability Act 2005 provides that the Minister for Finance, with the consent of the Minister for Justice, Equality & Law Reform, may specify compliance targets, and where no such targets are specified, the minimum target shall be 3%.

My Department currently exceeds the 3% target in the Disability Act 2005 for the employment of people with disabilities, with 4.11% of total staff employed in that category.

While my Department continues to exceed the minimum target, it has not become complacent in this regard, and has implemented a number of measures to provide the necessary framework of supports to staff with disabilities. In this regard, it has a Disability Liaison Officer to provide advice and information to staff with disabilities and their managers and has implemented policies to facilitate the career progression of staff with disabilities. Measures have also been taken to encourage the disclosure of a disability, so that an individual's particular needs can be met and his/her circumstances better understood and appreciated.

In addition, my Department is to participate in the Willing Able Mentoring (WAM) Project during this summer. The WAM project, which is administered by the Association of Higher Education Access and Disability (AHEAD), aims to provide graduates with disabilities temporary placements with public and private sector employers.

Employment Rights.

327. **Ms O'Donnell** asked the Minister for Social and Family Affairs the circumstances in which a written observation was presented by Ireland in the defence of the British Government in a legal case (details supplied) at the oral hearing at the European Court of Justice on 1 June 2006; and if he will make a statement on the matter. [24695/06]

Minister for Social and Family Affairs (Mr. Brennan): The case to which the Deputy refers relates to Directive 80/987/EEC which provides for the protection of employees in the event of the insolvency of their employer. The High Court in the U.K. referred a case to the European Court of Justice for a preliminary ruling on whether Article 8 of this Directive requires "Member States to ensure, by whatever means necessary, that employees' accrued rights under supplementary company or inter-company final salary pension schemes are fully funded by Member States in the event that the employees' private employer becomes insolvent and the assets are insufficient to fund those benefits".

Article 8 of the Directive requires that "Member States shall ensure that the necessary measures are taken to protect the interests of employees and of persons having already left the employer's undertaking or business at the date of the employer's insolvency in respect of the rights conferring upon their immediate or prospective entitlement to old-age benefits, including survivors' benefits, under supplementary company or inter-company pension schemes outside the national statutory social security schemes."

However, under article 4(3), the Directive allows Member States to limit the liability of the guarantee institutions.

In Ireland, Article 8 of the Directive was implemented by Section 7 of the Protection of Employees (Employers' Insolvency) Act 1984. This provides that, in the event of an employer's insolvency, any contributions deducted from an employee in the 12 months prior to insolvency and which remain unpaid, and any contributions due to be paid by the employer into the scheme in the 12 months prior to the insolvency (unless a lesser amount would discharge the liabilities) may be made from the Social Insurance Fund into the occupational pension scheme. In addition to the measures taken to implement this Directive, existing provisions are in place under the Pensions Act 1990 to protect members' benefits under occupational pension schemes.

Part IV of the Pensions Act 1990 sets out a minimum funding standard for defined benefit schemes. This is a wind-up standard, based on the benefits a scheme is obliged to provide should the scheme be wound up. The funding standard defines the minimum assets a scheme must hold and sets out rules that apply if a scheme falls short. In addition, having sufficient assets to meet the liabilities of the scheme is now also a require-

ment under EU Directive 2003/41/EC, which my Department implemented in September 2005.

The issues arising from this particular case relate to two Government departments — the Department of Enterprise, Trade and Employment, which has responsibility for the Insolvency Payments Scheme and which, under the Protection of Employees (Employers' Insolvency) Act 1984, administers the implementation of all of the provisions of the Directive and the Department of Social and Family Affairs, which has responsibility for pension issues and the Social Insurance Fund, from which insolvency payments under the above insolvency payments scheme are made.

Given the similarity in pension systems it is no surprise to note that the UK implemented Article 8 of the Directive in much the same manner as Ireland. A report from the European Commission on 15 June 1995 analysing national laws transposing the Directive found that, in the case of Ireland, there was no cause for objection.

In the context of the recent case member states were invited by the European Court to submit statements of case or written observations to the Court of Justice by the 25th October 2005. Arising from this invitation, I and my colleague, the Minister for Enterprise, Trade and Employment arranged for the Attorney General to submit observations. The observations were submitted having regard to the potential implications for Ireland of an adverse finding in this case and in order to ensure that the Irish position was fully presented.

An oral hearing before an Advocate General of the Court of Justice in this case was subsequently held on June 1st at which Ireland was represented. The opinion of the Advocate General is expected next month. However, a final ruling by the European Court of Justice is not expected until the end of 2006.

Social Welfare Benefits.

328. **Mr. McHugh** asked the Minister for Social and Family Affairs if a person on a non-contributory old age pension who has their farm leased and is therefore in receipt of income from the lease will have the first €100 per week of that income disregarded for calculation purposes in determining the amount of their pension. [24385/06]

Minister for Social and Family Affairs (Mr. Brennan): For the purposes of social assistance schemes, property which is leased is assessable as means. In the case of property such as a second house or a commercial building, the capital value of such property is assessed. No account is taken of the net rental income, if any. There are special arrangements in place where land is leased on a short-term basis, such as the 11 month system. In this case the net profit, after all expenses, is assessed as means. This basis of assessment is more favourable than that which applies to other types of property.

I announced, on Budget Day, a number of major initiatives for non-contributory pensioners aged 66 and over. These reforms are designed to target resources at particular groups of older people, including the farmers in question. The improvements included a EUR16 per week increase in the personal rates of payment, a EUR3.60 per week increase in the Over-80 Allowance and a EUR5 per week increase in the National Fuel Scheme.

In addition, I also announced that I proposed to establish, in September 2006, a standardised State (Non-Contributory) Pension, replacing the Old Age Pension and, for recipients aged 66 and over, Blind Pension, Widow/er's Pension, One Parent Family Payment, Deserted Wife's Allowance and Prisoner's Wife's Allowance.

All the schemes in question feature a common general means disregard of EUR7.60 per week, which has not increased since the 1970s. The means disregard for the new non-contributory pension will be EUR20 per week, an increase of EUR12.40 per week. Over 30,000 pensioners who are currently in receipt of a reduced rate of payment will gain from this change, including many thousands of farmers. The increase in the personal rate of payment will be up to EUR12.50 per week while the Qualified Adult rate, where applicable, will increase by up to EUR8.30 per week (over an above the weekly increases mentioned earlier). Furthermore, a single person, with no other means, will be able to have up to EUR35,000 in capital and still qualify for a pension at the maximum rate. This figure is doubled in the case of a pensioner couple.

In addition, I am also introducing a specific additional disregard of EUR100 per week where the pensioner is in employment. This new disregard, relating to earnings from employment, is intended as an initial incentive to facilitate non-contributory pensioners who wish to continue working, or to re-enter the workforce. Any further improvements to the new pension, including the extension of the disregard to the leasing of land, would fall to be considered in a Budgetary context.

329. **Mr. Ring** asked the Minister for Social and Family Affairs the reason pensioners who live in Ireland and receive a UK pension are not entitled to a Christmas bonus from the Irish or UK Governments; if he will extend the payment to all pensioners living in Ireland; and the estimated cost of this proposal. [24395/06]

Minister for Social and Family Affairs (Mr. Brennan): The Christmas bonus payment was introduced in December 1980. There have been a number of developments in this initiative since its inception, including changes in the level of the bonus payment which has been at the rate of 100% over the past 6 years, the introduction of

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a minimum payment (EUR30 in 2005) and the extension of the categories of eligible claimants.

The focus of the bonus has always been on assisting people who rely on the social welfare system for financial support over the longer term. These include recipients of retirement, old age (contributory and non-contributory), widower's, widower's and invalidity pensions, one-parent family payment, carer's allowance, disability allowance, long-term unemployment assistance, farm assist and people on employment support payments, for example, the back to work allowance. The bonus is also payable to certain participants on FAS, VTOS, job incentive and community employment schemes and to those in receipt of payment under the rural social scheme, which was introduced in 2004, and operates under the aegis of my colleague the Minister for Community, Rural and Gaeltacht Affairs.

The Christmas bonus payment benefited over 1.2 million people in 2005, comprising approximately 835,000 social welfare recipients and their 384,000 dependants at a total cost of almost EUR140 million.

Recipients of pensions from other countries who live in Ireland are eligible to apply for the old age non-contributory pension and will receive a payment if their income is such that they satisfy the means test. Where appropriate, the non-contributory pension can be paid in addition to a pension from another country and many recipients of the UK state pension benefit in this way and receive the Christmas bonus payment. Changes in the income disregard for non-contributory pensions announced in the Budget will help more people to qualify for a pension and improve the income of existing pensioners on reduced payments. In Budget 2006 the means disregard was increased by EUR12.40 per week to EUR20 per week.

The Christmas bonus is not a payment in its own right but a supplement to the weekly payment of social welfare recipients. In the circumstances, it cannot be paid to people without an entitlement under the Irish social welfare system or to those whose pension payments are made exclusively under the social security regimes of other countries. In relation to the latter, the needs of older people are provided for in different ways by other countries. The number of pensioners receiving pensions from other countries who are resident here is not known and it is therefore not possible to estimate the cost of paying the bonus to all pensioners in the country.

With regard to the UK, it is understood that a Christmas bonus is paid to their pensioners who are resident in the UK or in another EU country. In 2005 a bonus of £10 sterling was paid.

330. **Mr. Lowry** asked the Minister for Social and Family Affairs his plans to remove spousal income from the means test for persons applying

for or in receipt of disability allowance and carers allowance; if he has no such plans, his views on doing so; the annual estimated cost of such a change; and if he will make a statement on the matter. [24423/06]

Minister for Social and Family Affairs (Mr. Brennan): Disability allowance and carer's allowance are means tested social assistance payments. In the case of both schemes, account is taken, for means testing purposes, of the claimant's own means and, in the case of a couple, their joint means. In this regard, recipients of both disability allowance and carer's allowance are treated in the same way as recipients of all other social assistance payments. This ensures that resources are directed to those in greatest need.

The carer's allowance means test has been eased significantly in the past few years, most notably with the introduction of disregards of spouse's income. Provision was made in Budget 2006 to increase the income disregard on the carer's allowance means test to EUR290 per week for a single person and to EUR580 per week for a couple from April 2006.

This will ensure that a couple with two children can earn up to EUR32,925 per annum and still receive the maximum rate of carer's allowance. The same couple will be able to earn up to EUR54,400 and receive the minimum rate of carer's allowance as well as free travel, the household benefits package and the respite care grant.

Complete abolition of the means test would cost an estimated EUR140 million in a full year.

In Budget 2006, I was also pleased to be able to announce a number of significant and focused improvements to the assessment of spouse's income for a range of means tested schemes, including disability allowance, as follows:

- the spouse's income threshold for entitlement to the full rate of qualified adult allowance increases, from September next in the case of disability allowance, from EUR88.88 to EUR100 a week. The upper income threshold for entitlement to a reduced rate of qualified adult allowance was increased by EUR20 per week to EUR240 per week with effect from last January and this will further increase to EUR250 from the end of September.
- the spouse's income disregard for means testing purposes also will increase from EUR88.88 to EUR100 a week from next September.

It is not possible, at this stage, to estimate the cost of disregarding all spousal income in the case of disability allowance.

I am always prepared to consider changes to existing arrangements where these are for the benefit of recipients and financially sustainable within the resources available to me. Those

recommendations involving additional expenditure will be considered in a budgetary context.

Housing Supports.

331. **Mr. Lowry** asked the Minister for Social and Family Affairs the plans under consideration within his Department for the creation of a new mortgage support scheme; when he expects the scheme will be implemented; if an assessment has been carried out on the impact of such a scheme on the property market; the method of targeting those in society who are priced out of purchasing their own home; if the scheme will apply to first-time buyers only; and if he will make a statement on the matter. [24424/06]

Minister for Social and Family Affairs (Mr. Brennan): Under the supplementary welfare allowance scheme administered on my behalf by the Community Welfare Division of the Health Service Executive, a weekly or monthly rent supplement is available to assist eligible people who are unable to meet their immediate accommodation needs through their own resources.

The objective of the scheme is to provide a short-term income support. In recent years however, the numbers claiming the supplement have grown considerably from 42,683 in 2000 to 60,176 at the end of December 2005, with corresponding scheme expenditure rising from €151m to €368.5m in the same period. The scheme has also witnessed an increase in the duration of entitlement with over 30,000 recipients now getting a supplement for 18 months or more. While a broad range of housing supports is provided by local authorities, including the Rental Accommodation Scheme aimed exclusively at those on rent supplement for more than 18 months and regarded as having long-term housing need, I am anxious that all avenues are explored to provide financial support for any people on long-term rent supplementation who, with some support, may be in a position to purchase their own home.

To this end, my Department and the Department of Environment Heritage and Local Government, are together overseeing a study which will examine possible additional approaches to meeting housing needs in these particular cases by providing support with mortgage repayments. The study will consider the likely impact on other housing programmes and on the overall housing market. I have asked that the study be undertaken as a matter of urgency and I expect to have a report in the Autumn.

As the Deputy will appreciate, until I receive this report, I am not in a position to give details of any possible scheme.

Social Welfare Benefits.

332. **Mr. Lowry** asked the Minister for Social and Family Affairs the number of recipients in each county in receipt of farm assist payment; the

measures being taken by his Department to promote the scheme in view of the decline in farm incomes; and if he will make a statement on the matter. [24425/06]

Minister for Social and Family Affairs (Mr. Brennan): The farm assist scheme, which introduced special arrangements for farmers on low incomes, was provided for in the Social Welfare Act, 1999 and came into operation with effect from 7 April 1999. There are now 7,581 farm assist customers. The current average weekly payment is EUR 173.89. A table showing the number of recipients by county is set out below.

The level of take-up is less than had been anticipated when the scheme was first introduced in April 1999. This is due to the significant increase in off-farm employment in recent years and the take up of the Rural Social Scheme which is operated by the Department of Community, Rural and Gaeltacht Affairs and which also specifically targets low-income farmers.

The farm assist scheme has brought about a worthwhile improvement for low income farmers and particularly for those with children and it makes a valuable contribution to supporting those who are at the lower end of the farm income spectrum. To increase awareness of the farm assist scheme, my Department undertook a major publicity campaign in 2002. Almost EUR100,000 was spent on that campaign which included radio and press advertising, including specialist farming publications, and the production of a promotional video on the scheme.

More generally, the network of Social Welfare Offices and citizen's information Offices throughout the country provide information to members of the public on the range of schemes and services available, including the farm assist scheme. Information leaflets and applications forms for farm assist are available at these offices. In addition, Social Welfare Inspectors in rural areas promote the scheme when meeting the public in the course of their duties.

Claims in payment by county (16/06/06)

County	No. of Claims
Carlow	56
Cavan	281
Clare	412
Cork	528
Donegal	1,080
Dublin	9
Galway	826
Kerry	572
Kildare	36
Kilkenny	111
Laois	78
Leitrim	200
Limerick	200

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County	No. of Claims
Longford	90
Louth	67
Mayo	1,411
Meath	54
Monaghan	390
Offaly	72
Roscommon	299
Sligo	315
Tipperary	186
Waterford	41
Westmeath	75
Wexford	141
Wicklow	51
Total	7,581

Child Support.

333. **Cecilia Keaveney** asked the Minister for Social and Family Affairs if all children who reside here are entitled to the early childcare supplement; and if he will make a statement on the matter. [24457/06]

Minister for Social and Family Affairs (Mr. Brennan): Children who reside in the Republic of Ireland, who are aged under 6 years and who are in receipt of Child Benefit from my Department, will, in most cases, qualify for the Early Childcare Supplement (ECS). A total of some 259,000 families with over 350,000 children under the age of 6, will qualify for this payment.

In a small number of cases, children resident in the Republic of Ireland do not receive Child Benefit from my Department as their parents are employed in a country with higher family benefits than this country.

Under EU regulations, family benefits are claimed in the country of employment and if the rate of benefit is higher in that country, no family benefits are payable by the country in which the family reside.

Families resident in Ireland, receiving family benefits from another country, are entitled to a supplementary (ie, a top-up) payment if these benefits are lower than benefits in Ireland.

Social Welfare Benefits.

334. **Ms C. Murphy** asked the Minister for Social and Family Affairs the rationale behind counting as means the first €95 maintenance payment for the purposes of providing rent support and disregarding the following €75; and if he will make a statement on the matter. [24528/06]

Minister for Social and Family Affairs (Mr. Brennan): The means test for the supplementary welfare allowance scheme, through which rent supplement is provided, requires that all types of

household income, including maintenance payments for a lone parent and his or her children, must be taken into account in determining a person's entitlement under the scheme.

A person who claims a One-Parent Family Payment is required to seek maintenance from her/his spouse or the other parent of the child. These maintenance payments are assessed as means for the purpose of determining entitlement to a one-parent family payment. However, vouched housing costs of up to €95.23 per week (rent or mortgage) are disregarded in establishing the rate of one-parent family payment due.

Given that up to €95.23 per week of maintenance payments are disregarded in the means test for the one-parent family payment to allow for housing costs, the first €95.23 in maintenance is regarded as being towards rent supplement and consequently, the amount of rent supplement payable is based on the net amount that the claimant has to meet from their own resources. For that reason maintenance income up to €95.23 per week is assessable in determining the appropriate level of rent supplement payable.

In cases where maintenance of more than €95.23 per week is paid, up to €75 (€60 per week with half of any additional income between €60 and €90) per week of maintenance in excess of this €95.23 amount can be disregarded for rent supplement means assessment purposes. This is to ensure that the family benefits from the extra maintenance income up to that level before it affects their rent supplement entitlements.

Overall, the means test rules and disregards are designed to give an incentive to lone parents to obtain maintenance to improve their household income position, while ensuring that families in that situation have access to appropriate levels of rent or mortgage interest supplement to be able to continue to meet their accommodation needs.

335. **Mr. Stagg** asked the Minister for Social and Family Affairs the reason the back to school clothing and footwear allowance has not been awarded to a person (details supplied) in County Kildare; and if he will re-examine the matter. [24671/06]

Minister for Social and Family Affairs (Mr. Brennan): The back-to-school clothing and footwear allowance Scheme (BSCFA) is administered on my behalf by the Community Welfare division of the Health Service Executive. Neither I nor my Department has any function in relation to decisions on individual claims.

A person may qualify for payment of a BSCFA payment if he/she is in receipt of a social welfare or health executive payment, or is participating in an approved employment scheme or attending a recognised education or training course, and has household income at or below specified levels.

The Dublin/Mid Leinster Area of the Executive have advised that it recently received an application for a back to school clothing allowance from the person concerned. A determi-

nation of her entitlement to payment is expected to be made shortly and she will be notified directly of the decision.

336. **Mr. Naughten** asked the Minister for Social and Family Affairs the average delay in processing each social welfare application; his plans to address this delay; and if he will make a statement on the matter. [24700/06]

Minister for Social and Family Affairs (Mr. Brennan): My Department is committed to providing quality customer service to all its customers. This includes ensuring that applications are processed and that decisions on entitlement are issued as expeditiously as possible having regard to the eligibility conditions which apply. These conditions vary from scheme to scheme and may involve, among other things, the need to establish the customer's social insurance record, verify medical incapacity for work, establish a customer's identity or their place of habitual residence and to assess means where appropriate. In some cases there is an unavoidable time lag involved in making the necessary enquiries to enable decisions to be made. Time can also elapse where the applicants do not supply all the necessary information in support of their claim.

Details of the average processing times for new claims for the month of May 2006, and year to date including figures to the end of May 2006, on a scheme by scheme basis, are set out below in a tabular statement.

In the past few years my Department has coped with increasing demands arising from significant changes to the social welfare code and in the

numbers of persons accessing the system. While these factors have impacted on claim processing times, continuous efforts are made to improve these times. Against a background of increased workloads and scheme complexities, my Department has undertaken a number of initiatives designed to improve customer service. The overall service delivery modernisation (SDM) project, which involves radical business, organisational and IT changes to the way these pension schemes are administered, was recently extended to retirement and contributory old age pension schemes. Certain manual procedures and calculations have been automated so as to improve timeliness, accuracy and efficiency. The IT system will also have the facility to automatically generate and issue communications to the customer thus providing an improved level of information. Business procedures are being revised and the organisation of work is being restructured to maximise the benefits of the new IT system.

My Department is also developing enhanced management reporting systems as part of its Management Information Framework project. These reporting systems will provide detailed management information that will facilitate improved resource allocation and thus a better response to customer needs.

Apart from these developments, there is continued emphasis on providing staff with the necessary training and development so as to ensure they have the required knowledge and skills to carry out their work.

I am conscious of the need to provide a quality service to our customers, and with my officials, I am working towards ensuring that my Department continues to deliver a first class service.

Average Weeks to Award Social Welfare Claims

Scheme	May 2006	Year to Date 2006
Widow/er's Contributory Pension	4.47	4.42
Old Age Non-Contributory Pension	9.97	9.31
Widow/er's Non-Contributory Pension	3.54	4.49
Household Benefits (Free Schemes)	4.64	4.91
Unemployment Benefit	2.28	2.14
Unemployment Assistance	3.82	3.93
Disability Benefit	0.84	0.85
One Parent Family Payment (Local Office)	8.74	8.35
Child Benefit	1.27	1.39
Family Income Supplement	7.76	5.62
Invalidity Pension	8.18	8.64
Disability Allowance	14.45	14.10
Bereavement Grant (Longford)	4.87	4.04
Bereavement Grant (PSO)	2.43	2.56
Carer's Allowance	8.01	7.90
*Old Age Contributory Pension	7.35	6.08
*Retirement Pension	6.24	5.14

*The figures for Old Age Contributory Pension and Retirement Pension refer to April 2006. Figures for May 2006 are not available as the schemes were moved to a new computer system during that month.

337. **Mr. Naughten** asked the Minister for Social and Family Affairs the average delay in processing unemployment benefit applications; the average backdated payment made to applicants; his plans to address this delay; and if he will make a statement on the matter. [24701/06]

Minister for Social and Family Affairs (Mr. Brennan): My Department is committed to providing quality customer service to all its customers by ensuring that claims for its various schemes are processed and decided as expeditiously as possible having regard to the eligibility conditions which apply.

My Department processes a large volume of claims and bearing in mind that each individual case has to be examined on its merits I am satisfied that, in the generality of cases, there is no undue delay on the part of my Department in processing such cases. The average number of weeks to award an unemployment benefit claim at the end of May 2006 was 2.28 weeks. Figures for the amount of backdated payments are not kept, however a customer who is unable to meet his/her needs and those of his/her dependants may apply for supplementary welfare to the local Community Welfare Officer.

The time taken to process individual claims varies significantly having regard to the difficulty in establishing the circumstances in each case. People claiming unemployment benefit payments must provide evidence of identification and address, and must satisfy conditions of being available for and genuinely seeking work. Failure to provide this information on time can result in a delay in processing a claim.

Investigations may also have to be carried out in the case of unemployment benefit where details of social insurance contributions have not been submitted by the employer.

When a customer makes a claim they are given as much information as possible regarding the processing of their claim. They are advised of additional documentation, if any, they need to supply and whether further investigations are necessary to enable a decision to be made on their claim.

Claim processing performance is monitored on an ongoing basis and staff are deployed as necessary to meet the requirements of fluctuating volumes of work. In addition, my Department has developed a system of performance standards to ensure that all claims are processed without undue or unnecessary delay and that the customer receives his/her payment at the earliest possible date. These standards are monitored on an ongoing basis.

338. **Mr. McGuinness** asked the Minister for Social and Family Affairs if rent allowance will be awarded in the case of a person (details supplied) in County Kilkenny. [24755/06]

Minister for Social and Family Affairs (Mr. Brennan): Under the supplementary welfare allowance scheme administered on my behalf by the Community Welfare Division of the Health Service Executive, a weekly or monthly rent supplement is available to assist eligible people who are unable to meet their immediate accommodation needs through their own resources. Neither I nor my Department have any function in relation to decisions on individual claims.

The Executive has been contacted concerning this case and has advised that the rent supplement claim is under review at present. The payment of rent supplement was suspended while awaiting the return of documentation requested by the Executive. The Executive advised that it has recently received the documentation requested and will be in contact directly with the person concerned on completion of the review.

Equal Opportunities Employment.

339. **Mr. Callely** asked the Minister for Social and Family Affairs the targeted percentage of employment of people with a disability by his Department; if the 3 per cent target be surpassed or is his Department restricted to this percentage; the percentage of people with a disability employed in his Department; and if he will make a statement on the matter. [24823/06]

Minister for Social and Family Affairs (Mr. Brennan): The Disability Act, 2005 provides a new statutory basis for the implementation and compliance monitoring of the 3% employment target for people with a disability in the public sector. This percentage is not a 'ceiling' i.e. Departments and Offices are not restricted to a maximum of 3% of their staff being people with disabilities.

The current position in my Department is that 155, or 3.3% of the total staff are persons with declared disabilities.

In line with the provisions of the Disability Act, specific commitments in relation to human resources and employment practices for staff with disabilities have been included in my Department's Sectoral Plan which will be published shortly.

In addition, my Department is participating in the Willing Able Mentoring (WAM) project during this summer. The WAM Project, which is administered by the Association of Higher Education Access and Disability (AHEAD), aims to provide temporary placements with public and private sector employers to graduates with disabilities.

Departmental Correspondence.

340. **Mr. Stanton** asked the Minister for Social and Family Affairs further to Parliamentary Question No. 40 of 15 June 2006, the amount of money that was recovered by claimants by his

Department following the return of letters and subsequent termination of claims after each respective mailshot; the reason for the termination of claims and numerical breakdown of same respectively; the methods through which the moneys were recovered; the average timescale for same; and if he will make a statement on the matter. [25031/06]

Minister for Social and Family Affairs (Mr. Brennan): The detailed statistics requested by the Deputy are not available. While records of the number of claims terminated as a result of each mailshot are recorded, corresponding overpayments assessed are not recorded separately, but they do form part of overall overpayment statistics.

Child Benefit claims terminated as a result of mailshot control activity do not necessarily result in the assessment of an overpayment. The return of an un-delivered mailshot may after investigation result in the claim being terminated as the current whereabouts of the customer cannot be established.

Similarly it may be established that the person has left the state but the date may not be known. In these cases an overpayment cannot be assessed as it is not possible to clearly establish that the person received a benefit for a period in which they had no entitlement. In such circumstances, the claim is terminated from a current date and the record flagged to indicate the need to review the claim for a potential overpayment if the customer re-applies for benefit in the future.

Child Benefit Overpayments arise for a variety of reasons viz:

- where the family or child(ren) leave the state and do not notify the Department.
- where a child leaves the household.
- where a child leaves full-time education.
- where a child is deceased.

Recovery of Child Benefit overpayments is effected either by deduction from current entitlements or by cash recovery.

The following table provides details of Child Benefit overpayments assessed for each year from 2001 to 2005.

Year	Total No. of Overpayments	Amount of Overpayments	Amount Recovered	No. who left State
		€	€	
2001	1,750	469,000	345,000	314
2002	1,422	1,052,000	480,000	504
2003	1,379	1,371,000	568,000	740
2004	1,498	1,673,000	917,000	651
2005	1,311	1,899,000	750,000	613

The percentage of overpayments recovered by deduction from on-going entitlement is approximately 75%, with the balance being made by cash refund.

The timescale for complete re-imbursement of amounts overpaid varies greatly and depends both on the amount of the overpayment and the repayment arrangement agreed by the Department having taken into account the customers' ability to repay.

Social Welfare Benefits.

341. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the number of applications which are on hand presently for the respite care grant; when these applications are expected to be processed; when the grants are due to be awarded to all qualifying applicants; and if he will make a statement on the matter. [25032/06]

Minister for Social and Family Affairs (Mr. Brennan): The respite care grant was extended in 2005 to carers other than those in receipt of a carer's allowance, carer's benefit, prescribed relative allowance, constant attendance allowance

and domiciliary care allowance. Carers who do not qualify for a grant under one of these schemes may now obtain a grant if they and the person for whom they are caring satisfy certain conditions.

Customers who received a respite grant in 2005 were earlier this year contacted individually to inform them of their possible entitlement to the grant in 2006 and to verify that their circumstances have not changed since last year.

Following this communication over 6,000 applications for the 2006 grant have been received by my Department since the beginning of May. These applications are currently being processed and a decision on each application will be made as soon as possible. Each applicant will be notified of the outcome of their application and where awards are made the grants will be paid immediately thereafter. To date grants have been paid in 838 of these cases and the balance are awaiting decision.

Again this year I have enhanced the Respite Care Grant Scheme. In 2005, the amount of the grant was EUR1,000, this increased to EUR1,200 from June this year. Also, from June, the number of hours that a carer may work and still receive a

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respite care grant has increased from 10 to 15 hours per week.

I am satisfied that the arrangements in place will ensure the speedy processing of all applications and all applicants notified of the outcome at the earliest possible date. Following that my Department will again advertise the scheme to invite further applications.

National Car Test.

342. **Mr. Lowry** asked the Minister for Transport if he will work with the Department of Social and Family Affairs to implement a scheme to allow old age pensioners to have their cars tested at no cost through the National Car Test system; the cost of such a change; if legislation is required to implement this change; and if he will make a statement on the matter. [24426/06]

Minister for Transport (Mr. Cullen): There are no plans to introduce an age-related NCT test fee structure and costings for an arrangement suggested by the deputy would not have been prepared by my Department. I am not aware of any proposal from the Minister for Social, Community and Family Affairs for such a scheme.

Airport Development Projects.

343. **Ms O. Mitchell** asked the Minister for Transport if, in view of its procedures in relation to the review of all major capital projects, his Department has conducted a cost-benefit analysis of the proposed new runway at Dublin Airport or an expenditure review of this project to meet the requirements of the Department of Finance guidelines for the appraisal of capital expenditure projects; if so, the findings of such analysis; if not, the reason thereof; when this analysis will be carried out; and if he will make a statement on the matter. [24427/06]

Minister for Transport (Mr. Cullen): As I have previously stated, proposals in relation to the development of Dublin Airport, including the planning and provision of runway capacity, are in the first instance a matter for the Dublin Airport Authority (DAA) which has statutory responsibility to manage, operate and develop the airport and to provide such facilities and services as it considers necessary for aircraft and passengers.

Accordingly, the issue of cost benefit analysis in relation to the proposed second runway at Dublin Airport is a matter which falls within the responsibility of the management and board of the DAA. The DAA are of course required to comply with the capital appraisal guidelines issued by the Department of Finance and responsibility for compliance with the guidelines rests with the Board of the company.

I understand from the DAA that included in the submission documents accompanying the

application for planning permission for the proposed second runway is a detailed economic impact study, supported by an alternatives study, which firmly supports the development of the new runway, having examined other possibilities for providing the required capacity in a cost effective manner.

Road Safety.

344. **Mr. Ring** asked the Minister for Transport the number of local authorities which have commenced or completed a speed limit review. [24448/06]

Minister for Transport (Mr. Cullen): I understand that the majority of the 34 county councils and city councils either have a review of existing speed limits underway at present or are planning to do so later in 2006 pursuant to section 9 of the Road Traffic Act 2004.

Road Network.

345. **Ms Cooper-Flynn** asked the Minister for Transport the breakdown of expenditure on national road projects for each year of the current National Development Plan for each separate county within the Border Midland Western region (details supplied). [24492/06]

Minister for Transport (Mr. Cullen): The information sought is currently being compiled. A significant amount of research is required to provide the information in the format sought by the Deputy. The information will be forwarded to the Deputy as soon as it is available.

Rail Services.

346. **Mr. Ring** asked the Minister for Transport the Government policy on the future of the rail freight business in view of the fact that the removal of the points from a location (details supplied) in County Mayo will rule out possible freight business at the location in the future; and if he will make a statement on the matter. [24507/06]

Minister for Transport (Mr. Cullen): I understand from Iarnród Éireann that the Claremorris freight facility will be retained and that replacement business is actively being sought. In the meantime Iarnród Éireann has advised me that the points will be terminated, as distinct from removed, as a safety precaution and this process can be reversed in less than one day.

Public Transport.

347. **Ms O. Mitchell** asked the Minister for Transport the amount spent on the delivery of quality bus corridors in the greater Dublin area since their inception; the breakdown of allocations to QBCs each year to date; and if he will make a statement on the matter. [24510/06]

Minister for Transport (Mr. Cullen): My Department has been funding QBC development since 2002, through the Dublin Transportation Office (DTO) Traffic Management Grants (TMG). I understand from the DTO that, since 1994, some €147.9m in total has been spent. The yearly breakdown, provided by the DTO, is as follows:

Year	TMG Investment
	€
1994	630,148
1995	349,305
1996	1,239,398
1997	1,501,734
1998	3,677,640
1999	8,597,873
2000	17,751,034
2001	23,402,016
2002	15,064,601
2003	18,578,764
2004	27,542,945
2005	29,543,963
Total	147,879,421

I have asked the DTO to breakdown these figures as between QBCs and other projects which qualify for grants under the Traffic Management Grants scheme and the information sought will be forwarded to the Deputy.

Road Traffic Regulations.

348. **Mr. Costello** asked the Minister for Transport if he will allow limousine mourning cars to drive in bus lanes when engaged in official duties without the funeral cortege; and if he will make a statement on the matter. [24540/06]

Minister for Transport (Mr. Cullen): As I indicated in reply to Parliamentary Question No. 288 of 13 June 2006 the primary purpose of bus lanes is to facilitate and promote bus based public transport. I do not propose to amend the law to allow limousine mourning cars to drive in bus lanes when travelling either with or without the funeral cortege.

Air Services.

349. **Ms O'Sullivan** asked the Minister for Transport the position in relation to the renegotiation of the bilateral agreement between Ireland and the US on transatlantic air traffic; the plans in place to support the Shannon region should the negotiations result in a reduced commitment to flights in and out of Shannon; and if he will make a statement on the matter. [24565/06]

Minister for Transport (Mr. Cullen): In November 2005 EU and US negotiators concluded work on the text of a first-phase EU-US Open Skies agreement. The provisions of the draft Agreement supersede the 20 existing bilateral air services agreements between EU Member States (including Ireland) and the United States.

The text of the EU US Agreement was unanimously endorsed at the December 2005 Transport Council subject to sufficient progress by the US side on opening up ownership and control of US airlines to EU investors. It is envisaged that the formal US process of changing its ownership and control rules will be concluded in August in time for consideration at the October Transport Council.

In announcing the agreement reached with the US authorities last November in relation to a transitional arrangement for Shannon Airport in the context of the proposed EU/US 'open skies' I indicated that I would prepare, in consultation with my colleagues, the Minister for Arts, Sport and Tourism and the Minister for Enterprise, Trade and Employment, a tourism and economic development plan for Shannon and the West of Ireland. Preparation of this plan is at an advanced stage. In addition, there is a local liaison group under the chairmanship the Clare County Manager working with Government Departments with a view to ensuring that Shannon Airport and the West of Ireland receive adequate investment and compensatory measures when "Open Skies" is finally approved. An official from the Department of Transport attends meetings of the Group in an information sharing capacity.

Driving Tests.

350. **Ms O. Mitchell** asked the Minister for Transport the breakdown of the number of persons waiting for a driving test at each test centre nationally; the average and longest waiting time at each centre; and if he will make a statement on the matter. [24692/06]

Minister for Transport (Mr. Cullen): The information requested is set out in the following table.

Centre	No. Waiting	Average Weeks Waiting	Longest Weeks Waiting
<i>North Leinster</i>			
Finglas	12,675	38	51
Dundalk	4,028	24	43
Mullingar	2,108	35	45

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Centre	No. Waiting	Average Weeks Waiting	Longest Weeks Waiting
Navan	5,645	47	60
Raheny	8,211	42	54
<i>South Leinster</i>			
Churchtown/Rathgar	12,962	41	48
Gorey	2,474	45	48
Naas	6,383	44	47
Tullamore	2,009	37	40
Wicklow	2,859	46	49
Tallaght	10,832	43	56
<i>West</i>			
Athlone	1,453	21	23
Birr	1,463	36	37
Castlebar	2,111	31	27
Clifden	436	15	21
Ennis	1,645	32	38
Galway	3,623	38	38
Loughrea	1,284	21	21
Roscommon	1,158	23	23
Tuam	1,159	23	23
<i>North West</i>			
Ballina	1,157	27	35
Buncrana	810	36	36
Carrick-on-Shannon	1,176	21	21
Cavan	1,616	18	18
Donegal	1,240	33	33
Letterkenny	2,300	31	31
Longford	1,089	30	36
Monaghan	1,207	11	11
Sligo	1,859	16	37
<i>South East</i>			
Carlow	2,502	36	46
Clonmel	2,067	40	40
Dungarvan	1,317	36	36
Kilkenny	2,272	20	37
Nenagh	897	36	40
Portlaoise	1,524	27	27
Thurles	1,297	34	47
Tipperary	1,170	52	57
Waterford	3,104	27	28
Wexford	2,260	24	24
<i>South West</i>			
Cork	7,833	25	27
Killarney	1,819	25	25
Kilrush	582	23	23
Limerick	4,726	41	43
Mallow	2,226	29	29
Newcastle West	1,905	24	24
Shannon	946	31	37
Skibbereen	1,674	14	14
Tralee	1,608	17	19

Public Transport.

351. **Ms O. Mitchell** asked the Minister for Transport the details of subsidies received by State public transport providers, specifically Irish Rail, Bus Éireann, Dublin Bus and the RPA in

2004, 2005 and to date in 2006; the average cost per journey resulting from these subsidies in each of the years stated; and if he will make a statement on the matter. [24693/06]

Minister for Transport (Mr. Cullen): The information requested is as follows.

	Irish Rail	Average subvention paid per passenger	Bus Éireann	Average subvention paid per passenger	Dublin Bus	Average subvention paid per passenger
	€m	€	€m	€	€m	€
2004	171.42	4.95	23.998	0.62	61.8	0.40
2005	179.991	4.77	25.1	0.63	64.9	0.44

The 2006 Exchequer Subvention paid to each of the CIÉ companies to date in 2006 is as follows:

	€m
Irish Rail	89.658
Bus Éireann	12.600
Dublin Bus	33.3

Final details of the number of passengers carried to date in 2006 are not yet available.

In the case of the Railway Procurement Agency (RPA), an operating subsidy of €3,842,545 was paid by my Department to the Agency in respect of a cash deficit on the operation of the two Luas lines which arose in 2004. Of this, €3,285,000 was paid in 2004 and the balance of €557,545 was paid in 2005. As 6.6m passengers travelled on the Luas in 2004, the average subsidy on a cash payments basis per passenger in that year was 58 cent.

As a result of a stronger and quicker build-up than anticipated of passenger patronage, the RPA reported in their financial statements an operational surplus of €228,000 in 2005 and no exchequer operating subsidy was required in respect of 2005. No operating subsidy has been paid to date in the current year and based on current projections, no subsidy will be required for 2006.

Cycle Facilities.

352. **Ms O. Mitchell** asked the Minister for Transport if, before further public money is spent on the provision of cycle paths, he will request that the review promised in 2002 of the existing guidance available from the DTO on the best practice in the design and construction of new cycle paths and road schemes be published and made available to all local authorities; and if he will make a statement on the matter. [24732/06]

Minister for Transport (Mr. Cullen): I understand from the DTO that they expect to issue a new manual on the provision of cycle facilities by the end of this year. In the meantime, the DTO will bear in mind the need to ensure that any new proposals coming forward proceed in such a way

as to be able to take account of the new manual which will shortly be put out to public consultation.

Equal Opportunities Employment.

353. **Mr. Callely** asked the Minister for Transport the targeted percentage of employment of people with a disability by his Department; if the 3 per cent target be surpassed or is his Department restricted to this percentage; the percentage of people with a disability employed in his Department; and if he will make a statement on the matter. [24824/06]

Minister for Transport (Mr. Cullen): I refer the Deputy to previous Dáil Question answered on Tuesday 7th March 2006.

The 3 per cent target of employment of people with a disability has been surpassed and my Department is not restricted to this percentage.

The current percentage of people with a disability employed in my Department is 3.72 per cent.

Aer Lingus Staff.

354. **Mr. Callely** asked the Minister for Transport the contents of the heads of agreement and the letters of comfort issued to Aer Lingus staff involved in the transfer to TEAM Aer Lingus; and if he will make a statement on the matter. [25034/06]

355. **Mr. Callely** asked the Minister for Transport the letters which were issued to former Aer Lingus employees in connection with the transfer to TEAM Aer Lingus and subsequent sale to FLS with regard to their terms of employment; and if he will make a statement on the matter. [25035/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 354 and 355 together.

The arrangements agreed between Aer Lingus and those workers who were transferred to TEAM Aer Lingus were a matter for the company. I understand from the company that those workers who opted to move to the new owner (FLS) waived all their rights in this regard at the

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time of the sale and those who did not, returned to the employment of Aer Lingus and, therefore, have all of the protections afforded to the employees of Aer Lingus.

The Minister for Public Enterprise and the Minister for Finance approved the sale of Team Aer Lingus and the terms finally agreed. However, no letters of comfort were issued by the Minister in this context.

Public Transport.

356. **Ms O. Mitchell** asked the Minister for Transport if his attention has been drawn to the fact that the journey time for Dublin Bus from Blanchardstown shopping centre is exceeding 85 minutes for a nine mile journey; his plans, short, medium or long-term which can reduce the time of this journey; and if he will make a statement on the matter. [25036/06]

Minister for Transport (Mr. Cullen): With the aid of funding from my Department (from the Dublin Transportation Office Traffic Management Grants scheme), the Quality Bus Network (QBN) Office, Fingal County Council and Dublin City Council are engaged on a programme of extending the Quality Bus Network within the greater Blanchardstown region.

The Blanchardstown QBC enhancement scheme (comprising the Blanchardstown Road (north and south) scheme, Huntstown bus gate, Navan Road first priority inbound and outbound, Blanchardstown Town Centre Interchange, Blakestown Way, Blanchardstown Village, the N3 outbound and inbound (MCC to Scotts Roundabout), Prussia Street contra-flow concept design) is a priority scheme for the QBN Project Office in its 2006-2007 work programme. It will have a significant positive impact on journey times between Blanchardstown and the city centre.

Recent and imminent developments include the opening of the new Ongar Road with dedicated bus lanes in December 2005, the construction of the Snugborough Road QBC which has an anticipated completion date of August 2006, and construction by Green Property of a new bus interchange and bus priority access to Blanchardstown Town Centre which has an anticipated completion date of October 2006. Approval has also been obtained to convert the inbound hard shoulder on the N3 to a dedicated bus lane from the Littlepace N3 Interchange.

Dublin Bus is working closely with the responsible agencies and has increased the number of buses on the Blanchardstown Quality Bus Corridor by over 10% to counteract current congestion difficulties.

Ministerial Responsibilities.

357. **Mr. P. McGrath** asked the Minister for

Transport the regulations which have been enacted by his Minister of State at his Department since his appointment; the statutory instruments under which he is carrying out his functions; and if he will make a statement on the matter. [25041/06]

Minister for Transport (Mr. Cullen): No regulations have been enacted by the Minister of State, Pat the Cope Gallagher, T.D.

The principal functions for which Minister of State has day-to-day responsibility are as follows:

- Maritime Safety
- Ports
- Relations with the Road Haulage Sector
- The Rural Transport Initiative
- Transport accessibility and the Department's Disability Action Plan
- Strategy on ITS (Intelligent Transport Systems)
- North/ South issues
- EU issues

In addition, the Minister of State is actively involved in road safety matters and is a member of the Ministerial Committee on Road Safety. The allocation of functions to the Minister of State has been made by way of an administrative arrangement rather than a formal delegation of functions order.

Community Development.

358. **Dr. Cowley** asked the Minister for Community, Rural and Gaeltacht Affairs if moneys promised of several hundred million euro will be made available to help the lack of regional development by being made available to the Western Development Commission and Údaras na Gaeltachta; if so, the amount that will be made available; and if he will make a statement on the matter. [24737/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I presume the Deputy is referring the recent announcement by my colleague, Micheál Martin TD, Minister for Enterprise, Trade & Employment at the publication of Enterprise Ireland's Annual Report. As the €175 million Seed and Venture Capital Fund is being administered by Enterprise Ireland, which is under the remit of the Department of Enterprise, Trade and Employment, the Deputy will appreciate that the allocation of this funding is a matter for my colleague, Micheál Martin TD.

Inland Waterways.

359. **Mr. Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the fact that the main

problems along the Longford branch of the Royal Canal are the two culverted road crossings beside Knockanboy and Churchlands bridges; if his attention has further been drawn to the fact that the estimated cost of replacing these with high level bridges is in the order of €2 million per bridge; if his attention has further been drawn to the fact that this is the main stumbling block and the reason given by Waterways Ireland for their being unable to undertake the work for a number of years to come; if in this context, he will ensure that the necessary finance is made available to carry out this work; and if he will make a statement on the matter. [24331/06]

360. **Mr. Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs if, in context of section 4 of the Water Corridor Study, covering the Upper Shannon and the Royal Canal, from the River Shannon to Thomastown, his attention has been drawn to the fact that the same points out that Longford Town does not benefit from its proximity to the Shannon and in order to do so requires the restoration of the Longford branch of the Royal Canal; if his attention has further been drawn to the fact that the report emphasises that the harbour in Longford Market Square presents an opportunity for the development of a new destination for Shannon based cruisers, within just one days travel from the river; if his attention has further been drawn to the fact that Waterways Ireland, has let it be known that following full restoration of the main line of the canal, it is not their intention in the foreseeable future to allocate further capital funds to the restoration of the Longford branch; his views on whether this is a disappointment for those in Longford Town who worked hard over the past 11 years in collaboration with FÁS to improve the condition of the line; if his attention has further been drawn to the fact that this represents a disappointment for Longford Town Council; and if he will make a statement on the matter. [24374/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 359 and 360 together.

As the Deputy will be aware, Waterways Ireland is one of the six North / South Implementation Bodies established in 1999 under the British-Irish Agreement Act. It has responsibility for the management, maintenance and development of inland waterways, principally for recreational purposes.

The restoration of the Longford Branch of the Royal Canal is not in the current National Development Plan and Waterways Ireland informs me that it has no plans at present to undertake restoration works of the Longford Branch.

The question of restoring the Branch will be kept under review in the context of future prog-

rammes of capital works on the canal network and in the light of availability of resources to Waterways Ireland.

Community Development.

361. **Mr. Lowry** asked the Minister for Community, Rural and Gaeltacht Affairs his plans to promote rural-tourism and agri-tourism in North Tipperary; and if he will make a statement on the matter. [24412/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tipperary LEADER has funded a wide range of projects in the area of Rural/Agri Tourism. These include walking route development; small festival development; the Golden Mile initiative; self catering accommodation; recreational park and amenity areas; village enhancement schemes; marketing and promotion; angling, sailing and yachting initiatives. They are also involved in a number of CLAR initiatives including community and village signage projects. The Rural Social Scheme supports these initiatives where appropriate.

I am also aware that one of the key actions of the North Tipperary County Development Board's Strategic Action Plan is the development of the tourism sector in the county. This plan was supported by Tipperary LEADER, North Tipperary County Enterprise Board, Shannon Development and North Tipperary County Council. North Tipperary Tourism Company was formed in 2004 on foot of a recommendation of the Action Plan. One of the key objectives of the company is to develop a framework for marketing and promoting North Tipperary as a tourism destination. A secondary objective is to input into the area of product development in conjunction with the relevant state agencies and the private sector.

As the Deputy is aware my Department is working in close co-operation with the Department of Agriculture and Food on drafting the Rural Development Strategy for the period 2007-2013. Under the third objective or axis of the strategy dealing with the off-farm rural economy, which is primarily under the remit of my Department, the encouragement of rural tourism activities is an important priority. Following on from the imminent adoption of the overall National Strategy, a detailed National Rural Development Programme will be formulated and implemented from 2007. All stakeholders will be consulted on the potential content of the programme including the rural tourism measures.

Designated Areas.

362. **Mr. Lowry** asked the Minister for Community, Rural and Gaeltacht Affairs the number of DEDs covered by the CLAR programme prior to expansion and afterwards; the number of the population covered before and after expansion; if

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funding for the programme has been increased proportionally in view of this significant expansion; and if he will make a statement on the matter. [24413/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Under the extended CLÁR Programme, which I announced in April 2006, the population that can benefit from the Programme has doubled to nearly 727,000 (from 362,000) while the number of counties covered has risen from 18 to 23. The number of Electoral Divisions included in the Programme has increased by 729 to 1,614.

There has been a corresponding pro-rata increase in funding to facilitate the successful delivery the Programme in the extended areas. The original provision for the Programme in 2006 was nearly €14m. This equates to an average provision of over €1m per month in the full year. However, I secured additional funding of €9m for the Programme this year (bringing the overall provision to € 22.950m) and this will allow for a similar level of investment in the extended areas for the remaining 8 months of the year.

I am confident that a comprehensive work programme will be completed in all the areas included in the Programme from the funding available this year.

Community Development.

363. **Mr. Lowry** asked the Minister for Community, Rural and Gaeltacht Affairs the progress made to date in the cohesion programme between LDSIP, Partnership companies and LEADER companies; the cost of the programme to date; the estimated cost of the cohesion programme once implemented; the expected rise in Exchequer spending or saving as a result. [24414/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to my replies to Question No. 65 of 16th May and Nos. 98 and 100 of 21st March 2006 relating to the cohesion process.

As indicated in these replies, the core objective of the 2005/2006 round is the alignment of local, community and rural development structures to achieve full coverage within a given area. To date, I have approved proposals, which have been developed and agreed at local level, in 28 areas and my Department is considering proposals in relation to a further 18 areas.

The Deputy will be aware that the key principles governing the process are:

- improving on the ground services, supports and impacts on local communities, from within existing levels of resources,

- streamlining and rationalising structures so as to avoid overlaps, duplication and undue administrative overheads,
- bringing transparency, co-ordination and improved control to the funding and operation of local/community development measures,
- strengthening the democratic accountability of agencies and service providers in this area.

The primary benefit of the process will be improved service provision on the ground and optimum impact for expenditure in a given area rather than a saving in Exchequer spending. The availability of the Local Development Social Inclusion Programme on a countrywide basis will have resource implications and these will be addressed in the context of the Estimates for 2007.

Under the cohesion process, funding of €3,248,600 was allocated during 2004 to support specific measures developed by local agencies. A total of €4,836,927 was awarded in respect of cohesion initiatives during 2005, including €1,463,400 for the promotion of volunteering. The provision for 2006 is €4,273,000 from which I have approved €2,043,600 for cohesion actions as well as €76,600 for volunteering measures.

364. **Mr. Lowry** asked the Minister for Community, Rural and Gaeltacht Affairs his views on the need for a specific rural health strategy as proposed by Irish Rural Link; if he or officials within his Department have met with representatives of the Department of Health and Children or the Health Service Executive on such a proposal; and if he will make a statement on the matter. [24415/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As outlined in the White Paper on Rural Development, the Government is committed to continuing to meet the challenges of providing healthcare services in rural communities.

The Deputy will appreciate that this is primarily a matter for my colleague, Mary Harney T.D., Tánaiste and Minister for Health and Children and her officials to progress but I will, of course, continue to support any actions she has in relation to developing rural health services. My officials or I have not met with the Department of Health & Children or the Health Services Executive in this regard to date.

365. **Mr. N. O’Keeffe** asked the Minister for Community, Rural and Gaeltacht Affairs if grant aid is available from his Department to refurbish a community centre (details supplied) in County Cork. [24500/06]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Programme of Grants for Locally-Based Community and Voluntary Organisations is funded by my Department and operates throughout the country. It is advertised annually and supports the activities of local voluntary and community groups in their community.

The 2005 Programme made funds available for small scale refurbishment of premises, for the purchase of essential equipment, including I.T. equipment, and for education, training and research. The maximum grant for refurbishment was €40,000; for equipment was €10,000; and for training, education and research was also €10,000.

The Scheme is currently being reviewed and the 2006 Programme will be advertised in the coming weeks in the national and provincial newspapers. I have arranged for a copy of the application form and guidelines to be sent to the group in question as soon as they become available should the group wish to make an application under this year's scheme.

It is possible also that funding for a project such as this may be available under the LEADER Programme. Further information on funding possibilities is available from the group's local LEADER company.

Equal Opportunities Employment.

366. **Mr. Callely** asked the Minister for Community, Rural and Gaeltacht Affairs the targeted percentage of employment of people with a disability by his Department; if the 3 per cent target be surpassed or is his Department restricted to this percentage; the percentage of people with a disability employed in his Department; and if he will make a statement on the matter. [24825/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department observes the Civil Service Code of Practice for the employment of people with disabilities. This code has a target of 3% of employment of people with a disability.

My Department is not restricted to this percentage but the target has not been surpassed. The percentage of people with disability employed in my Department at present is 2.32%.

Rural Social Scheme.

367. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs when the changes to the rural social scheme will be implemented (details supplied). [25010/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I can confirm that the changes to the eligibility categories under the Rural Social Scheme (RSS) were implemented with effect from 22nd May 2006. All of the RSS

Implementing Bodies have been formally notified of these changes by my Department.

Údarás na Gaeltachta, who implement the RSS in the relevant area, have confirmed to my Department that the person concerned applied for — and was deemed eligible — to participate on the Scheme. However, he subsequently declined to take the RSS place that was offered to him.

Ministerial Responsibilities.

368. **Mr. P. McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs the regulations which have been enacted by his Minister of State at his Department since his appointment; the statutory instruments under which he is carrying out his functions; and if he will make a statement on the matter. [25043/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to my Dáil reply to PQs No. 161 of 18 May 2006 and No. 307 of 13 June 2006. The Minister of State has not enacted any regulations.

Question No. 369 answered with Question No. 107.

Direct Payment Schemes.

370. **Mr. Ring** asked the Minister for Agriculture and Food if a person (details supplied) in County Mayo has received their full payment for 2005 under the single payment scheme in view of the fact that they had expected more; and the way in which the entitlements in this case were calculated. [24329/06]

Minister for Agriculture and Food (Mary Coughlan): The person named had 6.73 entitlements with a gross value of €1,759.35. She successfully applied under the Inheritance measure of the Single Payment Scheme and received a further 3.36 entitlements with a gross value of €1,024.87. When combined this gave the applicant 10.09 entitlements with a gross value of €2,784.22. When the appropriate deductions for National Reserve, Linear Reduction and Modulation were made, a net balance of €2,620.25 resulted.

A cheque for the full payment amount issued to the applicant on 26th May 2006.

Food Industry.

371. **Mr. Crawford** asked the Minister for Agriculture and Food the number of mushroom growers who are in production at the present time; the number who were in production on 1 January 2000; if she has satisfied herself that everything possible is being done to help those who remain in business and that everything possible is being done to ensure that only Irish mushrooms are being sold under the Irish label; and if she will make a statement on the matter. [24355/06]

Minister for Agriculture and Food (Mary Coughlan): At the start of 2006, the number of growers producing mushrooms in Ireland was estimated at 130, compared to 500 growers in 2000. Although the number of growers has reduced considerably and continues to do so, there has been an increase in scale of individual producers and, accordingly, mushroom output has remained relatively stable over the period. In 2005 mushroom output is estimated at 62,000 tonnes.

The Mushroom Task Force was set up in 2003 to address the difficulties in the mushroom industry. In its report of 2004, the Task Force agreed that the industry needed to become more efficient to move forward in a very competitive market environment and agreed a set of recommendations to put the industry on a firm footing. These recommendations continue to be progressed.

Substantial assistance is being provided by my Department to the industry under the National Development Plan. Since 2001, over €3m in grant aid has been paid to mushroom producers throughout the country which has supported capital investments of €9m in the upgrading of their operations. This year approximately €2.7m in grants is being provided to growers to fund projects to the investment value of €7.7m. In addition, under my Department's Capital Investment Scheme for the Marketing and Processing of Agricultural Products a total of €2m has been awarded for the mushroom sector, of which €1.5m was awarded this year.

Mushroom producers also benefit from EU aid under the Producer Organisation Scheme which is administered by my Department. Just over €5m was paid to 6 recognised Producer Organisations in the mushroom sector in 2005. There are currently 3 mushroom Producer Organisations and financial assistance of up to €4m was claimed in 2006 in respect of the 2005 operational year. The development of Producer Organisations under EU Regulations has made a very important contribution to the development of this sector as it enables producers to benefit from their combined

strength in the production and marketing of their product. While the Producer Organisations include growers from UK and Northern Ireland, most of the funding goes to Irish producers.

With regard to the marketing of mushrooms, there are stringent EU quality standards set down which include presentation and marking of the product. Under these provisions each package must state the country of origin. Officials from my Department inspect horticultural products including mushrooms at wholesale and retail levels throughout the country to ensure that the relevant standards are being met.

In addition, under the general labelling Directive 2000/13 which applies to mushrooms as well as other foodstuffs, there is a requirement that labelling methods must not mislead the purchaser as to the characteristics, nature, identity and origin of the food product. This Directive, which has been transposed into national law by S.I. No. 483 of 2002, is enforced by the Department of Health and Children through the Food Safety Authority of Ireland and provides for an offence in the case of non-compliance.

Farm Household Statistics.

372. **Mr. Lowry** asked the Minister for Agriculture and Food the number of full-time farmers in County Tipperary in each year from 1990 to date in 2006; the number of part-time farmers during the same period; her views on the figures; and if she will make a statement on the matter. [24409/06]

Minister for Agriculture and Food (Mary Coughlan): The exact information requested by the Deputy is not available. The CSO Farm Structure Survey provides regional estimates and Table 1 and 2 below show figures for the Mid-West and South East regions in June 1991, 1993, 1995, 1997, 2000 and 2003 (the latest year currently available). The Mid-West region comprises counties Tipperary N.R., Clare, Limerick County and Limerick County Borough. The South East region comprises counties Tipperary S.R., Kilkenny, Wexford, Carlow, Waterford County and Waterford County Borough.

Table 1: Number of farms in the Mid-West region — June 1991, 1993, 1995, 1997, 2000 and 2003.

Year	Farmwork is sole occupation of farm owner	Farmwork is not sole occupation of farm owner	Total
1991*	15,200	4,900	20,000
1993	12,900	6,000	18,900
1995	12,300	6,000	18,400
1997	12,100	5,800	17,900
2000**	9,500	7,200	16,700
2003	9,400	6,600	16,100

* June 1991 Census of Agriculture figure.

** June 2000 Census of Agriculture figure

Table 2. Number of farms in the South East Region — June 1991, 1993, 1995, 1997, 2000 and 2003

Year	Farmwork is sole occupation of farm owner	Farmwork is not sole occupation of farm owner	Total
1991*	16,000	4,200	20,200
1993	13,900	5,500	19,400
1995	13,700	5,600	19,200
1997	13,400	5,200	18,500
2000**	10,500	6,400	16,900
2003	10,000	5,900	15,900

* June 1991 Census of Agriculture figure.

** June 2000 Census of Agriculture figure

Table 3. Number of farms in County Tipperary — June 1991 and 2000

	1991		Total	2000		Total
	Farmwork is Sole Occupation	Farmwork is not Sole Occupation		Farmwork is Sole Occupation	Farmwork is not Sole Occupation	
County Tipperary	7,400	2,000	9,400	4,700	3,100	7,800
Tipperary N.R.	3,500	900	4,400	2,300	1,600	3,800
Tipperary S.R.	3,900	1,000	4,900	2,400	1,500	3,900

The prevalence of part-time farming (Farmwork is not the sole occupation) has increased over the period 1991-2000 from 2,000 to 3,100, an increase of 55% according to the Central Statistics Office Census of Agriculture.

The total number of farmers in Co. Tipperary has decreased at an annual rate of 1.7% per annum from 1991-2000, which is a similar figure to the rest of the country.

Installation Aid Scheme.

373. **Mr. Lowry** asked the Minister for Agriculture and Food the number of new entrants to farming each year since 1990; and if she will make a statement on the matter. [24410/06]

Minister for Agriculture and Food (Mary Coughlan): The information requested by the Deputy is not recorded by my Department or by the Central Statistics Office. My Department has figures on the number of young trained farmers who received "Installation Aid" under the Scheme for Installation Aid. These are as follows for the years 1990 to 2005.

Year	Number of Beneficiaries
1990	496
1991	405
1992	386
1993	409
1994	403
1995	746
1996	1,167
1997	1,251

Year	Number of Beneficiaries
1998	607
1999	835
2000	463
2001	357
2002	578
2003	986
2004	767
2005	557

It should be borne in mind that these figures are not equivalent to figures for new entrants into farming.

Sugar Beet Industry.

374. **Mr. Wall** asked the Minister for Agriculture and Food the plans her Department has for the sugar beet contracts in south Kildare; if interested parties have shown an interest in setting up an ethanol business in this area; the supports she is putting in place for the beet farmers of this region; and if she will make a statement on the matter. [24512/06]

385. **Mr. Wall** asked the Minister for Agriculture and Food the way in which her Department has proceeded in relation to the provision of alternative crops for the farming community of the midlands including Kildare, Carlow and Wicklow and the south east, to overcome the loss of the beet crop; and if she will make a statement on the matter. [24760/06]

402. **Mr. Durkan** asked the Minister for Agriculture and Food the steps she proposes to take to encourage the beet growing sector to diversify with particular reference to the need to maintain farm incomes; and if she will make a statement on the matter. [24983/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 374, 385 and 402 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 compensation. This will be worth approximately €123m to Irish beet growers over the next seven years.

The sugar reform agreement provides for restructuring aid covering the economic, social and environmental costs of restructuring of the sugar industry involving factory closure and renunciation of quota. In Ireland's case, this would be worth up to €145m. The relevant Council Regulation provides that at least 10% of the restructuring aid shall be reserved for sugar beet growers and machinery contractors and that the percentage 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 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 €44m, would be drawn down in the framework of a national restructuring programme. Under the Commission implementing regulation, which has still to be published, Ireland will be required to submit a restructuring plan to the Commission by the end of this year.

Farmers are showing increasing interest in the potential of energy crop cultivation for biofuel purposes, as was evident from the recent 'Agriculture and Food 06' event organised by Teagasc. Support to farmers for growing such crops is provided under the Energy Crops Scheme. The current aid level of €45 per hectare available under the Scheme has not proven to be sufficiently attractive in itself to stimulate the growing of such crops. I raised this matter at the Council of Agriculture Ministers meeting last February and I am pleased to say that the EU Commission has undertaken to review the operation of the scheme this year.

The production and utilisation of agricultural products for energy purposes can only be sustained in the longer term if biofuels generate a more favourable return than traditional market outlets. I am confident that the extension in the last Budget of excise relief of €205m which, when

fully operational, will support the use and production of 163 million litres of biofuels annually, will help drive additional demand for the production of energy crops. I am working directly in this matter with the Minister for Communications, Marine and Natural Resources who has overall responsibility for energy policy. I am not aware of any proposal to establish a bioethanol plant in the Kildare area.

Cereal Sector.

375. **Mr. Wall** asked the Minister for Agriculture and Food the plans her Department has for the barley growers of south Kildare following the recent downsizing of a manufacturing facility in that area (details supplied) in view of the fact that one of the reasons for downsizing was the closure of exports for the barley product; if substitute crops or other uses are being considered; and if she will make a statement on the matter. [24513/06]

383. **Mr. Wall** asked the Minister for Agriculture and Food the plans her Department has for the barley growers of south Kildare following the downsizing of a local manufacturing unit in the area (details supplied); if alternative crop usages are being considered; and if she will make a statement on the matter. [24746/06]

386. **Mr. Wall** asked the Minister for Agriculture and Food her Departments position in relation to the provision of alternative crops for the farming community of the midlands including Kildare, Carlow and Wicklow and the south east, to overcome the loss of the barley crop; and if she will make a statement on the matter. [24761/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 375, 383 and 386 together.

Ireland is a surplus producer of malt with exports in the region of 50,000 tonnes. Following the closure of the Banagher plant last September, Minch Malt Ltd., which is part of the Greencore Malting Group, decided to consolidate operations at the bigger Athy plant, to solidify the domestic market. I understand that Greencore invested €4.5million in the Athy facility last year, increasing the storage capacity and installing new driers.

I understand that Minch Malt Ltd., has recently announced a rationalization at its malting plant at Athy, Co Kildare. The decision to rationalize the plant by Greencore was a commercial decision taken by the company itself.

The single farm payment introduced last year allows greater freedom to farm and gives producers the opportunity to tailor their enterprises to meet consumer and market demands. Farmers who may be affected by the rationalization at the Athy plant may decide to produce barley for the feed barley market instead. Furthermore, support to farmers for the growing alternative crops is

provided by way of the Energy Crops Scheme which was introduced under the reform of the CAP and which is administered by my Department. Under this scheme, energy crops may qualify for aid of €45 per hectare provided they are intended primarily for use in the production of biofuels and electric and thermal energy produced from biomass. In addition to this scheme, set aside land can be used for a variety of non-food uses including the growing of crops for energy purpose and will therefore qualify to activate set-aside entitlements under the Single Payment Scheme.

Direct Payment Schemes.

376. **Mr. Ring** asked the Minister for Agriculture and Food when persons (details supplied) in County Mayo will receive a 2005 single payment scheme payment on the entitlements attached to land that they purchased in 2005; when this matter will be resolved; and if she will make a statement on the matter. [24538/06]

Minister for Agriculture and Food (Mary Coughlan): The person submitted a Private Contract Clause application to transfer in entitlements under the 2005 Single Payment Scheme. The application has been successful, and it is expected that payment will issue this week.

The persons named also submitted an application to the National Reserve under category B. Category B caters for farmers who, between 1 January 2000 and 19 October 2003, made an investment in production capacity in a farming sector for which a direct payment under Livestock Premia and/or Arable Aid schemes would have been payable during the reference period 2000- 2002. Investments can include purchase or long term lease of land, purchase of suckler and/or ewe quota or other investments.

A formal letter setting out my Department's decision has issued in this case and if the applicant's are dissatisfied with my Department's decision in relation to the National Reserve they now have the opportunity to appeal this decision to the Independent Payment Appeals Committee. An appeals application form is available from any of my Department's offices or on the Department website at www.agriculture.gov.ie.

Animal Diseases.

377. **Mr. Naughten** asked the Minister for Agriculture and Food the investigations which have taken place into the contamination of equine serum with equine infectious anemia virus; the manufacturer and importer of the product; if the product is licensed here; if the manufacturer of the product is licensed by the relevant authorities; the number of batches which were contaminated; the number of lots in each batch; the number of treatments in each lot; the number distributed here; the number recalled; the number of animals

administered with the serum; the steps being taken to contain the virus; and if she will make a statement on the matter. [24539/06]

Minister for Agriculture and Food (Mary Coughlan): Following the confirmation of the presence of Equine Infectious Anaemia (EIA) in horses from two separate establishments in Co Meath, my Department's immediate focus was on the containment and immediate eradication of the disease. It also took urgent steps to prevent the spread of the disease by tracing back those horses and their contacts, which, in the previous three months, had passed through the premises on which the infected animals were located.

My Department, as an additional precaution, also advised stud owners/managers, trainers and other horse owners to have their horses tested for any evidence of the presence of the disease as this is in the best interests of all the bloodstock industry.

With regard to the detailed questions raised by the Deputy, my Department is now focusing on the origin of the disease and investigations are ongoing in this regard.

Until such time as this investigation is completed, it would be inappropriate for me to comment any further on the issue.

Commonage Division.

378. **Mr. Hayes** asked the Minister for Agriculture and Food the reason payment did not issue in 2005 for commonage to a person (details supplied) in County Tipperary under the single payment scheme; and if payment will issue. [24569/06]

379. **Mr. Hayes** asked the Minister for Agriculture and Food the reason payment did not issue in 2005 for commonage to a person (details supplied) in County Tipperary under the single payment scheme; and if payment will issue. [24570/06]

380. **Mr. Hayes** asked the Minister for Agriculture and Food the reason payment did not issue in 2005 for commonage to a person (details supplied) in County Tipperary under the single payment scheme; and if payment will issue. [24571/06]

381. **Mr. Hayes** asked the Minister for Agriculture and Food the reason a payment did not issue in 2005 for commonage to a person (details supplied) in County Tipperary under the single payment scheme; and if payment will issue. [24575/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 378 to 381, inclusive, together.

[Mary Coughlan.]

Applications under the 2005 Single Payment Scheme were received from the persons named in May 2005.

The persons named declared lands at Glenary on their Single Payment application forms. However, there is an over-claim in relation to these lands involving the applicants and various other parties. As grazing rights on Glenary were the subject of a Land Commission Vesting Order, claimants must have the legal right to claim their grazing share.

Officials of my Department met the persons named together with all the other parties also claiming grazing rights on Glenary with a view to finding a satisfactory agreement. However, no agreement was reached. Since I have no jurisdiction on title to lands, and as there is still an over-claim on the lands declared on their 2005 SPS application forms no further progress can be made in these cases. The applications submitted by the persons named under the 2005 SPS cannot be processed for payment until this matter is resolved. My officials are available at any time to meet the persons named and the other parties involved with a view reaching a satisfactory agreement to resolve the matter.

Direct Payment Schemes.

382. **Ms Enright** asked the Minister for Agriculture and Food when an appeal for a person (details supplied) in County Kildare will be made under the national reserve element of the single farm payment scheme; and if she will make a statement on the matter. [24675/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the Single Payment Scheme National Reserve under Category B.

Category B caters for farmers who, between 1 January 2000 and 19 October 2003, made an investment in production capacity in a farming sector for which a direct payment under Live-stock Premia and/or Arable Aid schemes would have been payable during the reference period 2000- 2002. Investments can include purchase or long-term lease of land, purchase of suckler and/or ewe quota or other investments.

A formal letter setting out my Department's decision issued to the person named and my Department's records indicate that an appeal was submitted by the person named. The Independent Payment Appeals Committee will carry out a full review of the case and will correspond directly with the person named following the outcome of their review.

It should be noted that to date the National Reserve section of my Department has received 943 appeals.

Question No. 383 answered with Question No. 375.

384. **Mr. Hogan** asked the Minister for Agriculture and Food when a decision will be made in respect of a person (details supplied) in County Kilkenny regarding an application under the national reserve; and if she will make a statement on the matter. [24758/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the Single Payments Scheme National Reserve, under category D. Category D caters for farmers who commenced farming after 31 December 2002, or who commenced farming in 2002 but who received no direct payments in respect of that scheme year.

A formal letter setting out my Department's decision issued to the person named and my Department's records indicate that an appeal was submitted by the person named. The Independent Payment Appeals Committee will carry out a full review of the case and will correspond directly with the person named following the outcome of their review.

It should be noted that to date the National Reserve section of my Department has received 943 appeals.

Question No. 385 answered with Question No. 374.

Question No. 386 answered with Question No. 375.

Farm Retirement Scheme.

387. **Mr. G. Murphy** asked the Minister for Agriculture and Food the reasons for non payment of a farm retirement pension to a person (details supplied) in County Tipperary, for the period from the date of application July 28, 2003, to date payment of pension commenced in 2004; and if retrospective payment will be paid to the person to cover that period. [24762/06]

Minister for Agriculture and Food (Mary Coughlan): The Early Retirement Scheme application of the person named was received in my Department on 25 July 2003. On preliminary examination, this application was found to be incomplete. The outstanding documentation was requested by Department letter dated 29 July 2003, this letter requested a reply within 21 days. As the outstanding documentation was not received within the prescribed time limit the person named was notified by Department letter dated 11 September 2003 that the application was deemed to be rejected.

A complete application was submitted on 26 February 2004 and approved for payment on 8 April 2004. Payment of the pension commenced

at the end of April 2004 and arrears of pension from the date of receipt of a complete application of 26 February 2004 were included with the first payment.

Equal Opportunities Employment.

388. **Mr. Callely** asked the Minister for Agriculture and Food the targeted percentage of employment of people with a disability by her Department; if the 3 per cent target be surpassed or is her Department restricted to this percentage; the percentage of people with a disability employed in her Department; and if she will make a statement on the matter. [24826/06]

Minister for Agriculture and Food (Mary Coughlan): 2.6% of the staff of my Department acknowledge having a disability. My Department is committed to the employment of people with a disability and there is no restriction on the percentage of people with a disability employed by my Department.

Genetically Modified Organisms.

389. **Mr. Sargent** asked the Minister for Agriculture and Food the communication she has had with any company wishing to conduct genetically modified crop trials here. [24843/06]

Minister for Agriculture and Food (Mary Coughlan): I have not engaged with any company wishing to conduct genetically modified crop trials in Ireland. The Environmental Protection Agency is the competent authority for the purposes of EU Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms, including for the purposes of field trialling.

390. **Mr. Sargent** asked the Minister for Agriculture and Food her views on whether a genetically modified potato variety (details supplied), due to be grown in Summerhill, County Meath, was not destined or suitable for the Irish domestic market; and if, in view of the market sensitivity to genetically modified contamination, she will ensure the attempted genetically modified trial is not tried again. [24844/06]

Minister for Agriculture and Food (Mary Coughlan): EU Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms lays down a binding, community-wide, framework for regulating the deliberate release of GMOs into the environment, including for the purposes of field trials and cultivation. Taking into account the precautionary principle, this framework seeks to ensure that high levels of protection are afforded to the environment and human health and requires, inter alia, the carrying out of a compre-

hensive environmental risk assessment, as part of the notification process, and post release monitoring.

Consideration of proposals to carry out GM trials is a matter for the Environmental Protection Agency, they being the competent authority for the purposes of Directive 2001/18/EC. It is open to any person or company to apply for permission to carry out such trialling and it is the competent authority's duty to take all relevant environmental and safety issues into account when considering the application.

Proposed Legislation.

391. **Mr. Sargent** asked the Minister for Agriculture and Food if she will report on progress to review the Forestry Act 1946 ; if this review will increase the number of tree protection orders as well as the protection measures for trees on development sites; and the timeframe for this review. [24845/06]

Minister for Agriculture and Food (Mary Coughlan): My Department is currently undertaking a review of existing forestry legislation.

A Consultative Group, made up of representatives from various commercial, state and voluntary agencies, was established at the end of 2005. The Consultative Group has been asked to (i) critically evaluate the existing Forestry Acts in light of current and future requirements, (ii) consider what additional measures need to be included in any new Act and (iii) evaluate submissions received following a public call inviting submissions from interested parties, made in November 2005.

A public seminar was held in May 2005 to allow those who had engaged in the public consultation process an opportunity to present their views to the Consultative Group.

The Consultative Group is in the course of completing its work. A Scheme of a Bill will be drafted and submitted to Government when this work has been assessed.

It is intended that the proposed new forestry Act will include provisions to protect trees and control felling, including on development sites where these fall within the ambit of the Act. It should be noted however, that Tree Preservation Orders are the responsibility of planning authorities, under the Planning & Development Act 2000. My Department does not propose to alter the current legislative provisions relating to Tree Preservation Orders. This would be a matter for the Minister for the Environment, Heritage and Local Government.

Poultry Industry.

392. **Mr. Sargent** asked the Minister for Agriculture and Food her views on the most humane way of killing poultry in the event of culling becoming necessary. [24972/06]

Minister for Agriculture and Food (Mary Coughlan): In the context of testing the contingency plan measures foreseen in the event of an outbreak of Highly Pathogenic Avian Influenza in a poultry flock, my Department has undertaken two controlled slaughter exercises. The trials took place in Co Monaghan in November last and in Co Limerick last month and involved the slaughter of 6,500 and 12,000 birds respectively, all of whom had come to the end of their productive lives.

The birds were slaughtered using CO₂ gas, which is the Department's preferred method of slaughter and in line with OIE (International Animal Health Organisation) recommendations. The purpose of the exercise was to confirm the efficacy of CO₂ as a method of slaughter, while having regard to the welfare aspects, as well as familiarising Department personnel and other agencies with this preferred method of slaughter.

In the Co Monaghan slaughter, infrared cameras and microphones were installed within the house to monitor the welfare of the birds during gassing. The welfare of the birds was assessed pre-gassing and, after the gassing, the birds were assessed for any signs of stress or panic and a number were taken for post-mortem examination. The visual and physical inspection of the birds indicated that they died with minimal distress and all the birds were euthanased rapidly.

The exercise confirmed the Department's view that CO₂ gassing is the preferred method of choice for the humane slaughter of poultry in commercial poultry houses in a disease emergency.

During the Co Limerick trial, thermal imaging equipment was installed inside the house to monitor the condition of the birds during gassing. The welfare audit associated with this exercise has not yet concluded but initial indications demonstrate that there was no evidence of any undue distress to the birds. It is intended that this report will be made available when completed.

It is acknowledged that the use of CO₂ gas may not be appropriate in all circumstances or for all species and, in such circumstances, alternative methods of slaughter will have to be used. In such circumstances, the welfare of the birds will be taken fully into account in selecting the method to be used.

Question No. 393 answered with Question No. 79.

Agri-Food Sector.

394. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which she has monitored the development of the agri-food sector in the aftermath of CAP reform; the most recent indicators with particular reference to expanding the industry in line with the requirements of a food producing nation; and if she will make a statement on the matter. [24974/06]

Minister for Agriculture and Food (Mary Coughlan): It should be remembered that the introduction of the decoupling of agricultural direct payments from production only came into effect on 1st January 2005. This is a relatively short time-scale in which to evaluate the impact of such a significant policy shift.

Bearing this in mind, it is possible to provide an initial evaluation of the economic effects of this change. Last year proved to be very favourable considering its transitional nature. Aggregate farm income increased by 24%. This reflected the substantial once-off overlap in direct payments as farmers received €1.1 billion under the Single Payment Scheme and almost €620 million in payments under the old premia schemes. Agri-food exports reached a record level of €7.5 billion, with beef and dairy exports up 8% and 6% respectively.

Food Exports.

395. **Mr. Durkan** asked the Minister for Agriculture and Food the new export markets that have become available to Irish food exports in the past five years; the number of such markets that have been closed; and if she will make a statement on the matter. [24975/06]

Minister for Agriculture and Food (Mary Coughlan): The 2015 Agri Vision Report recognised the importance of exports to the Irish food industry and the subsequent Action Plan includes a commitment to joint action by stakeholders to identify new markets and promote and improve market share in European and Third Country markets.

While our primary objective is to consolidate market penetration within the EU for high value-added products, it is also important to expand industry access to commercially attractive third country markets. In relation to the meat sector the Russian, Egyptian and Algerian markets for Irish beef have re-opened in recent years. Some other markets remain closed since cases of BSE in Europe were confirmed in 2000. Non-EU markets will continue to be important alternative outlets for Irish beef and the Department will continue its efforts in conjunction with the State Agencies and Department of Foreign Affairs to ensure that as many as possible of these third countries are open to our exports. Prospects for reopening the United Arab Emirate market are good and I am also hopeful of positive developments on potential export opportunities in countries such as Saudi Arabia, Singapore, Philippines, Indonesia, Kuwait, Israel, Japan, China and South Africa.

Dairy and drinks exports are also significant with dairy products being exported to over 100 countries worldwide. The main products are butter, cheese, skimmed milk powder (SMP), whole milk powder (WMP) and casein and products containing dairy ingredients such as baby food,

liqueurs, dairy spreads are also exported. I have worked hard to assist in the development of new and existing markets for Irish dairy products through ensuring that all the market aid mechanisms available are deployed in an effective manner so as to enable the dairy sector consolidate and grow its share of international markets. I acknowledge and welcome the investment by Irish dairy processors in R&D which will continue the drive towards greater levels of innovation and diversity in product mix and will help maintain our competitiveness in the face of challenges ahead.

Dairy Industry.

396. **Mr. Durkan** asked the Minister for Agriculture and Food her views for the future development of the dairy industry with particular reference to competition on both home and export markets; and if she will make a statement on the matter. [24976/06]

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 again in 2005. Overall, exports of Irish dairy products and ingredients amounted to some €2 billion, as Irish exporters responded to strong market demand worldwide.

Despite considerable policy changes at EU level export performance has been very resilient in recent years. We are on the threshold of the third year of implementation of the Luxembourg Agreement on the reform of the CAP and whilst we have seen some deterioration in market performance, particularly as regards butter in recent months, nonetheless the market overall for dairy products has remained strong though producer prices have reduced somewhat in recent months.

Further reductions in intervention prices, together with a weakening dollar and higher oil prices mean that the dairy market will be more challenging overall in 2006. The butter market continues to experience difficulties and intervention now operates under a tendering system since the 50,000 tonnes limit was reached at the end of May. The maintenance of a competitive tendered export refund for butter should facilitate the export of significant quantities of butter to international markets. Against this background global demand for dairy products is set to rise and I am convinced that Ireland is well positioned to take full advantage of these international trading opportunities.

The negotiations on the new WTO Round will present challenges and opportunities alike for the dairy sector. The removal of international trade barriers will create new trade opportunities and the main challenge for the Irish dairy sector will be to make the necessary market adjustment to ensure that the sector both protects its global

competitiveness and secures its share of this growing market.

I will continue to work constructively with the Irish dairy industry in addressing the competitiveness issues that it faces as it adapts to the new policy framework. In this respect the priority will continue to be concentrated on having an appropriate market policy at EU level incorporating a competitive set of aids and subsidies that reflect the real needs of the industry and meet the challenges of export competitiveness. On the domestic front I am anxious to move ahead with a new approach to transferring milk quotas with the aim of consolidating holdings and increasing competitiveness at producer level. I am also actively engaged with the dairy processing sector with a view to securing new investment and increased efficiency.

Beef Industry.

397. **Mr. Durkan** asked the Minister for Agriculture and Food her plans for the future development of the beef industry; the export markets where growth is expected; the locations where greater competition is expected; the extent to which imports are expected to affect the domestic market; and if she will make a statement on the matter. [24977/06]

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 markets by exporters, the promotion work carried out by An Bord Bia 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 that went to 3rd Country markets. This is in contrast with 1999 when our exports to 3rd Country markets amounted to 309,000 tonnes out of total exports of 554,000 tonnes. There continues to be strong demand for Irish beef in the UK, our principal market, taking almost 50% of our beef. We also have a considerable level of trade with France, Italy, the Netherlands and Scandinavia. We expect further growth in these markets as the industry and Bord Bia increase the level of their marketing and promotion efforts. Russia is our main 3rd Country market with Algeria and Egypt also taking Irish beef. We compete with the domestic suppliers of beef in the EU markets to which we send exports. Brazil and to a lesser extent, Argentina, also compete with us on the European and 3rd country markets. Imports from these two countries also impact on our domestic trade. However, the level of such imports only reflects a very small proportion of our overall production.

Farm Household Incomes.

398. **Mr. Durkan** asked the Minister for Agriculture and Food the way in which farm incomes will develop in the future; and if she will make a statement on the matter. [24978/06]

Minister for Agriculture and Food (Mary Coughlan): Competitiveness is the major issue for the farm sector. It will dictate the commercial future of our farms and ultimately it will decide farm income. For this reason, the longest Chapter in the Agri-Vision 2015 Action Plan is devoted to the issue of competitiveness and there are 93 specific actions to be undertaken.

The State's role is to facilitate a climate that assists competitive drive and innovation and thereby maximise farm income. It is important that farmers position themselves to take advantage of significant State investment in agricultural research, training and advice on best practice. They must evaluate their own practices and techniques and avail of the advice and research from expert organisations such as Teagasc. They must recognise, and be recognised for, their crucial role in the management of the supply chain and the development of a value-added industry. Ultimately, it is for farmers themselves, applying their skills and training, who will determine their own future.

Food Industry.

399. **Mr. Durkan** asked the Minister for Agriculture and Food the number of people employed in the food industry; the extent to which numbers have fluctuated in the past five years; and if she will make a statement on the matter. [24980/06]

Minister for Agriculture and Food (Mary Coughlan): Information from the Quarterly National Household Survey supplied by the Central Statistics Office to my Department shows some fluctuation within a modest range in the numbers employed in the food and drinks sector during the period.

	Number employed '000	Annual change %
Year 2005	54.0	-0.2%
Year 2004	54.1	+2.7%
Year 2003	52.7	-0.6%
Year 2002	53.0	-1.3%
Year 2001	53.7	N/a

Food Exports.

400. **Mr. Durkan** asked the Minister for Agriculture and Food this country's main competitors in European and global markets in the area of food exports; and if she will make a statement on the matter. [24981/06]

Minister for Agriculture and Food (Mary Coughlan): Ireland faces a wide variety of competitors on EU and world markets for the range of products we export. The ability to compete on agricultural markets is based on a number of factors. These include the scale of production, exchange rates, price, points of differentiation and the degree of competition within a particular market. The liberalisation of agriculture has made the market place for an export-orientated country like Ireland more competitive. To survive in this environment, the Irish agri-food sector must improve its productivity, reduce costs of production, invest in greater levels of R&D, become even more responsive to the demands of customers and add more value to the end product.

My strategy and that of the State Agencies is to underpin the ongoing success of the food sector by facilitating the industry to maintain competitiveness and capacity to meet the demands of the market. Agri-Vision 2015 is a comprehensive action plan for the future of the agri-food sector. Built on the three pillars of Competitiveness, Innovation and Consumer-Focus, the Plan sets out a new vision for the future of the sector in the light of new changes impacting on it such as a more liberalised trade policy. It will enable my Department and the relevant State Agencies to work in tandem with farmers and the food sector to develop their full competitive potential on all markets. 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 agri-food sector compares to the best in the EU and in the world in terms of competitiveness as well as knowledge base, innovation and marketing.

Farm Household Incomes.

401. **Mr. Durkan** asked the Minister for Agriculture and Food her plans to improve farm incomes in the future; and if she will make a statement on the matter. [24982/06]

Minister for Agriculture and Food (Mary Coughlan): Farm incomes are generated primarily by a combination of returns from the market and direct payments.

My Department continues to support farm incomes through the provision of the Single Farm Payment and other major support systems under the Rural Development Programme. Overall, it is estimated that these direct payments and supports account for about 75% of net farm incomes. The important issue, post decoupling, is to maximise the level of income from market returns.

Competitiveness is the key to maximizing returns from the market. The recently published Agri-Vision 2015 Action Plan is predicated on improving competitiveness. On the issue of competitiveness alone, the Plan contains over 90 specific actions designed to assist Irish farming to

compete more effectively on European and international markets. As farmers position themselves to take advantage of the significant State investments in supports, training and advice they can improve their competitiveness and innovative ability thereby enhancing their opportunity for improved farm incomes. The other planks of the Agri-Vision document i.e. placing greater emphasis on innovation and consumer focus within the agri-food sector will also contribute positively to the long-term future of farm income.

Question No. 402 answered with Question No. 374.

Bovine Disease Controls.

403. **Mr. Durkan** asked the Minister for Agriculture and Food the position in regard to bovine tuberculosis eradication with particular reference to the number of incidents in the past five years; the way in which this compares with other jurisdictions; and if she will make a statement on the matter. [24984/06]

Minister for Agriculture and Food (Mary Coughlan): The current T.B. eradication programme has brought about a significant improvement in the incidence of bovine tuberculosis, as the following table shows:

Year	No. of Reactors
1999	44,903
2000	39,847
2001	33,702
2002	28,930
2003	27,978
2004	22,967
2005	25,884

There has been a steady decline in the numbers of TB reactors since 1999 when 44,900 reactors were identified compared with less than 26,000 in 2005. However, further progress towards final eradication is constrained, in particular, by the presence of a wildlife reservoir of infection. In this regard my Department operates an active wildlife programme, which involves the targeted removal of badgers where they are implicated in an outbreak of TB. My Department is also committed to a research project, with UCD, on the development of a vaccine, for use in badgers, which, if successfully developed, should contribute further to a significant reduction in the incidence of TB.

The incidence of the disease in the majority of other Member States is lower than in Ireland. This is due in large part to the extensive nature of livestock production in Ireland and presence of a wildlife reservoir of infection in the countryside, which significantly increases the likelihood of the transmission of TB to cattle.

Animal Feedstuffs.

404. **Mr. Durkan** asked the Minister for Agriculture and Food if she has satisfied herself that the use of meat and bone meal in animal feed stuffs has been discontinued entirely; if there have been breaches of this regulation; and if she will make a statement on the matter. [24985/06]

Minister for Agriculture and Food (Mary Coughlan): In December 2000 the EU introduced a total ban on the use of certain proteins derived from mammals, including mammalian meat and bone meal (MBM), in the diets of farmed animals. The ban remains in place.

Staff of my Department operate a range of controls, some of which have been in place since 1996, to ensure that MBM is not included either deliberately or inadvertently in feed intended for farmed animals. Regular checks are carried out at rendering plants, where MBM is produced, and in relation to the transport and storage of MBM. In addition, and to further ensure that this total ban is enforced effectively, the Department has increased the level of sampling for animal proteins. To date, in excess of 14,000 samples have been analysed. This includes the sampling of all bulk consignments of feed materials, along with extensive sampling of compound feedingstuffs and on-farm sampling. Between January 2001 and November 2004, bone fragments were detected in only five cases. In each case the source of contamination was an imported feed material and it is felt they occurred as a result of cross-contamination, rather than deliberate inclusion. Since then, no other case containing bone fragments has been detected. The report of the last inspection mission carried out in June 2002 by the Food and Veterinary Office (FVO) of the European Commission concluded "The feed ban is implemented in Ireland and under official supervision." The controls operated by my Department are adequate and are kept under constant review.

The legislative basis for the controls and uses of animal by-products including MBM is Regulation (EC) 1774/2002, which came into effect on 1 June 2003. Under this Regulation Category 3 MBM, which is derived from animal's deemed fit for human consumption, can be used in dried petfood. For a number of years, because of concerns in relation to BSE, national legislation went beyond EU legislation and prohibited the use of Category 3 MBM in petfood. During 2005 the situation was reviewed, having regard to the EU legislation, the declining number of BSE cases and the fact that some legally imported petfood containing Category 3 MBM was coming in to Ireland from other EU countries. I was also conscious of the need to provide productive outlets for the disposal of certain animal by-products where these do not pose a risk to public or animal health. I decided in all the circumstances to allow the use of Category 3 MBM in the manufacture of dried packaged petfood. SI 248 of 2003 was

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amended by SI 707 in November 2005 to introduce this change. Strict conditions apply in the petfood manufacturing process and controls are in operation covering the receipt of MBM in sealed bags; microbiological testing for salmonella; the need for a dedicated intake/ storage area; and facilities for the safe disposal of unused MBM through rendering or incineration.

Cereal Sector.

405. **Mr. Durkan** asked the Minister for Agriculture and Food her views on the future of cereal growing here; her plans to develop and expand in this area; and if she will make a statement on the matter. [24986/06]

Minister for Agriculture and Food (Mary Coughlan): The year 2005 marks one of the most significant developments in the recent history of Irish farming — as policy shifts from production supports to the decoupled Single Payment Scheme. The new CAP regime will allow greater freedom to farm, giving many producers the opportunity to tailor their enterprises to meet consumer and market demand and to reflect their own strengths, individual preferences and aspirations. Under the reformed CAP, Irish cereal farmers will have the cushion of the single farm payment decoupled from production as and from 1st January 2005, and will be able to concentrate on supplying markets, focussing on minimising production costs and maximising their incomes. Improved efficiency of production at farm level will be important to maintain incomes, and to ensure that the volume of output is maintained to support the processing sector.

Early indications for the 2006 harvest show that the yield potential of spring barley will be moderate, while the area sown to winter wheat is down on last year. Nevertheless, I am confident that total production from this year's harvest will be satisfactory and will be close to the recent average of 2 million tonnes.

The maintenance of an efficient and viable cereals sector is of the utmost importance. In addition to providing an income for growers, it provides the livestock sector with an important source of feedingstuffs. It is desirable to maintain the current level of production in order to avoid over dependence on imported grain and I am satisfied that, subject to weather conditions, future production will continue at the 2 million tonne average.

My Department continues to operate a range of services aimed at improving the efficiency, quality and viability of cereal production. These services include seed certification, seed testing, recommended lists of varieties etc. In addition, Teagasc provides comprehensive research, training and advisory services for cereal producers. The value of all these support services is reflected in the fact that Irish cereal producers have con-

sistently achieved some of the highest yields in the world and I am satisfied the outlook for cereal growing in Ireland is quite positive and Irish cereal producers are well positioned to meet the competitive challenges ahead.

Deer Farming.

406. **Mr. Durkan** asked the Minister for Agriculture and Food the number of persons involved in deer farming; the extent to which the enterprise is expanding or otherwise; and if she will make a statement on the matter. [24987/06]

Minister for Agriculture and Food (Mary Coughlan): Official data on deer farming is available from the Census of Agriculture which is carried out by the Central Statistics Office roughly every ten years. The first and so far only Census of Agriculture that included deer was in June 2000. This stated that there were farmed deer on 266 farms. Teagasc has estimated that the number of farms involved in deer production peaked in the mid 1990s at about 450 and they would estimate that the number currently stands at between 200 and 250.

The structure of deer farming has altered over the last ten years and the number of units has decreased. While there are fewer enterprises now, they are larger, more specialised and moving towards quality assured high value product outlets.

Animal Diseases.

407. **Mr. Durkan** asked the Minister for Agriculture and Food the degree to which animal disease eradication in this country compares with other EU States; and if she will make a statement on the matter. [24988/06]

Minister for Agriculture and Food (Mary Coughlan): My Department accords a high priority to maintaining Ireland's high status in relation to animal health and welfare in the context of protecting consumers and in view of the economic and social importance of agriculture to the country. It remains essential that we anticipate wherever possible and maintain the capability of dealing effectively with any threats in this area, from wherever they emerge. A comprehensive approach to these threats involves the following measures:

- Continued operation of schemes to reduce and eventually eradicate diseases of significant importance such as TB and Brucellosis,
- An intensive programme of measures to eradicate BSE,
- Measures to deal with threats from or actual outbreaks of other diseases.

With regard to Bovine Tuberculosis, the Eradication Scheme, which complies fully with the rel-

evant EU legislation, has been successful in reducing the level of this disease from 17% in the 50's to 0.4%. While efforts are continuing to achieve a sustained reduction below that level, further progress is constrained by the presence of a wildlife reservoir of infection. In this regard, my Department operates an active wildlife and research programme.

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 similar decline in the number of herds depopulated from 328 to 27 in 2005. This progress has been maintained into 2006.

I am confident that this progress can be maintained into the future and that the ultimate goal of eradication is now a realistic prospect. However, for this to be achieved, it is essential to retain for now all aspects of the existing programme.

In the case of BSE, my Department has adopted a pro-active approach to disease prevention and introduced controls on the feeding of meat and bone meal and the use of Specified Risk Materials before they became mandatory at EU level. Numbers of cases have fallen significantly.

There were 69 cases in 2005 compared with 126 in 2004 and 182 in 2003. To date in 2006, there have been 26 cases of BSE which represents a decrease of 28 per cent on the number of cases in the same period in 2005. It is anticipated that the incidence of disease will continue to decline as cows born prior to 1998 leave the system.

The second round of the National Aujeszky's Disease Control and Eradication Programme is underway since September 2005. This involves blood testing of breeding pigs on all holdings nation-wide, together with a substantial factory testing regime. No new cases of Aujeszky's disease in the Irish pig herd have been identified thus far and the low number of positive holdings previously identified are being steadily reduced through compulsory vaccination and/or depopulation. The official status of the Member States is detailed in Commission Decision 2004/320/EC.

With regard to other diseases, while Ireland is free of many exotic diseases, contingency plans have been prepared in relation to major diseases such as Classical Swine Fever, Newcastle Disease, Avian Influenza and Foot and Mouth Disease. As the Deputy will recall, decisive action taken by my Department during the Foot and Mouth Disease crisis in 2001 kept the number of cases to just one and permitted Ireland to regain its FMD Free status in a relatively short space of time.

Many of the measures introduced during that time, such as the strong legislative base for disease control introduced in the Disease of Animals (Amendment) Act, 2001, new rules in relation to

the registration and control of dealers, a National System for the Identification and Traceability of sheep and goats, and the application of full intra community rules on veterinary health certification of live animals imported from Northern Ireland, remain in place today. Further developments since that time include a National Pig Identification and Traceability system and a comprehensive Aujeszky's Disease Programme.

My Department will continue to implement measures in conformity with EU and international requirements and to promote best practice in relation to animal health and welfare in Ireland and in Europe, in a manner, which protects consumers in the first instance and Ireland's critically important agri-food sector. Implementation of measures here and in other Member States is reviewed on an on-going basis by the EU's Food and Veterinary Office.

Direct Payment Schemes.

408. **Mr. Durkan** asked the Minister for Agriculture and Food the number of applications received for assistance under the force majeure heading; the number that have been granted, refused or pending; and if she will make a statement on the matter. [24989/06]

Minister for Agriculture and Food (Mary Coughlan): The position is that a total of 17,597 applications were received for consideration under the Force Majeure/Exceptional Circumstances measure of the Single Payment Scheme. The number of successful applications under this measure is 4,417. The number of applications, which were deemed unsuccessful, is 13,111.

Processing of the remaining 69 applications is continuing and formal letters setting out my Department's decision will be issued to applicants in the coming weeks.

Fruit and Vegetable Sector.

409. **Mr. Durkan** asked the Minister for Agriculture and Food her plans for the development and expansion of the fruit and vegetable industry; and if she will make a statement on the matter. [24990/06]

Minister for Agriculture and Food (Mary Coughlan): The farm-gate production value of the fruit and vegetable sector continues to expand and is now estimated at €220 million.

The key issue which has impacted on the development of the fruit and vegetable industry as a whole in recent years is the increased concentration at retail level with the consequent significant change in the supply chain. My Department, recognising the marketing advantages and challenges of consolidation and scale, has contributed to the development of the industry, particularly through its grant aid schemes under the National Development Plan. These schemes have been a

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catalyst for investment and growth and have assisted producers to upgrade or develop new production facilities and have also enabled commercial enterprises to improve marketing and processing facilities.

The scheme to assist capital investment on farms under the National Development Plan aims to promote the specialisation and diversification of on-farm activities, improvement in the quality of products and to facilitate environmentally friendly practices and improved working conditions on farms. Under NDP 2000-2005, a total of €11m has been paid in grants to producers supporting investments of €31.5m. In 2006 a further €6.3m grant package will fund projects to the investment value of €18m.

Under my Department's Capital Investment Scheme for the Marketing and Processing of Agricultural Products a total of €10.5m has been awarded in the fruit and vegetable sector under the NDP to date. €7m was awarded in respect of 15 projects in this sector earlier this year.

In addition, fruit and vegetable producers benefit from EU aid under the Producer Organisation scheme. €5.6m was paid to 10 recognised Producer Organisations 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.

Direct Payment Schemes.

410. **Mr. Durkan** asked the Minister for Agriculture and Food if all payments due to farmers under the various aid or headage payment schemes are up to date; and if she will make a statement on the matter. [24992/06]

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. To date, payments worth in excess of €1.173 billion have issued to over 98% of Scheme applicants.

The changeover to the Single Payment was undertaken while work continued on winding up the coupled schemes. A small number of outstanding cases remain under these schemes, which the staff assigned to this work are continu-

ing to clear on an ongoing basis. By their nature, these residual cases are complex and difficult to resolve. However, every effort is being made to bring each one to resolution. My intention is to have these outstanding cases largely finalised before the end of this year.

Food Labelling.

411. **Mr. Durkan** asked the Minister for Agriculture and Food if she has satisfied herself that all food exports are fully labelled and traceable; and if she will make a statement on the matter. [24993/06]

Minister for Agriculture and Food (Mary Coughlan): The enforcement of food labelling regulations is centralised in the Food Safety Authority of Ireland (FSAI) who ensure that the appropriate controls are carried out by the relevant official agencies. The official agencies include the Health Service Executive, my Department, the Department of Communications, Marine and Natural Resources, the Office of the Director of Consumer Affairs and the local authorities.

My Department is in regular contact with officials of the FSAI in relation to the enforcement of food legislation, including legislation governing food labelling and traceability. I am satisfied that that proper controls are in place to ensure compliance with this legislation.

412. **Mr. Durkan** asked the Minister for Agriculture and Food the reason food and food products imported from non-EU countries are being re-labelled and sold here under labels indicating Irish origin with particular reference to the poultry sector; and if she will make a statement on the matter. [24994/06]

Minister for Agriculture and Food (Mary Coughlan): The general food labelling legislation, as set out in the EU Directive 2000/13/EC and implemented in this country by the European Communities (Labelling, Presentation and Advertising of Foodstuffs) 2003 regulations (S.I. 483/2002), requires that the labelling of foodstuffs must not mislead the consumer as to various properties of the food, including origin. Therefore there is a legal prohibition on claiming that any product, including poultrymeat, is Irish if it is not. These rules apply throughout the Community and the regulations are enforced here by the FSAI.

The EU poultrymeat marketing standards regulations require that all unprocessed poultrymeat coming from a non-EU country must bear an indication of that country on its label. Officers of my Department check that this law is being complied with. When such meat is imported into Ireland and is cut up and/or repackaged here before being placed on sale then the product will be stamped with the oval IRL health mark. This

is a requirement of veterinary legislation that is in place throughout the EU and is an essential tool in facilitating traceability in the event, for example, of product recall. The IRL health mark must not be interpreted as an indicator of Irish origin. Officials of my Department monitor the correct application of health marks to meat. On the wider issue of EU policy on labelling, I have raised the issue of the need for country of origin labelling on imported products on a number of occasions within the Council of Ministers.

I am glad to say that the Health and Consumer Protection Directorate of the EU Commission has recently commenced a consultative process on a wide range of issues in this area, under a document entitled 'Labelling: Competitiveness, Consumer Information and Better Regulation for the EU'. I have arranged for my Department to make a submission on food labelling and country of origin labelling of meat in particular to the Department of Health and Children who are co-ordinating the Irish contribution to this process.

Food Industry.

413. **Mr. Durkan** asked the Minister for Agriculture and Food the way in which she proposes to enhance the marketing of Irish beef and lamb here and overseas; and if she will make a statement on the matter. [24995/06]

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.

A key element in our strategy for developing and sustaining our presence in international beef markets, and particularly within the EU, must be the continued emphasis on the quality of our product. The support, both financial and otherwise, I have given to quality assurance schemes is an indication of the importance I place on these as key features of our future marketing strategies.

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 them in their 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 campaign will run over three years with a total budget of some €10 million. It involves on-pack promotions in 8,000 stores across eight countries — Britain, the Netherlands, Italy, France, Belgium, Spain, Germany and the Czech Republic. Some 30 supermarket groups are participating and at least 40 million people visit their stores each week. The promotion has been tailored appropriately for maximum impact in each country. The campaign will run from September to November this year.

Bord Bia is actively engaged in promoting Irish lamb to consumers in both Ireland and France, the key markets for sheepmeat. This involves a mix of both media advertising and retail promotions in both countries. Bord Bia launched its 2006 Irish lamb campaign in France on 16 June. The promotional campaign will run from now until the end of the summer. The French market is the most important export market for Irish lamb importing over 40% of our total production annually. The nationwide campaign is being run in conjunction with eight major retailers throughout the country and is taking place in over 1,200 outlets. This year's campaign will also be advertised extensively at both local and national level. Lamb will be strongly promoted at SIAL, the International Food Fair in Paris, in late October. There will also be a summer identified Irish lamb promotion in Belgium. Bord Bia continues to promote Irish Lamb in Germany and the Netherlands with retailers and foodservice outlets there.

On 29 May Bord Bia launched its 2006 New Season Lamb promotional campaign on the Irish market. The domestic market remains very important to lamb producers, consuming almost 30 per cent of our total sheepmeat production annually. The campaign aims to increase sales at retail and foodservice level targeting both the regular consumer who already appreciates the good eating experience of lamb along with the younger consumers in the 18 to 34 year old bracket who are looking for quick and healthy meal ideas as part of their busy lifestyles. Running over four weeks, the promotion is comprised of a series of TV and radio adverts on both local and national stations.

A sheep industry strategy group established in December 2005 under the chairmanship of Mr. John Malone, former Secretary General of my Department, has recently published its report which covers all aspects of the sheepmeat sector, including product development for different markets, consumer preferences and promotion. Bord Bia and my Department were among the interests represented on that group. The recommendations in the report are targeted towards facilitating the development of a more profitable

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sheepmeat sector in Ireland. I am now in the process of setting up an agreed implementation structure in association with the main stakeholders involved.

Meat Imports.

414. **Mr. Durkan** asked the Minister for Agriculture and Food if she is satisfied that all imports of meat and meat products into this country are compliant with husbandry production and traceability standards applicable here; and if she will make a statement on the matter. [24996/06]

Minister for Agriculture and Food (Mary Coughlan): 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 as well as to imports of these products from third countries. Under harmonized 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 FVO (Food & Veterinary Office) 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 direct contact with 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 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 for the health of EC consumers, livestock or plants. He has pointed out that the adoption of safeguard measures in relation to imports, for example in the matter of dealing with the risk to the EU of the spread of high pathogenic avian influenza, in the finding of residues of unauthorised substances in poultry meat and in the quick and proportionate protective measures applied to imports of beef as a result of the recent outbreaks of Foot and Mouth Disease (FMD), 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). I recently brought to the attention of the Commissioner the findings of an Irish delegation of farmers and journalists who visited the meat producing regions in Brazil and my Department is also seeking assurances from the Commission that the FVO will undertake further missions to Brazil to evaluate the implementation of the action plans submitted by the Brazilian authorities.

Animal Feedstuffs.

415. **Mr. Durkan** asked the Minister for Agriculture and Food the volume of pet foods imported into the country; if she is satisfied that European traceability and husbandry requirements have been applied in all cases; and if she will make a statement on the matter. [24997/06]

Minister for Agriculture and Food (Mary Coughlan): Data supplied by the Central Statistics Office indicates that the total quantity of pet food imported into this country from January to December 2005 was 53,727 tonnes. Importers of pet foods are required to register with my Department and give at least 24 hours notice of intention to import. In the case of pet food originating from an EU source it must come from an approved establishment and be accompanied to its destination with a commercial document or a health certificate signed by an official veterinarian of the competent authority of the Member State of origin. In the case of importation from third countries it must originate in a country approved by the EU for trade in such products, have been produced in an approved establishment and be accompanied by a health certificate in accordance with the provisions of Community legislation and must be presented for inspection at an EU Approved Border Inspection Post. Importation of meat and bone meal or such products for any purpose to do with the farm animal and human food chain is prohibited.

Pigmeat Industry.

416. **Mr. Durkan** asked the Minister for Agriculture and Food the position in regard to the pig meat industry with particular reference to the

extent of imports as a percentage of national production; and if she will make a statement on the matter. [24998/06]

Minister for Agriculture and Food (Mary Coughlan): The following table summarises the estimated quantities of pigmeat produced, imported, consumed and exported in 2005 (product weight equivalent). It indicates that imports are the equivalent of 50% of national production.

	tonnes
Production	147,000
Imports	74,000
Consumption	104,000
Exports	114,000

Potato Sector.

417. **Mr. Durkan** asked the Minister for Agriculture and Food the acreage of potatoes grown here in 2006; the most prominent varieties; the value of the crop; and if she will make a statement on the matter. [24999/06]

Minister for Agriculture and Food (Mary Coughlan): The CSO estimated that the area of potatoes grown in 2005 was 12,200 hectares. All indications are that the area will be lower in 2006. Official CSO figures for 2006 plantings will not be available until much later in the year. The main varieties are Rooster, Kerr's Pinks and British Queens, which account for almost 70% of the area planted. Other important varieties include Lady Claire, Record and Lady Rosetta. Potato production in 2005 is estimated at 422,000 tonnes. While the CSO has not published the estimated value of the 2005 crop, the 2004 crop was valued at €91 million.

Food Industry.

418. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which the food industry here is keeping pace with international developments in the area of pre-cooked, frozen or oven ready products; and if she will make a statement on the matter. [25000/06]

Minister for Agriculture and Food (Mary Coughlan): Pre-cooked, frozen or oven ready products may all be classified under the heading prepared consumer foods. The Irish prepared consumer foods sector is currently the fastest growing food sub sector with annual sales of €2.3 billion of which over 50% is exported, primarily to the UK. The sub-sector currently employs 14,500 in 280 companies.

The prepared food sector is currently experiencing strong growth and forecasts for future growth remain very positive. Valuable market

opportunities continue to be available for Irish food companies which are willing to undertake the necessary research and to build the capability to respond quickly to consumer demands. Specific areas of opportunity exist for the food industry in the areas of consumer foods, functional foods and beverages, food ingredients and speciality foods. Health concerns are now a major influencing factor on consumers and functional foods, food for health and pharma-foods are forecast to become key drivers of growth within the sector. The well-being and vibrancy of our agri-food industry is heavily dependent on being continually and rapidly responsive to emerging consumer demand. Without investment in research and development, Ireland's food industry will be outstripped and out-paced by others who already possess the necessary research capability to meet these demands.

The substantial state investment in in-company research and technology transfer has driven and supported the research and development agenda within food companies. These supports, together with the tax incentives to encourage research and development, demonstrate the Government's ongoing commitment to the innovation agenda. Irish food companies, for their part, have encompassed the innovation challenge and are increasingly focussed on accelerating their research and development activities to meet the growth opportunities. I welcome the fact that a number of leading food companies are engaging with Enterprise Ireland in advancing significant innovation and research and development projects which are market led.

Rural Environment Protection Scheme.

419. **Mr. Durkan** asked the Minister for Agriculture and Food the number of participants in the original REP scheme; the number currently in the scheme; the number of participants who are required to make refunds payments to her Department; and if she will make a statement on the matter. [25001/06]

Minister for Agriculture and Food (Mary Coughlan): In 2000 there were 44,802 participants in the first rural environment protection scheme. All contracts in that scheme are now concluded. There are currently 48,087 participants in REPS. As of 31 May 2006, there were 1,400 cases in which repayments were due.

Food Labelling.

420. **Mr. Durkan** asked the Minister for Agriculture and Food the success or otherwise of her efforts to discourage misleading re-labelling of meat or meat products; and if she will make a statement on the matter. [25002/06]

Minister for Agriculture and Food (Mary Coughlan): A range of actions have already been

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undertaken by my Department in implementing the recommendations of the food labelling group which examined in detail the complex area of food labelling. One of the more important recommendations which has been implemented was the centralisation of overall responsibility for the enforcement of food labelling legislation in the Food Safety Authority of Ireland. Food business operators who mislead consumers in believing that food which is not of Irish origin is Irish may be committing an offence under existing food labelling legislation and any such instances should be brought to the attention of the FSAI.

The issue of substantial transformation, whereby products following import into the EU may be described after processing as a product of a particular member state, is of particular concern to me if this procedure is used to mislead consumers. I have raised this issue directly with the Commission on a number of occasions and indeed have been in contact with the EU Commissioner for Health and Consumer Protection, Mr. Kyprianou, again last month about the matter. The Directorate General for Health and Consumer Protection is in the process of examining the current food labelling legislation. I have again raised this concern as part of submission to the Commission.

Food Industry.

421. **Mr. Durkan** asked the Minister for Agriculture and Food if Irish suppliers of meat, dairy and other food products are given an equal opportunity to tender to supply the major food chains; and if she will make a statement on the matter. [25003/06]

Minister for Agriculture and Food (Mary Coughlan): Total output of the food industry is valued at €15 billion, of which exports account for €7 billion. Ireland is an open economy and I fully believe that the future of Irish food producers and the industry lies in access to all markets, at home and abroad, and an emphasis by all players on competitiveness, innovation and understanding of market trends. My strategy and that of the State agencies is to underpin the ongoing success of the food sector by facilitating the industry to maintain competitiveness and capacity to meet the demands of the market in terms of quality, convenience, price and product specification. Statutory responsibility for instituting action in relation to any possible lack of access or unequal opportunity on the domestic market rests with the Competition Authority to whom any evidence of untoward trading should be addressed. The mission of my Department is to lead the sustainable development of a competitive, consumer focused agri-food sector and to contribute to a vibrant rural economy and society.

Agri-Vision 2015 is a comprehensive action plan for the future of the agri-food sector. Built on the three pillars of competitiveness, innovation and consumer focus, 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. 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 agri-food sector compares to the best in the EU and in the world in terms of knowledge base, competitiveness, innovation and marketing.

Deer Farming.

422. **Mr. Durkan** asked the Minister for Agriculture and Food the total 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. [25004/06]

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.

Fallow deer is exported to Denmark while red deer is supplied to the supermarket chains in Ireland and the UK and also to restaurants at home and in the US. There is severe competition from larger, lower cost producers abroad, especially Scotland and New Zealand. There are indications that so far in 2006 the market is improving due to more buoyant demand on the home and export markets.

Agricultural Development.

423. **Mr. Durkan** asked the Minister for Agri-

culture and Food the role research and development is expected to play in the future of agriculture with particular reference to the need to expand and compete; and if she will make a statement on the matter. [25005/06]

Minister for Agriculture and Food (Mary Coughlan): A combination of factors such as the reformed CAP, increasing trade liberalisation and rapidly evolving markets means that efficiency and innovation based on sound scientific knowledge will be essential for the future development of Irish agriculture and food. The Lisbon Agenda identified research as a key driver of economic growth in the EU and this has also been highlighted in the Enterprise Strategy Group Report and the Agri Vision 2015 Report. Recently the Government launched its Strategy for Science, Technology and Innovation 2007-2013 which will greatly enhance the increased investment in research in recent years and which recognises agri-food equally as part of the knowledge economy.

The plan of action, which I have launched to implement Agri-Vision 2015, includes commitments to national research and development and wider international collaboration. The research themes and actions range across agriculture, food and non-food uses, including forestry, to the bio-economy generally. In relation to agriculture, for example, the research to be carried out by Teagasc will include research into the determinants of agricultural productivity to provide a greater understanding of competitiveness. Secondary research as well as market research will be prioritised to support the opportunities for the Irish food sector to develop and supply appropriate products to meet the changing demographics of national and international markets.

Our vision for success is focused on the objective of ensuring that the Irish agri-food sector compares to the best in the EU and in the world in terms of knowledge base, competitiveness, innovation and marketing. Quality and focused research will be one of the key ingredients in making that happen.

Food Industry.

424. **Mr. Durkan** asked the Minister for Agriculture and Food her views on the future development of the lamb and pig meat sectors, having regard for access to export markets; and if she will make a statement on the matter. [25006/06]

Minister for Agriculture and Food (Mary Coughlan): The sheep industry strategy group established in December 2005 under the chairmanship of Mr. John Malone, former Secretary General of my Department, reported on 1 June 2006. Its report covers all aspects of the sector, including production, pricing, product development and promotion for different markets and

consumer preferences. All sectors were represented in the group including the processors, producers, Teagasc, Enterprise Ireland, Bord Bia and my Department.

This is a very timely report coming as it does in the wake of decoupling of production from market supports when the industry not only faces a number of serious challenges but also has real opportunities for growth. The report therefore represents a comprehensive development plan to move the industry forward. The aim is to facilitate the development of a more profitable sheepmeat sector in Ireland. I am now in the process of setting up an agreed implementation structure in association with the main stakeholders involved.

Irish pigmeat has access to virtually all important markets EU and worldwide including Japan, which was particularly strong in 2005, as well as the USA. Producers in the pig sector are operating at a high level of efficiency. The Prospectus Study, which reported in 2001, was a comprehensive examination of the factors relevant to the future prosperity of the sector, in particular its competitiveness on home and international markets. The key recommendation centred on the need for rationalisation of primary processing facilities. There has been a good degree of rationalisation in the past couple of years and I believe the sector is well positioned to take on the challenges that lie ahead.

My Department is, and will continue to be, engaged in a wide range of activities that are critical to the ongoing development of the pig industry. These include national animal health programmes, the monitoring of compliance with food safety controls at production premises, the administration of production controls and certification for individual third country markets, and improving access to new markets. Pigmeat also features prominently on Bord Bia's programme of promotion on home and export markets. I and my officials are continuously engaged with the board for the purpose of identifying and developing these markets, in particular a most promising and potential market at present is China.

Last year I signed a protocol with my Chinese counterpart to facilitate the commencement of direct trade in Irish pigmeat to that country. We have since had a veterinary delegation here from China to inspect our meat plants and we are now in the final stages of completing the process. I expect pigmeat exports to that destination to start in the near future.

Direct Payment Schemes.

425. **Mr. Perry** asked the Minister for Agriculture and Food if she will ensure that a decision is made on the single payment application of a person (details supplied); and if she will make a statement on the matter. [25048/06]

Minister for Agriculture and Food (Mary Coughlan): An application under the Single Payment Scheme-Disadvantaged Area Compensatory Allowance Scheme was received from the person named on 13 May 2005. The application was randomly selected for an on-the-spot cross compliance inspection. During the course of the inspection it was found that the movement of two animals was not notified to the cattle movement monitoring system and that 19 animals were not registered on that system. As a result of these identification and registration errors a 5% cross compliance penalty was applied.

The penalty resulted in the single farm payment being reduced by €129.90. A reduced payment of €2468.08 issued on 1 December 2005. To date no review has been sought. However if the person named is not satisfied with the result of the inspection, he may seek a review by contacting his local office. He also has the right to appeal the outcome of any such review.

Criminal Prosecutions.

426. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number of dangerous driving cases causing death which have occurred in each of the past five years; the number which have been prosecuted in the Circuit Court and the number that have been prosecuted in the District Court for each of the past five years; and if he will make a statement on the matter. [24351/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret that it has not been possible in the time available to obtain the information requested by the Deputy. I will be in touch with the Deputy in relation to this matter when it becomes available.

Garda Equipment.

427. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform the number of speed cameras currently in operation; the number in operation in 2005; and the revenue raised from same. [24783/06]

428. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform the number of extra speed cameras which will be introduced; the time-scale for same; and the number which will be operated by the private sector. [24784/06]

429. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform the estimated revenue per year that private companies will receive from the State for the operation of speed cameras; and where this money will come from. [24785/06]

430. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform the cost to operate speed cameras in 2005. [24786/06]

474. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the amount of funding collected in speeding fines in 2005; the way in which this funding was used; and if he will make a statement on the matter. [24771/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 427 to 430, inclusive, and 474 together.

I am informed by the Garda authorities that in 2005 a total amount of €14,283,000 was collected through the Garda Vote for offences committed under the Road Traffic Acts. This covers all offences under the Road Traffic Acts for which fines were collected. It is not possible to state precisely the exact amount collected in speeding fines as the fines collected are not categorised according to the type of offence committed.

I am further informed that a total of €7,526,000 was collected through the Courts Vote for offences committed under the Road Traffic Acts. This is made up of moneys collected for speeding cases prosecuted through the Courts.

As the 2005 Accounts are still being audited, these figures are provisional pending completion of the Appropriation Account Audit. All monies received are surrendered to the Exchequer as extra exchequer receipts and are accounted for in the Appropriation Accounts.

I am further informed by the Garda authorities that there is a range of mobile speed detection equipment, including six Gatso vans (a mobile unit with on board cameras, radar, and computer system), in operation throughout the State. There is also currently in use by the Garda Síochána laser speed detection equipment, including in excess of 400 hand held speed detection devices and car/motor cycle systems. There are also three cameras rotated between fixed camera installation posts, two in the Louth/Meath Division and one in Dublin. There are twenty fixed camera installation posts at various locations in the Dublin area and Louth/Meath Division.

The cost of operating speed cameras in 2005 is not readily identifiable in the context of the overall budget. The outsourcing of safety cameras as proposed under the Government Road Safety Strategy 2004-2006 is being progressed. A private sector group has been engaged to provide procurement support services required to facilitate the outsourcing of the provision and operation of a nationwide safety camera programme. The formal request for tenders will issue upon enactment of supporting legislation by the Oireachtas.

The purpose of the speed camera initiative is to enhance overall road safety and help reduce the numbers of deaths and serious injuries on our roads. The performance criteria to be applied will be determined by An Garda Síochána, and the deployment of cameras will be focused on locations where there is an established or prospective risk of collisions. The Garda Síochána, as the traffic law enforcement agency in the State, will be responsible for the outsourcing project. The Garda authorities inform me that the safety

camera project will commence with approximately 500-600 locations countrywide (about 15-20 locations per local authority area). Speed checks will take place at these locations at times decided by a matrix which will link the checks to speed related collision data. The number of locations will be increased as necessary to achieve the targeted road safety objectives of increasing compliance with speed limits across the entire road network, reducing the speed of vehicles at locations that have a speed related collision history and acting as a deterrent to driving at excessive speed.

To retain public support for the safety camera project there will be no linkage to the revenue that may be collected as fixed charges or court fines. The project will focus on its primary objective of reducing excessive speed and thereby reducing death and serious injury. The moneys collected from the fixed charges will be paid directly to the Exchequer. There will also be revenue from court imposed fines.

Prison Drug Treatment Services.

431. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform when drug treatment and rehabilitation programmes will be made available to all drug misusers in prison. [25017/06]

432. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the drug treatment and rehabilitation programmes available in each of the prisons here; the number of prisoners in each prison; the number of prisoners in each prison accessing the above services on 1 June 2006; and if he will make a statement on the matter. [25018/06]

477. **Mr. Andrews** asked the Minister for Justice, Equality and Law Reform the progress towards implementation of his drugs free policy for prisons here and in particular mandatory drug testing. [24782/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 431, 432 and 477 together.

The new Irish Prison Service Drugs Policy and Strategy, entitled *Keeping Drugs Out of Prisons*, was launched on 2 May last. This new policy fulfils the commitment in the Programme for Government to publish a plan to end all heroin use in Irish prisons as well as my own commitment to achieving a drug-free prison system. Working to fulfil these commitments will involve the implementation of stringent measures to prevent drugs from getting into prisons while, at the same time, continuing to invest in services within prisons to reduce the demand for illicit drugs in the prisoner population as well as meeting prisoners' treatment and rehabilitative needs.

The present Drug Treatment programmes are being expanded and enhanced with the further

recruitment of psychologists and addiction counsellors as well as other staff. Advertisements for these positions have been placed in the national media and it is anticipated that these positions will be filled in the near future. The roll-out of the Drugs Policy and Strategy, including the enhancement of these programmes, has begun and I am confident that the targets set out will be reached, the major portion being implemented by end-2006 and the longer-term targets by end-2007. I shall forward a copy of the Policy and Strategy, which outlines the targets mentioned, to the Deputies.

An important aim of the new Policy and Strategy is the operation of all treatment programmes within a coherent policy framework, understood and supported by all agencies involved in drug treatment within the prison system, with the ultimate aim being to provide access to drug treatment and rehabilitation programmes for all prisoners who wish to avail of them.

Drug rehabilitation programmes for prisoners involve a significant multidimensional input by a diverse range of general and specialist services provided both by the Irish Prison Service and visiting statutory and non-statutory organisations. The Irish Prison Service seeks to reduce the demand for drugs within the prison system through education, treatment and rehabilitation services for drug-addicted offenders. Particular initiatives put in place include a Drugs Detoxification programme, a programme of Substitution Therapies, a programme of Voluntary Drug Testing, health interventions, vaccination programmes and treatment for viral illnesses.

As of 23rd June 2006, the number of prisoners in each prison was as follows.

Institution	Number in Custody
Mountjoy (m)	495
Mountjoy (f)	87
St. Patrick's	192
Cork	261
Limerick (m)	277
Limerick (f)	17
Castlereagh	210
Cloverhill	382
Wheatfield	377
Portlaoise	112
Arbour Hill	138
Training Unit	91
Midlands	439
Loughan	103
Shelton Abbey	56
Totals	3,237

Drug treatment, by its nature, involves a holistic approach to the problem and, in that context, services are delivered by a wide range of pro-

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viders including, but not exclusively, prison healthcare staff and community and voluntary bodies. As prisoners are interacting with these services at various different levels according to

their needs, it is difficult to define the range and level of interventions. For example, In the case of Methodone treatment, the following figures for 2005 are indicative.

	Total Patients during period	New Patients (1st time on Central Treatment List)
Cloverhill Prison	571	97
Dóchas Centre	228	27
Limerick Prison	4	0
Midlands Prison	6	0
Mountjoy Main Prison	511	27
Mountjoy Prison Medical Unit	79	5
Portlaoise Prison	2	0
St. Patrick's Institution	1	0
Wheatfield Prison	162	13
Totals for 9 Clinics	1,564	169

The implementation of this Policy and Strategy has also seen an intensification of efforts in the prison system to eliminate the availability of illicit drugs within prisons. This Policy and Strategy involves the traditional means of effecting supply reduction — staff vigilance, physical searches and supervision of persons entering prisons and their reinforcement by means of improved facilities and procedures. The Policy and Strategy also provides for a range of new measures to eliminate the supply of drugs into prisons: notably, enhanced visit security, the introduction of passive drug detection dogs and mandatory drug testing.

I can advise the Deputy that new Visiting Card arrangements are in place in all but two of the closed prisons. The exceptions are Cloverhill Prison, where screened visits are the norm and where the population is much more fluid than others because of its status as a remand prison, and Portlaoise Prison where a pilot project is due to commence next month.

Under the new Visiting Card arrangement, each prisoner is required to supply to prison authorities a short list of persons whom they wish to visit them. Only persons on this list who have been approved by the Governor are permitted to visit. Each prisoner must indicate in advance that he/she expects a visit and visitors are required to present photo identification confirming their identity. This policy should eliminate prisoners being forced or bullied into accepting a visit for the sole purpose of receiving contraband. The Prison Service is also in the process of introducing a new system of visiting by appointment.

As part of the new Policy, a passive drug detection dog was recently introduced into the Midlands Prison, with trials to be carried out from that base to other prisons during the next six months. If this scheme is successful it is envisaged that it would then be expanded to other sites of

the prison estate. Early indications are that the dog is proving successful in discouraging the carriage of drugs into the Midlands Prison.

The design of the new prison projects at Thornton Hall and Spike Island will also make it harder for contraband to enter the prison over the perimeter walls by means of locating recreation yards away from perimeter walls.

Mandatory drug testing will play an important role in the overall strategy for tackling the scourge of drug use among prisoners. It will enable identification and referral of drug abusers to treatment programmes, enable enhanced focusing of resources and act as a deterrent to drug misuse. Mandatory drug testing will commence across the prison system once the new Prison Rules are introduced. I can advise the Deputies that the Irish Prison Service is currently drafting a document which will provide detailed instruction and guidance on the implementation of Mandatory Drug Testing.

Residency Applications.

433. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform the date of receipt by his Department of an application for permission to remain in the State on the basis of marriage to an Irish national by a person (details supplied) in County Wexford; when it is expected that a decision will be made in relation to this application; and if he will make a statement on the matter. [24341/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for permission to remain in the State based on marriage to an Irish national was received from the person concerned in April 2005. Applications are dealt with in chronological order and officials in my Department have recently corresponded with the person in question in order to further process the appli-

cation for residency. The case is currently under active consideration. A decision will be made when all the circumstances relevant to this case have been fully considered.

Garda Recruitment.

434. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform further to the Government's promise to increase Garda manpower levels from 12,000 to 14,000 fully trained Gardaí within five years, the way in which he plans to redress same; and if he will make a statement on the matter. [24350/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Agreed Programme for Government between Fianna Fáil and the Progressive Democrats states "we will complete the current expansion of the Garda Síochána and increase recruitment so that the numbers will increase by a further 2,000."

I have been informed by the Garda authorities that the personnel strength of An Garda Síochána increased to a record 12,641 (all ranks) on Thursday 8 June with the attestation of 273 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June 1997 and represents an increase of 1,939 (or 18.1%) in the personnel strength of the Force during that period.

The current recruitment drive to increase the strength of the Garda Síochána to 14,000 members, in line with the commitment in the Agreed Programme for Government, is fully on target. This will lead to a combined strength, of both attested Gardaí and recruits in training, of 14,000 by the end of this year, with a fully attested strength of 14,000 by 2008. The first group of newly attested Gardaí under this accelerated recruitment programme came on stream in March and the second such group did so on 8 June. Further tranches of approximately 275 newly attested Gardaí will follow every 90 days thereafter until the programme is complete.

The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources that are coming on stream. Clearly, of course, the additional resources will be targeted at the areas of greatest need, as is envisaged in the Programme for Government. The Programme identifies in particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to very significantly increase the number of Gardaí allocated to traffic duties as part of the Garda Traffic Corps. One thing I have already promised is that the additional Gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing. They will have a real impact.

Drug Seizures.

435. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the amount and estimated value of heroin seized in the Swords area in each of the past five years up to 2005; and the number of such seizures. [24360/06]

436. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of arrests arising from seizures of heroin in the Swords area in each of the past five years up to 2005; the number of such seizures; and the number of successful prosecutions arising from those arrests. [24361/06]

437. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the amount and estimated value of cocaine seized in the Swords area in each of the past five years up to 2005; and the number of such seizures. [24362/06]

438. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of arrests arising from seizures of cocaine in the Swords area in each of the past five years up to 2005; the number of such seizures; and the number of successful prosecutions arising from those arrests. [24363/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 435 to 438, inclusive, together.

It has not been possible, within the timeframe available, to collate the information required by the Deputy. I will contact the Deputy directly when the information is to hand.

439. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the amount and estimated value of heroin seized in the north County Dublin area in each of the past five years up to 2005; and the number of such seizures. [24364/06]

440. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of arrests arising from seizures of heroin in the north County Dublin area in each of the past five years up to 2005; the number of such seizures; and the number of successful prosecutions arising from those arrests. [24365/06]

441. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the amount and estimated value of cocaine seized in the north County Dublin area in each of the past five years up to 2005; and the number of such seizures. [24366/06]

442. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of

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arrests arising from seizures of cocaine in the north County Dublin area in each of the past five years up to 2005; the number of such seizures; and the number of successful prosecutions arising from those arrests. [24367/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 439 to 442, inclusive, together.

It has not been possible, within the timeframe available, to collate the information required by the Deputy. I will contact the Deputy directly when the information is to hand.

Deportation Orders.

443. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the reason he is proposing to deport a person (details supplied); if his attention has been drawn to the fact that Romania will be joining the EU on 1 January 2007 or 2008; if his attention has further been drawn to the fact that much of the information which he relied on in making his decision is disputed; and if he will make a statement on the matter. [24376/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A Deportation Order was made in respect of the applicant to whom the Deputy refers on 12 May, 2006. He was notified of this by registered letter dated 23 May, 2006. The applicant instituted Judicial Review proceedings on 6 June, 2006 challenging the Deportation Order. These proceedings are on-going and, accordingly, as the matter is sub-judice it would not be appropriate to comment further at this time.

Road Traffic Offences.

444. **Ms McManus** asked the Minister for Justice, Equality and Law Reform the reason the delay of formal notification from the Gardaí should cause a person (details supplied) in County Wicklow to have points on their record for almost six months extra after the date of the actual offence, in view of the fact that the person was stopped on 29 January 2006 for exceeding the speed limit and issued with a fixed penalty notice and notified that the offence would attract 2 penalty points and paid the fine within the 14 day period but did not receive formal notification of penalty points until 4 July 2006, almost five and a half months after the offence; if no appeal is being made to the Courts, are points backdated to date of offence; and if he will make a statement on the matter. [24377/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Penalty points are entered on a person's driving licence record 28 days from the appropriate date, which is the date that notification is sent to the licence holder of endorse-

ment of penalty points. I am informed by the Garda authorities that in the case referred to by the Deputy the speeding detection was made on 26 January, 2006. Payment was received in Wexford Garda station on 1 February, 2006. A copy of the receipt in this case was forwarded, on 12 May, 2006 to SWS (who act on behalf of the Department of Transport) along with other receipts from Wexford/Wicklow Division. The receipt was processed by SWS on 30 May, 2006. I am further informed that notification in compliance with section 5 of the Road Traffic Act 2002 issued on 6 June, 2006, informing the driver that penalty points to be endorsed by the Department of Environment, Heritage and Local Government would take effect from 4 July, 2006. At the time of this detection An Garda Síochána were operating a manual system for the administration of fixed charges. The computerised solution which included new processes and procedures in respect of payment of fixed charges became operational on a national basis on 3 April, 2006. I am also informed that there is no provision in law for penalty points to be back dated. The law clearly defines the appropriate date.

Deportation Orders.

445. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) in County Clare will be deported; and if he will make a statement on the matter. [24380/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 9 January 2000 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal. The person concerned was informed by letter dated 22 August 2005 that the Minister proposed to make a Deportation Order in respect of him and afforded him three options in accordance with Section 3 (3) (b) (ii) of the Immigration Act, 1999 (as amended) namely to leave the State voluntarily, to consent to the making of a Deportation Order or to submit, within 15 working days, written representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State i.e. why he should not be deported.

His case was examined under Section 3 (6) of the Immigration Act, 1999 (as amended), and Section 5 of the Refugee Act, 1996 (as amended) on the Prohibition of Refoulement. Consideration was given to all representations submitted on his behalf for permission to remain temporarily in the State. On 29 May 2006 I refused the person concerned permission to remain temporarily in the State and instead signed a Deportation Order in respect of him. Notice of this

Order was served by registered post requiring the person concerned to present himself to the Garda National Immigration Bureau (GNIB), on 6 July 2006, in order to make travel arrangements for his deportation from the State. The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order is now an operational matter for the Garda National Immigration Bureau. The decision to issue a Deportation Order in respect of the person concerned was taken following a fair and comprehensive examination of his asylum claim and of his application for permission to remain temporarily in the State.

Visa Applications.

446. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the reason a visa has not been made available to a person (details supplied); and if he will make a statement on the matter. [24386/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in the Visa Office on 24th May, 2006. I am pleased to inform the Deputy that the visa application in question was approved on 20th June, 2006.

Citizenship Applications.

447. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform when an application for naturalisation will be completed for a person (details supplied) in County Limerick. [24392/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation from the person referred to in the Deputy's question was received in the Citizenship Section of my Department on 21 February 2006. Applications received in the first half of 2004 are currently being processed and there are approximately 7,500 applications awaiting processing before that of the person in question. It is likely that processing of the application of the person in question will commence in the first half of 2008. If the person concerned wishes to travel outside of the State prior to her application for naturalisation being finalised, it is suggested that she contact the Embassy/ Consulate of the country or countries to which she intends to travel for information in relation to entry requirements to those jurisdictions. She will also be required to apply, in advance of her departure from the State, for a re-entry visa to the Visa Office at 13/14 Burgh Quay, Dublin 2.

448. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform when a response will issue to correspondence (details supplied); and if

he will make a statement on the matter. [24421/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A stateless person, as defined under the 1954 UN Convention of the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness, and who has legal residency in the State, can make an application to the Irish Naturalisation and Immigration Service of my Department for a Travel Document. Travel Documents issued by the Irish Naturalisation and Immigration Service of my Department are not a substitute for passports from a person's country of nationality. As the person concerned has an entitlement to their national passport, he or she cannot be considered as stateless and therefore are not eligible to apply for a Travel Document as a stateless person. However, it is the policy of the Irish Naturalisation and Immigration Service of my Department to assist persons who have legal residency in the State, where possible, to travel abroad to obtain a national passport. The person in question can make an application in writing for a temporary Travel Document which will be considered on an exceptional basis to facilitate his or her travel abroad to obtain a national passport.

Work Permits.

449. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform when a response will issue to correspondence (details supplied). [24422/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are two main schemes which allow for an Australian citizen to take up employment in this State. These are the Work Authorisation and Work Permit schemes. Work Authorisation is a scheme for highly skilled personnel seeking employment in Ireland. Authorisations are issued in respect of persons in specific categories who do not require a visa to enter Ireland (Australian citizens are not visa required to enter Ireland). Generally speaking, this scheme covers highly specialised areas of the economy requiring a high level of skill and educational achievement such as the high tech, medical and engineering sectors. The second option open to Australian citizens, if they do not qualify for a work authorisation is for a prospective employer in Ireland to apply for a Work Permit on their behalf. Further information in relation to both of these schemes can be found on the Department of Enterprise, Trade and Employment's website, www.entemp.ie.

Missing Persons.

450. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform the steps he proposes to take to fund a missing persons help-

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line in view of the acknowledged need for this service and the fact that it is his opinion that persons who are missing are not necessarily the victims of crime therefore such a helpline is not strictly within the funding remit of the Commission for the Support of Victims of Crime. [24438/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The disappearance of any person is traumatic for their family and friends, and for this reason I am anxious to assist them in any way I can. I am of the view that a helpline of this kind is best set up on an independent basis to be managed by a non-official, voluntary organisation. If my Department is approached with a good business case and tight financing proposals, the proposal will be carefully examined on its merits.

Visa Applications.

451. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if he will expedite an application for a visitors visa for a person (details supplied); the timeframe for such an application; and if he will make a statement on the matter. [24439/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am pleased to inform the Deputy the application in question was approved on 26th June, 2006.

Asylum Applications.

452. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the position in relation to the residency application by a person (details supplied) in County Kildare. [24451/06]

461. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if a review can or will be undertaken in the case of a person (details supplied) in County Kildare on humanitarian grounds; and if he will make a statement on the matter. [24548/06]

467. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the status of the applications for refugee status for persons (details supplied); and if he will make a statement on the matter. [24690/06]

475. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform his views in relation to a submission (details supplied); and if he will make a statement on the matter. [24774/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 452, 461, 467 and 475 together.

The records of the person in question show that she entered the State on the 22 April 2002 and made an application for refugee status the following day. The asylum claim was refused on 9 October 2002 and her appeal to the Refugee Appeals Tribunal was also refused. A letter notifying her of this decision and proposing deportation from the State was issued on 1 April 2003.

During the period of consideration of the person's concerned asylum application, she also made an application for permission to remain in the State on the basis of her parentage of an Irish born child who was born on 7 May 2002. This application was received in July 2002. Following the decision of the Supreme Court in the L & O case (2003), the separate procedure which existed at that time to enable non EU national parents to apply to reside in the State on the sole basis of parentage of an Irish born child ended on 19 February 2003. The Government decided on 18 July 2003 that the separate procedure would not apply to cases which were outstanding on 19 February 2003. The case that the Deputy refers came within this category.

Since the person in question did not have an alternative legal basis for remaining in the State, the issue of permission to remain could only be considered in the context of a Ministerial proposal to deport her in accordance with s.3 Immigration Act 1999. While the person concerned had already made representations following the proposal issued on 1 April 2004, she was provided with an additional opportunity to make further representations in relation to her case on 3 September 2004. Her case was still under consideration for deportation when I announced a set of revised arrangements for non EU parents of Irish children born on 18 December 2004.

The person in question applied for permission to remain in the State on under the revised arrangements for non EU national parents of Irish citizen children born prior to 1 January 2005, commonly referred to as the IBC/05 scheme. It is an essential requirement of that scheme that each applicant fully completes the IBC/05 application form and signs the statutory declaration form. The applicant initially failed to comply with these requirements on her original application form. The incomplete application form and statutory declaration were returned with all the submitted accompanying documents on 2 October 2005. On 13 October 2005 her legal representative returned the completed IBC/05 application form to my Department. The application was accepted for consideration under the revised arrangements from that time.

In December 2005 and April 2006, my Department was made aware of issues relating to the applicant and her family by the Health Service Executive which I understand are before the Courts. These matters are sub judice and I cannot comment on them. However, I will make a decision in relation to the IBC/05 application

when all investigations in relation to this application have been completed. At that stage the person concerned and her legal representative will be informed accordingly.

453. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to the application for citizenship in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [24452/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons concerned arrived in the State on 15 June, 1998 and applied for asylum. Their claim for refugee status was considered under the process then applicable and was refused by the Asylum Division of my Department. They were notified of the decision on 10 December, 1999. They appealed this decision to the appropriate body at the time, the Appeals Authority, which affirmed the decision of the Asylum Division. They were notified of this decision on 10 November, 2000.

The persons concerned were informed, by letter dated 14 November, 2001, that the Minister proposed to make deportation orders in respect of them and afforded them three options under Section 3(3)(b)(ii) of the Immigration Act, 1999 (as amended), namely to leave the State voluntarily, to consent to the making of deportation orders or to submit, within 15 working days, representations to the Minister in writing, setting out the reasons why they should be allowed remain temporarily in the State.

Representations have been received on behalf of the persons concerned. These persons' case files, including all representations submitted, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of Refoulement). I expect the files to be passed to me for decision in due course.

Waste Management.

454. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if the Gardaí will assist with the removal of a car (details supplied) in Dublin 3. [24493/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have requested a Garda report in relation to this matter and I will contact the Deputy again when the report is to hand.

Garda Operations.

455. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if he will request a report from the Garda authorities on their response to the issues in correspondence (details supplied) from the Mater area residential

community in Dublin 7; and if he will make a statement on the matter. [24494/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that local Garda management are aware of many of the issues raised in the correspondence supplied. The Garda authorities have previously met with the complainant to address the issues highlighted in the correspondence.

The Minister is further informed that there have been six recorded incidents at the location mentioned this year. The Minister is advised that all matters reported to the Garda authorities in relation to the location mentioned and its vicinity are dealt with promptly by the Garda authorities. The Minister understands that a Community Garda was assigned to the area to replace the previous Community Garda, who transferred to other duties. The Minister is assured that the location mentioned will continue to receive regular and ongoing attention from both mobile and foot Garda patrols, the Divisional Crime Task Force and the Community Policing Unit at Mountjoy Garda station in order to maintain a visible Garda presence in the area concerned.

Residency Permits.

456. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a decision will be made by the EU Treaty Rights Section of his Department in relation to residency permission for a person (details supplied) in County Mayo. [24526/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned has lodged an application for an extension of permission to remain, her previous permission having expired in May 2003. This application is being fully considered and a decision will issue shortly.

Visa Applications.

457. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform if a visa will be granted to a person (details supplied) in County Donegal; and if he will make a statement on the matter. [24527/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in the Visa Office on 14th June, 2006 and is awaiting examination by a Visa Officer. A decision in respect of this application will be made in the coming weeks.

Prison Building Programme.

458. **Mr. Sherlock** asked the Minister for Justice, Equality and Law Reform if he will respond to the people of Cobh, County Cork who have established a committee to save Spike Island heritage, by not building a new security prison on

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Spike Island; if he will stop the building of a bridge connecting Spike Island to the mainland; and if he will aid in the promotion and development of Spike Island as a national heritage site. [24536/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is my intention to proceed with the building of a new prison complex at Spike Island.

The new prison facilities will address the overcrowding difficulties in Cork Prison and will enable the Prison Service to offer significant improvements in the area of work training, education and medical facilities as well as providing predominantly single cell accommodation with in-cell sanitation facilities. The construction of a bridge will facilitate the development of the new prison complex.

The implications, if any, on the heritage, archaeology or related aspects of the proposed developments will be addressed in detail in the course of the planning process which will be undertaken in due course. At that stage, all of the relevant material including properly balanced assessments of the various issues, including archaeology, will be made available as part of the public consultation process which should commence possibly later this year.

Garda Operations.

459. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) who owns a takeaway in Ballyfermot was recently told, when they asked a member of An Garda Síochána to remove a person who had been barred from their outlet and was therefore trespassing on their property, that it was up to them to sort it out and that they should consider getting security in. [24542/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that as the crime of trespass is not committed unless the person enters with the intent to commit a crime, the fact that a person had been barred from a premises would not, of itself, constitute the offence in relation to which Garda action could be taken.

460. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the action which has been taken against gangs of youths who are regularly drinking on the Ballyfermot Road; the number of arrests made in the past year for public drinking on that road; and if he will make a statement on the matter. [24543/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the area in question receives regular patrolling by uniformed and unmarked

Garda patrol cars, foot patrols, mountain bike patrols, District Detective Units and District Drug Units with a view to ensuring a concentrated and visible Garda presence. Additional supporting patrols are provided by Divisional Crime Task Force Units and Divisional Traffic Units. In addition a public order van is operational on Friday and Saturday evenings and carries our patrols in the area concerned. Also, there is currently a special beat patrol in operation.

I am advised by the Garda authorities that in the last twelve months sixty four on the spot fines have been issued to persons for drinking in a public place in the area concerned contrary to local authority bye-laws.

Question No. 461 answered with Question No. 452.

Citizenship Applications.

462. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform when an application for a certificate of naturalisation was received from a person (details supplied); when a decision will be made; and if he will make a statement on the matter. [24561/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I informed the Deputy in response to Parliamentary Question No. 349 on 29 November 2005 that the person concerned had applied for a certificate of naturalisation in November 2002 and that I had decided in July 2004 to refuse that application. The reasons for my decision were provided to the legal representative of the person concerned in a letter dated 28 July 2004 informing them of my decision.

New applications received up to 31 May 2006 have been examined and recorded on my Department's computer database. There is no record of a further application for naturalisation having been received from the person in question on or before that date.

Asylum Applications.

463. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application for asylum for persons (details supplied); and if he will make a statement on the matter. [24563/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons concerned arrived in the State on 19 April, 2005 and applied for asylum. The first named person's application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. The second named person's application was refused following consideration of her case by the Office of the Refugee Applications.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, the first named person was informed by letter dated 14 October, 2005, that the Minister proposed to make a deportation order in respect of him. The second named person was informed by letter dated 19 October, 2005, that the Minister proposed to make a deportation order in respect of her. They were given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why they should be allowed to remain temporarily in the State; leaving the State before orders are made or consenting to the making of deportation orders. Representations have been received on behalf of the persons concerned.

These persons' case files, including all representations submitted, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of Refoulement). I expect the files to be passed to me for decision in due course.

Crime Levels.

464. **Ms Enright** asked the Minister for Justice, Equality and Law Reform the number of cases of domestic violence which were reported to the Gardaí in County Laois each year for the past five years; the number of these cases that were brought to prosecution; the number of prosecutions which were successful; and if he will make a statement on the matter. [24686/06]

465. **Ms Enright** asked the Minister for Justice, Equality and Law Reform the number of cases of domestic violence which were reported to the Gardaí in County Offaly each year for the past five years; the number of these cases that were brought to prosecution; the number of prosecutions which were successful; and if he will make a statement on the matter. [24687/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 464 and 465 together.

I have been informed by the Garda authorities that the information requested by the Deputy is not readily available and is currently being researched. I will contact the Deputy again when the information is to hand.

Prisoner Transfers.

466. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he will facilitate the repatriation of a person (details supplied) in England; and if he will make a statement on the matter. [24689/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to advise the Deputy that my Department has not as yet received a formal

application for a transfer to this country in respect of this person from the United Kingdom authorities.

The Council of Europe Convention on the Transfer of Sentenced Persons requires extensive documentation to be exchanged between both jurisdictions in order to allow an application to be fully considered. A three way consent is also required to enable any transfer to take place, i.e., from the authorities of both jurisdictions and from the person concerned. On receipt of those consents (assuming they will be forthcoming), an application must then be made to the High Court for a warrant authorising the transfer of the person concerned and his continued detention here.

These procedures are required under the Convention and the Transfer of Sentenced Persons Act, 1995, and must be adhered to in processing each application.

Question No. 467 answered with Question No. 452.

Deportation Orders.

468. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of non-nationals released from prison who were considered for deportation by him under Section 3 of the Immigration Act 1999 due to having served a term of imprisonment imposed by a Court in the State in each of the years from 2000 to 2005; the number who were notified of a proposal by him to make deportation orders; and the number who were actually deported. [24691/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that the information sought is at present being compiled by the Irish Prison Service and the Garda National Immigration Bureau. The provision of the relevant data is complicated by the need to cross reference and check information emanating from their two separate databases. Following this exercise, the information will be matched against the database in the Repatriation Unit of my Department. I can assure the Deputy that this information will be conveyed to him at the earliest possible date.

Departmental Staff.

469. **Ms Hoctor** asked the Minister for Justice, Equality and Law Reform the number of staff in his Department who avail of tele-working or e-working from either their homes or from sub-offices; the grades of these members of staff; and if he will make a statement on the matter. [24697/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A significant number of staff of my Department avail of remote ICT access to

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work from their homes. In the majority cases, this work is done outside the normal office hours period. In addition to the nineteen staff who work outside office hours via remote access, three Principal Officers, six Assistant Principal Officers, six Higher Executive Officers, one Administrative Officer and three Executive Officers are participating in the formal tele-working scheme operated by my Department during normal working hours.

Asylum Applications.

470. **Mr. G. Murphy** asked the Minister for Justice, Equality and Law Reform when the appeal of a person (details supplied) for permanent leave to remain here will be dealt with; and the reason his stated policy is not being implemented in this case. [24745/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons concerned arrived in the State on 29 March, 2000 and applied for asylum. Their applications were refused following consideration of their case by the Office of the Refugee Applications Commissioner and, on appeal, by the Office of the Refugee Appeals Tribunal. The persons concerned were informed, by letter dated 29 November, 2001 and 24 May, 2002 respectively, that the Minister proposed to make deportation orders in respect of them and afforded them three options under Section 3 (3) (b) (ii) of the Immigration Act, 1999 (as amended), namely to leave the State voluntarily, to consent to the making of deportation orders or to submit, within 15 working days, representations to the Minister in writing, setting out the reasons why they should be allowed remain temporarily in the State. Representations have been received on behalf of the persons concerned. These persons' case files, including all representations submitted, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of Refoulement). I expect the files to be passed to me for decision in due course.

Garda Strength.

471. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 432 of 16 May 2006, the number of additional Gardaí appointed to each of the stations in the Kildare and Carlow division over the past five years; the opening hours of each of these stations; the number of Gardaí in each station; and if he will make a statement on the matter. [24748/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda Commissioner that the personnel strength

of An Garda Síochána increased to a record 12,641 (all ranks) on Thursday 8 June with the attestation of 273 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June 1997 and represents an increase of 1,939 (or 18.1%) in the personnel strength of the Force during that period.

I have been further informed by the Garda authorities that the number of Gardaí (all ranks) stationed in the Carlow/ Kildare Division as at 31 December, 2000 and 26 June, 2006 was as set out in the following table.

	2000	26/6/06	Increase
<i>District: Naas</i>			
Naas	74	87	13
Celbridge	14	20	6
Clane	5	6	1
Kill	3	3	—
Maynooth	14	16	2
<i>District: Kildare</i>			
Kildare	25	29	4
Robertstown	3	3	—
Kilcullen	3	3	—
Monasterevin	3	3	—
Newbridge	28	33	5
Rathangan	2	3	1
Carbury	1	2	1
<i>District: Carlow</i>			
Carlow	46	58	12
Leighlinbridge	1	1	—
Ballon	1	1	—
Myshall	1	1	—
Muinebheag	6	7	1
Athy	17	18	1
Castledermot	2	2	—
<i>District: Baltinglass</i>			
Baltinglass	21	24	3
Blessington	14	18	4
Dunlavin	1	1	—
Hollywood	1	1	—
Donard	1	1	—
Shillelagh	1	1	—
Tinahely	2	2	—
Hacketstown	1	2	1
Rathvilly	1	1	—
Ballymore Eustace	1	1	—
Tullow	9	9	—
Ballytore	1	1	—
Total	303	358	55

The personnel strength (all ranks) of the Carlow/Kildare Division as at 31 December, 1997 and 26 June, 2006 was 281 and 358, respectively.

This represents an increase of 77 (or 27%) in the number of Garda personnel assigned to the Carlow/Kildare Division during that period. Garda management also informs me that the

official opening hours of each Garda Station in the Carlow/Kildare Division are as set out in the following table.

Stations	Weekday Opening Hours	Sunday Opening Hours
Naas	24 Hours	24 Hours
Celbridge	9am-1pm 2pm-5pm 7pm-9pm	12 Midday-2pm
Clane	10am-1pm	12 Midday-2pm
Kill	10am-1pm	Not Open
Maynooth	10am-1pm 2pm-6pm 7pm-9pm	12 Midday-2pm
Kildare	24 Hour	24 Hour
Robertstown	Mon, Thur & Sat 3pm-6pm Tue, Wed & Fri 10am-1pm	Not Open
Kilcullen	Mon, Tue & Sat 3pm-6pm Tue, Wed & Fri 10am-1pm	Not Open
Monasterevin	Mon, Thur & Sat 3pm-6pm Tue, Wed & Fri 10am-1pm	Not Open
Newbridge	24 Hour	24 Hour
Rathangan	Mon, Thur & Sat 3pm-6pm Tue, Wed & Fri 10am-1pm	Not Open
Carbury	Mon, Thur & Sat 3pm-6pm Tue, Wed & Fri 10am-1pm	Not Open
Carlow	24 Hour	24 Hour
Leighlinbridge	10am-1pm	10am-1pm
Ballon	6pm-7.30pm	6pm-7.30pm
Myshall	10am-1pm	10am-1pm
Muinebheag	10am-1pm 6pm-8pm	10am-1pm 6pm-8pm
Athy	9am-10pm	9am-10pm
Castledermot	10am-1pm	Not Open
Baltinglass	24 Hour	24 Hour
Blessington	10am-1pm	11am-1pm
Dunlavin	3pm-5pm	3pm-5pm
Hollywood	8pm-10pm	8pm-10pm
Donard	11am-1pm	11am-1pm
Shillelagh	3pm-5pm	3pm-5pm
Tinahely	3pm-5pm	3pm-5pm
Hacketstown	11am-1pm	11am-1pm
Rathvilly	11am-1pm	11am-1pm
Ballymore Eustace	2pm-4pm	Not Open
Tullow	10am-1pm	11am-1pm
Ballytore	3pm-5pm	Not Open

Garda management state that the opening hours as set out in the table are dependent on the availability and rostered tour of duty of the members attached to each station.

I should add that the current recruitment drive to increase the strength of the Garda Síochána to 14,000 members, in line with the commitment in the Agreed Programme for Government, is fully on target. This will lead to a combined strength,

of both attested Gardaí and recruits in training, of 14,000 by the end of this year. The first group of newly attested Gardaí under this accelerated recruitment programme came on stream in March and the second such group did so on the 8th of June. Further tranches of approximately 275 newly attested Gardaí will follow every 90 days thereafter until the programme is complete. The Garda Commissioner will now be drawing up

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plans on how best to distribute and manage these additional resources, and in this context the needs of the Carlow/Kildare Division will be given the fullest consideration.

Visa Applications.

472. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if a visa entry permit will be issued to a person (details supplied); and if he will expedite a response. [24753/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in the Visa Office on 6th June, 2006. I am pleased to inform the Deputy that the visa application in question was approved on 12th June, 2006.

Garda Vetting Services.

473. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if an application to the Garda vetting unit by a person (details supplied) in County Kilkenny who is providing home support will be expedited; the reason for the delay in same; and if he will make a statement on the matter. [24754/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the Garda Central Vetting Unit (GCVU) has no record of a vetting application having been received on behalf of the person in question.

I am informed by the Department of Health and Children that the making of applications to the GCVU in respect of prospective Health Service Executive (HSE) staff or HSE-funded staff is a matter for the HSE.

In view of the circumstances outlined above, I can only suggest that the person in question seeks clarification from the HSE concerning the status of the vetting application.

Question No. 474 answered with Question No. 427.

Question No. 475 answered with Question No. 452.

Prison Building Programme.

476. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 412 of 20 June 2006, his plans to hold a public consultation on the proposed development; the location, date and details of same; and if he will make a statement on the matter. [24775/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand that the planning procedures which are being prepared by the Office of Public Works provide for a public consultation process in relation to the proposed development and that this process will encompass environmental and heritage issues. Planning is scheduled to commence by August next.

It is intended that the new prison facilities which are to be provided on Spike Island will address the overcrowding difficulties in Cork Prison and will enable the Prison Service to offer significant improvements in the area of work training, education and medical facilities as well as providing predominantly single cell accommodation with in-cell sanitation facilities.

Question No. 477 answered with Question No. 431.

Equal Opportunities Employment.

478. **Mr. Callely** asked the Minister for Justice, Equality and Law Reform the targeted percentage of employment of people with a disability by his Department; if the 3% target will be surpassed or is his Department restricted to this percentage; the percentage of people with a disability employed in his Department; and if he will make a statement on the matter. [24827/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Government's 3% target for the employment of people with disabilities applies across the Civil Service but Government Departments may exceed this target figure. I am, for my part, keen to ensure that the Government target is achieved and indeed surpassed by my Department, if at all possible. The percentage of people with a disability employed by my Department currently stands at 5.25%.

Legal Aid Service.

479. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the proposed means test limits for the civil legal aid scheme; when the draft regulations will be available; if they will be debated in the Houses of the Oireachtas; and the proposed implementation date. [24841/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The financial eligibility criteria for the granting of civil legal aid are set out in the Civil Legal Aid Regulations 1996 and 2002. I am currently reviewing these criteria, in light of proposals from the Legal Aid Board, and expect to make revised regulations in accordance with the normal procedures during the course of 2006.

Sentencing Policy.

480. **Mr. Dennehy** asked the Minister for

Justice, Equality and Law Reform if he is satisfied that consistency in sentencing for crimes of a similar nature is being achieved across the State; the way in which this can be best monitored; and if he will make a statement on the matter. [25023/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my response to Question No. 394 of Tuesday, 20 June 2006.

Garda Deployment.

481. **Mr. Callely** asked the Minister for Justice, Equality and Law Reform the plans in place for development and enhancement of the Garda Síochána in the north city area of Dublin, in view of the high level and extent of house building, increased densities and general construction which will require additional Garda duties; the provision made to ensure adequate accommodation and support services for members of the Garda to meet the estimated demands; and if he will make a statement on the matter. [25024/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda Commissioner that the personnel strength of An Garda Síochána increased to a record 12,641 (all ranks) on Thursday 8 June with the attestation of 273 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June 1997 and represents an increase of 1,939 (or 18.1%) in the personnel strength of the Force during that period.

The Dublin Metropolitan Region (DMR) North Division comprises the following 10 Garda Stations: Ballymun, Clontarf, Coolock, Dublin Airport, Howth, Malahide, Raheny, Santry, Swords and Whitehall. I have been further informed that the personnel strength (all ranks) of the DMR North Division as at 27 June, 2006 was 613.

It is the responsibility of Garda management to allocate personnel to and within Divisions on a priority basis in accordance with the requirements of different areas. These personnel allocations are determined by a number of factors including demographics, crime trends, administrative functions and other operational policing needs. Such allocations are continually monitored and reviewed along with overall policing arrangements and operational strategy. This ensures that optimum use is made of Garda resources, and that the best possible service is provided to the public.

The provision of accommodation for An Garda Síochána in the north of the city is progressed on the basis of agreed priorities of the overall garda building and maintenance programmes. In this

regard, priority has been given to providing a major new station at Ballymun which will incorporate a new Divisional Headquarters. I understand tenders are to be invited shortly for its construction. With regard to support services, An Garda Síochána provide a broad range of facilities including information technologies. For example, the Garda Pulse system is directly available to all stations in the DMR Northern region as is access to the Fixed Charge Processing system and Email facilities.

I should add that the current recruitment drive to increase the strength of the Garda Síochána to 14,000 members, in line with the commitment in the Agreed Programme for Government, is fully on target. This will lead to a combined strength, of both attested Gardaí and recruits in training, of 14,000 by the end of this year. The first group of newly attested Gardaí under this accelerated recruitment programme came on stream in March and the second such group did so on the 8th of June. Further tranches of approximately 275 newly attested Gardaí will follow every 90 days thereafter until the programme is complete. 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 area referred to by the Deputy will be given the fullest consideration.

Deportation Orders.

482. **Mr. Callely** asked the Minister for Justice, Equality and Law Reform the procedures adopted for the purpose of deporting a person from this State to their country of origin; the number of people deported over the period 1995 to 2005; the costs associated with same; and if he will make a statement on the matter. [25025/06]

483. **Mr. Callely** asked the Minister for Justice, Equality and Law Reform the costs associated with hiring chartered flights and the costs associated for seats on scheduled flights over the period 1995 to 2005 for the purpose of deporting a person from this State to their country of origin; and if he will make a statement on the matter. [25026/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 482 and 483 together.

A proposal to deport arises where a person has been formally refused a declaration as a refugee or has become otherwise illegal in the State e.g. having overstayed a visa/work permit etc. In all such circumstances, the person concerned is informed, in writing, that the Minister proposes to make a deportation order in respect of him/her and he/she is afforded three options vis a vis his/her position in the State, in accordance with Section 3(3)(b)(ii) of the Immigration Act, 1999

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(as amended), namely; to leave the State voluntarily, to consent to the making of a Deportation Order or to submit, within 15 working days, written representations to the Minister setting out reasons why he/she should be allowed to remain temporarily in the State i.e. why he/she should not be deported.

Each individual case is examined under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. Consideration is given to any representations submitted in support of the case for the person concerned being given permission to remain temporarily in the State. In the event that permission to remain temporarily in the State is refused, a Deportation Order is signed in respect of the person concerned. Notice of this Order is served by registered post requiring the person concerned to present himself/herself to the Garda National Immigration Bureau (GNIB), 13/14 Burgh Quay, Dublin 2, or to the local Garda Station in the case of persons resident outside Dublin, in order to make arrangements for his/her deportation from the State. The person concerned is required to present himself/herself and is subject to arrest and detention if they fail to do so.

The Deputy might wish to note that, in addition to the eleven factors contained in Section 3 (6) of the Immigration Act, 1999 (as amended), I must, as stated earlier, also have regard for Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement before making a Deportation Order. This essentially means that the safety of returning a person,

or refoulement as it is commonly referred to, is fully considered in every case when deciding whether or not to make a Deportation Order i.e. that a person shall not be expelled from the State or returned in any manner whatsoever to a State where, in my opinion, the life or freedom of that person would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion. My Department uses extensive, objective country of origin information drawn from different independent sources, including the UNHCR, in evaluating the safety of making returns to third countries.

Between January 2002 and the current date, 23 charter flights have been engaged for the purposes of removing persons residing illegally in the State. 723 persons were removed in this way at a total cost of €3,150,073. Details of these charter flights, i.e. dates, destinations, numbers removed (broken down into adults and minors, insofar as this information is available) and individual costs, are set out in the table (Table 1) below.

The above costs do not include Garda expenses associated with these removal operations. I am advised by the Garda Commissioner that, given the wide range of immigration related duties performed by An Garda Síochána, and the Garda National Immigration Bureau (GNIB) in particular, it would not be possible to identify the particular pay and overtime costs incurred by the Gardaí in the context of these charter flights. However, the Garda Commissioner informs me that charter flights involve a lower ratio of Garda escorts to deportees than is the case using conventional scheduled flights, resulting in savings to the Garda budget.

Table 1: No. of non-nationals removed

Date	Destination	Adults	Minors	Total	Cost
					€
9 January 2002	Algeria	2	Nil	2	23,490
28 March 2002	Nigeria	6	Nil	6	190,000
14 November 2002	Nigeria	Information not readily available	Information not readily available	12*	151,500
18 November 2003	Romania and Moldova	Information not readily available	Information not readily available	24*	92,490
28 November 2003	Romania and Bulgaria	Information not readily available	Information not readily available	20*	27,800
12 February 2004	Romania	Information not readily available	Information not readily available	62*	93,609
20 February 2004	Gambia	1	Nil	1	50,200
31 March 2004	Romania	49	4	53	71,590
6 April 2004	Nigeria	26	3	29	146,500
26 August 2004	Nigeria	24	1	25	248,610
17 November 2004	Romania and Moldova	56	10	66	82,700
15 December 2004	Romania and Moldova	39	2	41	82,700
15 March, 2005	Nigeria	26	9	35	265,000
1 June 2005	Romania	50	8	58	84,720

Date	Destination	Adults	Minors	Total	Cost
					€
5 July 2005	Nigeria	30	16	46	248,300
13 September 2005	Romania and Moldova	46	5	51	87,270
18 October 2005	Nigeria	23	15	38	243,300
8 December 2005	Nigeria	17	2	19	238,850
17 January 2006	Romania and Moldova	42	2	44	91,255
**27 January 2006	Spain — Dublin II Regulation Transfer	1	Nil	1	43,300
21 February 2006	China	13	Nil	13	255,539
4 April 2006	Nigeria	23	6	29	242,050
15 May 2006	Romania	44	4	48	89,300

* Note (i) A breakdown of the numbers deported between adults and minors is not readily available for these flights.

** Note (ii) This was not a deportation flight but rather a flight chartered for the purposes of transferring a particularly difficult and violent person to Spain in accordance with the provisions of the Dublin II Regulation.

The table below (Table 2) sets out the number of Deportation Orders and Dublin II Regulation Transfer Orders (persons who first claimed asylum in another EU State which subsequently

agreed to accept responsibility for the examination of the asylum application) which have been effected each year from late 1999 to 31 May 2006:

Table 2

Year	Deportation orders effected	Dublin II Regulation Transfers*	Total No. of removals
1999**	6	N/A	6
2000	188	N/A	188
2001	365	N/A	365
2002	521	N/A	521
2003	591	N/A	591
2004	599	65	664
2005	396	209	605
2006 (up to 31 May)	158	112	270
Total	2,824	386	3,210

* DII Regulation commenced in September 2003, first such Orders signed in 2004.

** Figures not available pre 1999 — Immigration Act, 1999 commenced that year.

The table below (Table 3) sets out the costs associated with removals by commercial/ scheduled flights on an annual basis since the commencement of the Immigration Act, 1999 (as amended) up to the end of 2005. The figures

include the costs associated with removing persons whose Deportation Orders were made pursuant to the provisions of the Dublin Convention which preceded the Dublin II Regulation.

Table 3: Cost of removals by scheduled/commercial flights

Year	Cost of deportations (includes Dublin Convention cases)	Cost of Dublin II Regulation removals	Totals
2000	£339,799 (see Euro equivalent in totals column)	N/A	431,545
2001	£835,659 (see Euro equivalent in totals column)	N/A	1,061,287
2002	1,633,386	N/A	1,633,386
2003	1,446,066	N/A	1,446,066
2004	992,690	33,923	1,026,613
2005	502,962	55,325	558,287
Total	6, 157,184		

Asylum Applications.

484. **Mr. Callely** asked the Minister for Justice, Equality and Law Reform the number of asylum applications made each year from 1990 to date in 2006; the number of applications that were not successful; the reason for same; the processing period for an asylum application; the number of applications awaiting a decision; and if he will make a statement on the matter. [25027/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested by the Deputy is set out below in a Tabular Statement.

Statistics are not maintained regarding the specific grounds for granting or refusing refugee status. All applications are considered in line with the provisions of the Refugee Act 1996. Section 2 of the Act defines a refugee, subject to stated exclusions, as a person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

With effect from 1 November 2005, all applicants for asylum are notified of their interview date by the Office of the Refugee Applications Commissioner (ORAC) at the time they make their applications. The interview appointment is normally within 20 working days of application. However, for those applicants within the prioritised category, interviews in ORAC are held more speedily, within 9 to 12 days. Consideration of these applications by ORAC is normally completed within a further 5 to 8 working days giving an average processing time of 17 working days from the date of application.

In respect of non-prioritised applications, the interview date is normally within 4 to 5 weeks of the application date. Consideration of the application by ORAC is normally completed within a further 4 weeks giving a total processing time of approximately 8 to 9 weeks from the date of application.

The average length of time taken by the Refugee Appeals Tribunal (RAT) to process and complete substantive appeals received in 2005 was approximately 14 weeks. However, this period was considerably shorter in respect of certain appeals which received priority or where an oral hearing was not required. In respect of these cases processing times were 3 to 5 weeks. At the end of May 2006 there were 2,723 cases on hand with ORAC and RAT. Only 581 of these applications were over six months old as compared to some 6,500 such applications at the end of September 2001.

Asylum Application and Appeal Statistics — 1990 to 2006 (up to 31/5/06) (insofar as these are readily available)

	No. of asylum applications received	No. of asylum applications refused at first instance**	No. of asylum appeals refused
1990	*	*	*
1991	9	*	*
1992	39	29	3
1993	91	30	17
1994	362	106	14
1995	424	113	54
1996	1,179	431	218
1997	3,883	1,478	384
1998	4,626	2,037	210
1999	7,724	278	634
2000	10,938	425 (20/11- 31/12)	1,153
2001	10,325	11,126	1,460
2002	11,634	13,530	3,599
2003	7,900	8,970	3,767
2004	4,766	6,468	5,394
2005	4,323	4,787	3,405
2006	1,850	1,808	822

* The figures for these years are not readily available.

** Includes some withdrawn cases.

Cases after 20 November 2000 were processed by ORAC and RAT.

485. **Mr. Callely** asked the Minister for Justice, Equality and Law Reform the number of former asylum applicants who made application for permission to remain in lieu of asylum; the basis of their applications; the percentage of applications on the basis of parentage of an Irish born child; and if he will make a statement on the matter. [25028/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I presume that the Deputy is referring to applications for Leave to Remain in the State made pursuant to Section 3 (6) of the Immigration Act, 1999 (as amended). The Deputy might wish to note that, in the main, such applications are made by persons whose asylum applications have been rejected.

An application for Leave to Remain in the State arises where a non-EU national is served with a notice of intent to deport under section 3 (3) (a) of the Immigration Act, 1999 (as amended). A person served with such a notice is afforded three options vis a vis their position in the State, namely to leave the State voluntarily, to consent to the making of a Deportation Order or to submit, within 15 working days, written representations setting out reasons as to why a Deportation Order should not be made and why permission to remain temporarily in the State should be granted.

In assessing whether to make a Deportation Order or to grant permission to remain temporarily in the State in each individual case, I must have regard for the eleven factors specified in Section 3 (6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. Permission to remain temporarily in the State is considered in every individual case regardless of whether written representations are submitted by, or on behalf of, the person(s) concerned. Statistics are not maintained in a way which distinguishes between those cases where such representations were submitted as opposed to those where no representations were submitted. More-

over, it must be borne in mind that many of those who failed the asylum process, and who did not opt to return voluntarily to their country of origin or consent to deportation, nonetheless left the State before a decision to deport or to grant permission to remain temporarily in the State was made.

The figures in the table below refer to persons who received notification of intention to deport under Section 3 (b) (ii) of the Immigration Act, 1999 (as amended) but were subsequently granted temporary leave to remain in the State for an initial period of one year. As stated earlier, the majority of these persons would have been rejected asylum seekers.

Numbers of persons granted permission to remain temporarily in the State

Year	2000	2001	2002	2003	2004	2005	2006 (up to 31 May)
Number of persons	19	77	158	86	207	135	51

The figures in the table above do not include persons who have been granted permission to remain in the State on the basis of their parentage of an Irish Born Child either under the Revised Arrangements I announced in January 2005, or under the earlier arrangements, or those persons granted residency in the State on the basis of marriage to an Irish or E.U. National. Many of these persons would otherwise have been considered for permission to remain temporarily in the State in the context of the deportation system described above. For example, in the case of the Revised Arrangements relating to the Non-National Parents of an Irish Born Child born in the State before 1 January 2005 (the IBC/05 Scheme), a total of 17,917 applications were submitted with 16,693 having been approved.

The Deputy will appreciate that because of overlaps between those persons who applied for permission to remain temporarily in the State pursuant to the provisions of the Immigration Act, 1999 (as amended) and those who applied under the IBC/05 Scheme and earlier such arrangements, it would not be possible to provide percentage based comparisons between the two categories of persons. However, the Deputy can be assured that all applications made by persons seeking permission to remain temporarily in the State are carefully considered on their individual merits and having regard to all relevant criteria.

Ministerial Responsibilities.

486. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the regulations which have been enacted by his Minister of State since his appointment; the statutory instruments under which his is carrying out his functions; and if he will make a statement on the matter. [25037/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to refer the Deputy to Question No. 22840 of 13 June 2006 regarding the Statutory Instruments applicable to the delegation of functions to Ministers of State at my Department. In relation to the Regulations which have been enacted, S.I. No. 468 of 2004 Children Act 2001 (Commencement) Order 2004 was signed by Minister of State Lenihan on 23 July, 2004. The Order brought some provisions of the Children Act 2001 into operation.

Special Educational Needs.

487. **Mr. Penrose** asked the Minister for Education and Science the number of schools specifically for dealing with children with autism she has approved, since she became Minister for Education and Science; if applications to establish final projects and education centres for children with autism have been refused; the criteria upon which such refusals are based; her views on whether these education centres represent the children's best chance to reach their full potential; and if she will make a statement on the matter. [24332/06]

507. **Ms C. Murphy** asked the Minister for Education and Science the number of children currently on waiting lists for places in outreach classes in County Kildare for the 2006 to 2007 school year; the number of places which are available to provide for the 2006 to 2007 school year; the way in which it is intended to provide for the shortfall; the role the SENO has in providing places; and if she will make a statement on the matter. [24511/06]

526. **Ms Enright** asked the Minister for Education and Science the educational services available for children with autism in Portmarnock, Malahide, Skerries, Balbriggan, Swords,

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Donabate, Rush and Lusk; and if she will make a statement on the matter. [24678/06]

527. **Ms Enright** asked the Minister for Education and Science the educational services being provided for children with autism in Portmarnock, Malahide, Skerries, Balbriggan, Swords, Donabate, Rush and Lusk; and if she will make a statement on the matter. [24679/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 487, 507, 526 and 527 together.

The Deputies are aware that a specific function of the National Council for Special Education (NCSE), through its network of local Special Educational Needs Organisers (SENOS), is to identify appropriate educational placements for all children with special educational needs, including children with autism. 19 additional special classes for autism were sanctioned by the SENOs during the 2005/2006 school year. The NCSE, through the SENOs, will continue to develop and co-ordinate additional provision. Enrolment in special classes attached to mainstream schools and special schools is the responsibility of the relevant Board of Management and my Department would expect that schools would work in partnership with their SENO to address any issues at a local level.

The Deputies will be aware of my commitment to ensuring that all children, including those with autism receive an education appropriate to their needs. In this regard my Department currently provides the following facilities for the education of children with autism: 162 Special Classes for children with autism, attached to special and mainstream schools; 15 pre-school classes; 5 Special classes for children with Asperger's Syndrome; and 12 Stand-Alone facilities providing an Applied Behavioural Analysis (ABA) specific methodology. Approval has also been given for the establishment of a further two such facilities.

In relation to provision in north county Dublin, I can confirm that there are already many facilities catering for children with autism. There are currently 5 pre-school classes for autism, 12 special classes for children with autism attached to special schools and mainstream schools, 2 special classes for children with Asperger's syndrome plus a range of supports for pupils with autism integrated in mainstream classes located on the north side of Dublin. A pilot scheme facilitated the establishment of 12 specific autism units nationwide, 1 of which is located on the Northside of Dublin.

488. **Mr. Penrose** asked the Minister for Education and Science the reason home tuition grants were withdrawn from approximately 90 families who have children who are autistic; and if she will make a statement on the matter. [24333/06]

Minister for Education and Science (Ms Hanafin): My Department considers that school-based education provision is the most appropriate intervention for all children including those with special educational needs and has discontinued the practice whereby children who are in full-time education provision would also be able to avail of home tuition grants. The children referred to by the Deputy are enrolled in special schools or special class placements or are attending mainstream schools with additional resource teaching and special needs assistant supports, as appropriate.

I wish to re-iterate that the decision to withdraw home tuition was on the basis that the educational needs of these pupils can be best met in their individual schools. It is open to any parent who may have a concern in relation to the educational supports being delivered in the schools to discuss their concerns with the school in question.

School Accommodation.

489. **Mr. Penrose** asked the Minister for Education and Science when additional school accommodation will be provided for Clonmellon, County Westmeath; and if she will make a statement on the matter. [24334/06]

Minister for Education and Science (Ms Hanafin): The building project for the school referred to by the Deputy is at an early stage of architectural planning. Following a recent review of the project, it was decided to provide the accommodation as an 8 classroom Generic Repeat Design School. Using this design, which has been developed by the Building Unit of my Department, will facilitate the early lodgement of planning permission and subsequently reduce the time taken to bring the project to completion.

An advertisement has been placed on e-tenders website seeking request for tenders for suitably qualified Quantity Surveyors, Civil & Structural Engineers, and Mechanical and Electrical Engineers. When a Design Team is appointment, officials of my Department will be in further contact with the school authorities regarding advancement of the project.

Site Acquisitions.

490. **Mr. P. Breen** asked the Minister for Education and Science the progress which has been made in purchasing a suitable site for a school (details supplied) in County Limerick, since her visit there in March 2005; and if she will make a statement on the matter. [24335/06]

515. **Mr. Gregory** asked the Minister for Education and Science the steps being taken at present to acquire the available site for a school (details supplied) in County Limerick; and if she will make a statement on the matter. [24546/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 490 and 515 together.

The Property Management Section of the Office of Public Works which acts on behalf of my Department in relation to site acquisitions generally has been requested to source a site for the Gaelscoil in question. While a suitable parcel of land has been identified, a map of the specific area within that parcel that is offered for sale has been requested and is awaited from the vendor. This map is required in order to clarify specific suitability issues such as topography, access, connections to services etc.

As soon as OPW receive this map, these more detailed issues can be examined. On completion of the site acquisition, the project will be considered in the context of the School Building and Modernisation Programme 2006 -2010.

School Staffing.

491. **Mr. Crowe** asked the Minister for Education and Science if she or her Department have received correspondence regarding a school (details supplied) in County Donegal; and if she will grant the school an additional mainstream teacher for 2006 and 2007. [24336/06]

Minister for Education and Science (Ms Hanafin): The staffing of a primary school for a particular school year is determined by reference to the enrolment in the school on 30th September of the previous school year and by reference to a staffing schedule. This staffing schedule is outlined in Primary Circular 23/06 which issued to all primary schools recently.

Under the staffing arrangements for primary schools there is provision for the allocation of an additional post where a school experiences rapid growth in its enrolment. In such cases, an additional post, referred to as a developing school post, may be sanctioned provisionally where the projected enrolment at 30th September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30th September, sanction for the post is withdrawn.

The enrolment in the school referred to by the Deputy on 30th September 2005 was 108 pupils, which warrants a staffing of Principal plus 3 mainstream posts for the 2006/2007 school year. The projected enrolment submitted by the Board of Management did not meet with the criteria required for developing school status and accordingly, the application was turned down.

To ensure transparency and openness in the system an independent Appeals Board is now in place to decide on any mainstream staffing appeals. The criteria under which an appeal can be made are set out in Primary Circular 0024/2006, which is available on my Department's website. The closing date for receipt of appeals

for the next Appeals Board meeting is 18th October 2006.

Teaching Qualifications.

492. **Mr. Crowe** asked the Minister for Education and Science the reason for her Department's probationary system for qualified primary school teachers which obliges teachers who have passed their probation requirements in a special needs setting to go through the probation system again for a mainstream setting but does not require the reverse. [24343/06]

493. **Mr. Crowe** asked the Minister for Education and Science if there is an appeal mechanism in her Department's probationary system for newly qualified primary school teachers; the way in which such a process works; and if no such process exists, her views on the introduction of one. [24344/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 492 and 493 together.

Under current regulations, a teacher may be probated in a special school or in a special class in a mainstream school where Irish is not a curricular requirement. Where such a teacher subsequently takes up a position in a mainstream setting, the only requirement is that they undergo probation in Irish as this subject will not have been covered in the initial probationary process.

In accordance with Section 13 (9) of the Education Act 1998, procedures for review of inspections on schools and teachers were published by the Chief Inspector in 2002. An appeal against a report on a newly qualified teacher on probation can be processed through these procedures.

Irish Language.

494. **Mr. P. Breen** asked the Minister for Education and Science the measures she will take to ensure that a person (details supplied) in County Clare can continue their education up to leaving certificate level through the medium of Irish; and if she will make a statement on the matter. [24378/06]

Minister for Education and Science (Ms Hanafin): It is my Department's policy to support the provision of all-Irish school facilities at primary and post primary level in areas outside the Gaeltacht regions, where a demand for such provision is demonstrated and no alternative exists within a reasonable distance.

The Aonad in the school referred to by the Deputy was established in response to demand for all-Irish provision at second level in the area. At senior cycle, most aonad offer a core of four, five or six subjects through Irish and the others through English. The Aonad in this school offers six subjects through Irish, which is at the upper

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end of this spectrum. As with all schools, the number of students is an essential factor in the subject choice that a school can offer.

Special Educational Needs.

495. **Mr. Bruton** asked the Minister for Education and Science the rules which apply to the retention of special needs assistants in schools where changing circumstances dictates a reduction in the need for SNAs; if the rules apply even where the later employed person works 30 or more hours and where the earlier person works five or less hours; and if she will make a statement on the matter. [24381/06]

Minister for Education and Science (Ms Hanafin): A Circular Letter outlining details of the arrangements relating to redundancy for Special Need Assistants has been prepared by my Department. The number of the Circular Letter is 0058/2006 — “Redundancy Arrangements for Special Need Assistants in Primary and Second Level Schools”.

Where a redundancy situation arises in a school, the selection criteria will be on a last in first out (LIFO) basis subject to the contractual arrangements already in place. This means that, in the case of redundancy, unless the most junior special need assistant in the school has a written child specific contract that entitles her/him to remain in the school, her/his contract should be terminated on the basis that she/he is the most junior special need assistant in the school in terms of length of service — Circular Letters SNA 12/05 and 15/05 on contracts of employment refer.

Another Circular Letter outlining the arrangements in relation to the seniority of Special Need Assistants was also prepared by my Department recently. The number of the Circular Letter is 0059/2006 — “Seniority of Special Need Assistants”.

This Circular Letter clarifies the arrangements regarding seniority for Special Need Assistants employed in a Regular Part-Time capacity by schools or VECs. The Circular Letter states that a Special Need Assistant employed in a regular part time capacity shall not be treated less favourably in determining their seniority on account of their status as a part time employee. It also states that the seniority of a special need assistant employed for a regular number of hours each week is the same as that of a full time special need assistant employed for the same period.”

The Circular Letters referenced above can be accessed on my Department’s website “Education Personnel/Special Need Assistants”. Copies of the Circular Letters have also issued to schools.

496. **Mr. Ring** asked the Minister for Education and Science the reason her Department officials do not directly inform parents of their children’s

possible entitlement to the July provision; when was this scheme first introduced; its annual cost to the Department since introduction; and the numbers who have benefited from it. [24382/06]

497. **Mr. Ring** asked the Minister for Education and Science the person who, within the education system, notifies parents of the July provision scheme for children with special needs; if this scheme is advertised in the national or local papers; if so, when were the advertisements for this year; and if she will make a statement on the matter. [24383/06]

498. **Mr. Ring** asked the Minister for Education and Science if payment of the July provision will be made retrospectively to persons (details supplied) in County Mayo, effective from the date of the diagnosis of their condition as the Department were fully aware of this persons diagnosis. [24384/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 496 to 498, inclusive, together.

The July Education Programme is available to all special schools and mainstream primary schools with special classes catering for children with autism who choose to extend their education services through the month of July. My Department also provides for a July Programme for pupils with a severe/profound general learning disability. Where school based provision is not feasible, home based provision may be grant aided.

My Department encourages all eligible schools to participate in this initiative in the interest of the children in question. There has been a steady increase in the number of schools offering the programme since it was introduced in 2001 when relevant schools were circulated with details. My Department is considering how best to further publicise the availability of this initiative.

I am pleased to advise the Deputy that forty hours’ tuition under the July Provision Scheme has been approved for the child in question.

School Staffing.

499. **Mr. Wall** asked the Minister for Education and Science when a school (details supplied) in County Kildare will receive an additional teacher; and if she will make a statement on the matter. [24404/06]

Minister for Education and Science (Ms Hanafin): The staffing of a primary school is determined by reference to the enrolment of the school on the 30th September of the previous school year and by reference to a staffing schedule. This staffing schedule is outlined in Primary Circular 23/06 which issued to all primary schools recently.

The enrolment in the school referred to by the Deputy on 30th September 2005 was 232 pupils, which warrants a staffing of Principal plus 8 mainstream posts for the 2006/2007 school year.

The staffing of this school for the 2006/2007 school year was considered by the Appeals Board on 25th May, 2006. The Board, having considered the appeal with regard to the criteria outlined in Department Circular 24/06, was satisfied that a departure from the staffing schedule is not warranted in this case.

The Board of Management of the school was notified in writing of the decision of the Appeals Board on 16th June, 2006.

I am sure the Deputy will appreciate that it would not be appropriate for me to intervene in the operations of the Independent Appeals Board.

Bullying in Schools.

500. **Mr. Durkan** asked the Minister for Education and Science the reason her Department does not have a system to record the number of incidents of school bullying throughout the country; if her attention has been drawn to the concerns of pupils, teachers and parents in this regard; her views on the need for a system whereby all schools, notwithstanding existing procedures can report directly to her Department, thus providing a more comprehensive overall picture of the extent and location of the problem; her further views on whether it is unsatisfactory not to have a reporting system whereby the relevant section of her Department can monitor school bullying incidents on an ongoing basis, using if necessary modern technology; if she will set up such a recording and monitoring procedure with a view to addressing the issues; and if she will make a statement on the matter. [24442/06]

501. **Mr. Durkan** asked the Minister for Education and Science the reason her Department does not have a system to record the number of incidents of school bullying in County Kildare; if her attention has been drawn to the concerns of pupils, teachers and parents in this regard; her views on the need for a system whereby all schools, notwithstanding existing procedures can report directly to her Department, thus providing a more comprehensive overall picture of the extent and the location of the problem; her further views on whether it is unsatisfactory not to have a reporting system whereby the relevant section of her Department can monitor school bullying incidents on an ongoing basis, using if necessary modern technology; if she will set up such a recording and monitoring procedure with a view to addressing the issues; and if she will make a statement on the matter. [24443/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 500 and 501 together.

As I have previously informed the Deputy, there is no requirement for schools to report on incidents of bullying to my Department. I do not agree with the Deputy that such reporting should be required and I do not propose to introduce such a system. Incidents of bullying can most effectively be addressed at school level.

As the Deputy will be aware, each school is required to have in place a policy which includes specific measures to deal with bullying behaviour, within the framework of an overall school Code of Behaviour and Discipline. Such a code, developed through consultation with the whole school community and properly implemented, can be the most influential measure in countering bullying behaviour in schools.

My Department has issued guidelines as an aid to schools in devising measures to prevent and deal with instances of bullying behaviour and to increase awareness among school management authorities of their responsibilities in this regard. These guidelines were drawn up following consultation with representatives of school management, teachers and parents, and are sufficiently flexible to allow each school authority to adapt them to suit the particular needs of their school. My Department, through the National Centre for Technology in Education has also developed Policy Guidelines and Advisory Notes for schools and parents which deal with the issues of internet and mobile phone bullying.

The National Educational Welfare Board (NEWB) is at present developing further guidelines for schools on Codes of Behaviour, as provided for under section 23 of the Education (Welfare) Act 2000. The process involves the drawing up of a draft framework/discussion document for the guidelines, which is being used as a basis for consultations with the key stakeholders including school management, teachers, parents, and children. The Board has established an expert working group for this purpose. Work on the guidelines is at an advanced stage and is envisaged that implementation will commence in the next school year.

Once the NEWB Guidelines are in place, my Department will commence the process of revising and updating its own "Guidelines on Countering Bullying Behaviour". This review will take into account issues such as legislative developments, the involvement of the support services available to schools, technological advancements such as use of the Internet, e-mail, mobile phones and camera phones and the latest developments in International best practice on dealing with bullying behaviour.

These guidelines, on top of those that are already in place, will provide vital guidance for schools in fulfilling their responsibilities in relation to this issue.

The Deputy may also be interested to know that dealing with bullying has also been incorporated into training for principals through the

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Leadership Development for Schools programme.

I have also stressed to the teacher unions the importance of not just having a written policy on bullying but also ensuring a climate in which it is not tolerated in any form and in which children know that if they make a teacher aware of bullying that it will be dealt with.

The Deputy will also be aware that the education of students in both primary and post-primary schools in relation to anti-bullying behaviour is part of the SPHE curriculum. SPHE is now a compulsory subject both at primary level and in the junior cycle of post-primary schools. The SPHE curriculum provides for the development of personal and social skills including self-awareness, respect for others, self-esteem and communication skills, all of which are important elements in addressing the issue of bullying.

In recent years, there have been a number of pilot programmes which have also addressed the issue of bullying. Pilot programmes are utilised as a means of informing possible new initiatives or how best existing provision may be improved upon. The function of pilot programmes is to test and evaluate different ideas and approaches in order to aid and enhance existing provision. Pilot programmes, when completed, are evaluated in terms of programme content, effectiveness and appropriateness and the recommendations and findings are considered in the context of developing existing programmes and structures which are designed to meet the needs of schools at local level.

My Department also participates in an OECD “International Network on School Bullying and Violence”. Sharing good practice and the most up to date approaches to addressing issues in this area is a key objective of the group.

So, while responsibility for tackling bullying naturally falls to the level of the individual school, a wide range of measures are in place to support schools in this area. I urge all schools to ensure that they have the procedures in place to deal with bullying so that all children can feel safe and happy at school.

Special Educational Needs.

502. **Mr. McGuinness** asked the Minister for Education and Science the action she is taking to provide full time education for a person (details supplied) in County Kilkenny who has not attended school for two and a half years; if she will arrange for them to be seen by the appropriate consultants at Waterford Hospital in view of the proximity of the hospital to their home; and if she will make a statement on the matter. [24449/06]

Minister for Education and Science (Ms Hanafin): I understand that the local Special Educational Needs Organiser (SENO) and the

Education Welfare Officer (EWO) together with the Health Service Executive (HSE) are liaising with the family in relation to this student’s needs.

The Deputy will be aware that matters regarding health related services for this person are a matter for the HSE.

Home-School Liaison Scheme.

503. **Cecilia Keaveney** asked the Minister for Education and Science the status of an application for a home liaison teacher for a school (details supplied) in County Donegal; and if she will make a statement on the matter. [24466/06]

Minister for Education and Science (Ms Hanafin): The Home/School/Community Liaison Scheme is a major mainstream preventative strategy targeted at pupils at risk of not reaching their potential in the educational system because of background characteristics which tend to affect adversely pupil attainment and school retention. The scheme is concerned with establishing partnership and collaboration between parents and teachers in the interests of children’s learning. It focuses directly on the salient adults in children’s educational lives and seeks indirect benefits for the children themselves.

Currently, 370 local co-ordinators are assigned to 309 primary and 204 post primary schools in disadvantaged areas to work with school staff, parents and relevant community agencies in advancing the educational interests of children. Under DEIS, the new Action Plan for Educational Inclusion, HSCL services will be extended to the 200 post primary and 320 urban/town primary schools that do not currently have the service.

The whole rationale behind the new DEIS programme is to ensure that the most disadvantaged schools benefit from all of the available supports.

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 in the Programme. 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 submitted an application for review and a formal acknowledgement has issued to the school. It is anticipated that the review process will be completed before the end of the current school year.

Educational Disadvantage.

504. **Mr. Blaney** asked the Minister for Education and Science if she will examine the application for a review of the decision not to include

a school (details supplied) in County Donegal in the school support programme under the DEIS action plan; and if she will make a statement on the matter. [24488/06]

Minister for Education and Science (Ms Hanafin): DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated School Support Programme (SSP). The School Support Programme will bring together, and build upon, a number of existing interventions in schools with a concentrated level of disadvantage.

The process of identifying primary and second-level schools for participation in the SSP 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.

As a result of the identification process, 840 schools were invited to participate in the SSP. These comprised 640 primary schools (320 urban/town schools and 320 rural schools) and 200 second-level schools. I am delighted to say that 833 of the schools invited to join the new programme accepted the invitation.

Schools that did not qualify for the new programme will keep the extra resources they are getting under existing schemes for the 2006/07 school year and after that they will continue to get support in line with the level of disadvantage among their pupils.

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 in the programme. The school referred to by the Deputy has submitted a review application. The review process is underway and it is anticipated that it will be completed by the end of the current school year.

School Staffing.

505. **Mr. N. O'Keefe** asked the Minister for Education and Science her views on appointing an additional teacher to a primary school (details supplied) in County Cork where pupil numbers will increase by 13 in September 2006. [24501/06]

Minister for Education and Science (Ms Hanafin): The staffing of a primary school is determined by reference to the enrolment of the school on the 30 September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued annually to all primary schools. This circular (0023/2006) issued to all schools in March 2006.

Under the staffing arrangements for primary schools, there is provision for the allocation of an additional post to a school where the school experiences rapid growth in its enrolment. In such cases, an additional post, referred to as a developing school post, may be sanctioned provisionally where the projected enrolment at 30 September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30 September, sanction for the post is withdrawn.

The enrolment in the school referred to by the Deputy on 30 September 2005 was 111 pupils, which warrants a staffing of Principal plus 3 mainstream posts for the 2006/2007 school year.

To ensure transparency and openness in the system an independent Appeal Board is now in place to decide on any mainstream staffing appeals.

The staffing of the school referred to by the Deputy for the 2006/2007 school year was considered by the Primary Staffing Appeal Board at its meeting on the 25th May 2006. The Board, having considered the appeal with regard to the criteria outlined in Department Circular 0024/2006, was satisfied that a departure from the staffing schedule is not warranted in this case.

The Board of Management of the school was notified in writing of the decision of the Appeals Board on the 26 May 2006. I am sure the Deputy will appreciate that it would not be appropriate for me to intervene in the operations of the Independent Appeal Board.

Schools Building Projects.

506. **Cecilia Keaveney** asked the Minister for Education and Science the position in relation to an appeal by a school (details supplied) in County Donegal; and if she will make a statement on the matter. [24508/06]

Minister for Education and Science (Ms Hanafin): As part of the expansion of the devolved scheme for primary school building works, a grant of €250,000 was sanctioned in 2005 to enable the management authorities of the school in question to extend and refurbish their school.

Devolving funding to school management authorities allows them to have control of their projects, assists in moving projects more quickly to tender and construction and can also deliver better value for money.

The Schemes are not structured on the basis that the Department funding must be supplemented by local fund-raising. They do however allow a school to supplement the funding from local resources if they so wish. The critical element is that with devolved authority the school must set the scope of works to match the funding allocated. The Department does not define the precise works to be carried out. A

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school can make choices within the budget allocated.

Setting the scope of works is the critical first step. Clearly where a school has a known level of resources apart from the Department funding or knows its capacity to raise additional resources it is open to that school to extend the scope of works to include additional facilities. However if the scope of works is not set appropriately from the outset based on the budget available there is a risk that the school will be faced with a funding gap when the project is at construction.

The choices to be made within these devolved schemes rest with the school and that is the cornerstone of any policy of devolution. The school authority knows the budget and must decide what it is capable of building with that budget. The time to identify a problem is at the outset before entering any contract. Schools can raise with my Department any site specific problems or unusual planning stipulations that impose additional costs and these will be examined. Otherwise schools must reduce the scope of intended works so as to remain within budget.

A school does not have to accept the invitation to participate in a devolved scheme and instead be considered for inclusion in the mainstream school building programme in line with the project's priority band rating.

The school in question submitted an application for additional funding which was considered by an Appeals Board comprising senior officials of my Department. Increased grant aid has been sanctioned to cover the cost of unforeseen problems which were encountered by the school. The school has been notified of the decision.

Question No. 507 answered with Question No. 487.

Higher Education Grants.

508. **Mr. Lowry** asked the Minister for Education and Science when the details of the Vocational Educational Committee scholarship, PLC scheme and TLT scheme will be issued to vocational educational committees; the reason for delay in issuing details; and if she will make a statement on the matter. [24517/06]

509. **Mr. Lowry** asked the Minister for Education and Science when the details of the higher education grant scheme will be issued to local authorities; the reason for delay in issuing details; and if she will make a statement on the matter. [24518/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 508 and 509 together.

I expect that the 2006 student support schemes will be issued shortly. The application forms and

notes for the 2006/07 academic year has issued both electronically and in hard copy to the awarding bodies and the forms and notes are also available on the Department's website at *www.education.ie*.

Schools Building Projects.

510. **Mr. Lowry** asked the Minister for Education and Science if additional funding will be provided to a school (details supplied) in County Tipperary. [24519/06]

Minister for Education and Science (Ms Hanafin): As part of the expansion of the devolved scheme for primary school building works, a grant of €440,000 was sanctioned in 2005 to enable the management authorities of the school in question to extend and refurbish their school.

Devolving funding to school management authorities allows them to have control of their projects, assists in moving projects more quickly to tender and construction and can also deliver better value for money.

The Schemes are not structured on the basis that the Department funding must be supplemented by local fund-raising. They do however allow a school to supplement the funding from local resources if they so wish. The critical element is that with devolved authority the school must set the scope of works to match the funding allocated. The Department does not define the precise works to be carried out. A school can make choices within the budget allocated.

Setting the scope of works is the critical first step. Clearly where a school has a known level of resources apart from the Department funding or knows its capacity to raise additional resources it is open to that school to extend the scope of works to include additional facilities. However if the scope of works is not set appropriately from the outset based on the budget available there is a risk that the school will be faced with a funding gap when the project is at construction.

The choices to be made within these devolved schemes rest with the school and that is the cornerstone of any policy of devolution. The school authority knows the budget and must decide what it is capable of building with that budget. The time to identify a problem is at the outset before entering any contract. Schools can raise with my Department any site specific problems or unusual planning stipulations that impose additional costs and these will be examined. Otherwise schools must reduce the scope of intended works so as to remain within budget.

A school does not have to accept the invitation to participate in a devolved scheme and instead be considered for inclusion in the mainstream school building programme in line with the project's priority band rating.

The school in question has submitted an application for additional funding which will be considered by an Appeals Board comprising senior officials of my Department. The school authority will be notified of their decision in due course.

Anti-Social Behaviour.

511. **Mr. Lowry** asked the Minister for Education and Science if she or officials within the youth affairs section are developing a policy proposal to tackle anti-social behaviour amongst young people; if an analysis of international best practice in combating, tackling and preventing anti-social behaviour will be undertaken by her Department; and if she will make a statement on the matter. [24520/06]

Minister of State at the Department of Education and Science (Miss de Valera): The Youth Affairs Section of the Department of Education & Science is responsible for the provision of a policy framework and financial support for the development of youth work programmes and services. These non-formal education programmes and services are concerned with the personal and social development of young people outside of, but complementary to, formal education, and prioritise the 10 to 21 age group and disadvantaged youth. Underpinning and guiding youth work in Ireland is the Youth Work Act, 2001 and the National Youth Work Development Plan 2003-2007.

The main aim of the youth work service in Ireland is to help young people to realise their full potential and to become active participants in society. It provides support and space to young people to develop in a non-formal and fun setting and is characterised by the voluntary participation of young people. Through engagement with youth work services young people are provided with opportunity to learn more about themselves and their communities and to prepare for responsible adulthood.

Some €47m has been made available in 2006 to support the work of the youth work sector. The activities that the funding supports is broad, reflecting the many different facets of youth work in Ireland and indeed the different needs of our youth population, including the following. The Youth Service Grant Scheme provides funding to national and major regional voluntary youth organisations on an annual basis. Recipient organisations include Youth Work Ireland, Foróige, Scouting Ireland, and ECO.

The Special Projects to assist Disadvantaged Youth scheme is for out-of-school projects for disadvantaged young people. Grant aid is provided to organisations and groups for specific projects to address the needs of young people with high youth populations, youth unemployment, drug/substance abuse, problems of juvenile crime, vandalism and truancy, etc. The projects facilitate the development of participants equip-

ping them with the knowledge, skills and attitudes necessary for their appropriate integration in society.

Some 124 projects are supported by my Department under the Young Peoples' Facilities and Services Fund, which aims to address the needs of young people where a significant drug problem exists or has the potential to develop. Most of the funding is allocated to the areas in which a Local Drugs Task Force has been established.

In addition to these schemes, the Youth Affairs Section provides grant aid to a network of youth information centres, supports local youth groups through a Local Youth Club Grant Scheme administered locally by VECs, and provides grant aid to a variety of other youth work programmes and services.

The National Youth Work Development Plan includes a proposal to establish a National Youth Work Development Unit and work is underway with regard to the establishment of the Unit. The functions of the Unit will include researching and developing guidelines for best practice in youth work and assisting youth organisations to implement same, as well as managing and coordinating research.

Special Educational Needs.

512. **Ms C. Murphy** asked the Minister for Education and Science the number of personnel in her Department specifically dealing with provision of second level places for children progressing to second level who have special learning needs; and if she will make a statement on the matter. [24521/06]

Minister for Education and Science (Ms Hanafin): My Department provides a range of supports to second level schools to enable them to cater for students with special educational needs and this involves a large number of staff.

The supports in question include remedial and resource teaching support, special needs assistant support and funding for the purchase of specialised equipment which concerns staff in the National Council for Special Education, Teacher Allocations and the Assistive Technology area. Other sections concerned with the area of special education include Transport, Accommodation, Teacher Education Section, National Educational Psychological Service (NEPS), the National Education Welfare Board and the State Exams Commission.

My Department will continue to ensure that the necessary resources are made available for the education of children with special needs.

Higher Education Grants.

513. **Cecilia Keaveney** asked the Minister for Education and Science if funding is available for a person (details supplied) in County Donegal;

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and if she will make a statement on the matter. [24533/06]

Minister for Education and Science (Ms Hanafin): The position is that the third level student support schemes funded by my Department do not extend to undergraduate courses outside the E.U.

There are no monies at the disposal of my Department out of which financial assistance could be made available for study at undergraduate level in the U.S.A. You will appreciate that the Schemes of Student Support must be applied impartially and it is not possible to make exceptions in individual cases.

There are no plans at present to extend the scope of the maintenance grants schemes to fund undergraduate courses outside of the E.U.

School Curriculum.

514. **Cecilia Keaveney** asked the Minister for Education and Science her plans to introduce technology usage (details supplied) into the primary school curriculum; and if she will make a statement on the matter. [24544/06]

Minister for Education and Science (Ms Hanafin): The 1999 Primary School Curriculum highlights the role of ICT as a resource which considerably enriches the teaching and learning of different aspects of the curriculum. It also emphasises the potential of ICT as a motivational tool in the classroom. The curriculum documents provide teachers with examples of how they can use ICT in the teaching of the different curricular areas. My Department through the National Council for Curriculum & Assessment, piloted, produced and distributed to all Primary schools Teacher Guidelines for ICT in the Curriculum to complement the general guidelines for the different subjects within the Curriculum.

Since 1998 the Department of Education & Science has made specific provision for the development of ICT facility and the promotion of its use in all schools including the Primary sector. Currently the major focus for my Department under the ICT in Schools Programme is the roll-out of broadband connectivity to all recognised schools. The broadband connectivity is being provided, with a €15m contribution from Industry over a three year period, via a Schools National Broadband Network supported by HEAnet providing managed Internet access, security controls and content filtering. A broadband support service is being managed by the National Centre for Technology in Education (NCTE) to assist schools with advice and information relating to the roll-out and ongoing use of their broadband connectivity. The overall costs of the Schools Broadband Access Programme, including the initial set-up and ongoing costs over the three years, are in the region of €30m.

The Schools Broadband Access Programme builds on the investment by my Department in grant aiding schools to develop their internal networks. Since December 2004, over 3,100 Primary Schools have received grants to develop their networking facilities at a cost of over €12.9m.

On a wider front a range of supports have been put in place by the NCTE including a comprehensive teacher professional development programme currently providing currently 10,000 course places for teachers, the provision of on-line teaching resources via the Scoilnet Portal, the support and dissemination of innovative practice and the provision of technical advice. An ICT Advisory Service incorporating 21 ICT Advisers operating from the full-time Education Centres provide advice and assistance to schools on matters relating to the use of technology.

The NCCA, in conjunction with the educational partners has developed a Framework for the Integration of ICT at Primary and Post-Primary levels, which identifies the kinds of key learning outcomes with ICT in terms of knowledge, skills and attitudes that students should be enabled to develop. It is expected that this framework will be a practical tool which will support teachers in planning for, assessing and providing opportunities for students to develop their ICT literacy across the curriculum. The Framework is currently being piloted in a number of schools with a view to broader application.

My Department is currently examining the future priorities for the ICT in Schools Programme. This work is being complemented by a census of ICT infrastructure which was undertaken by the NCTE and is currently being finalised. In addition, during the current school year, my Department's Inspectorate the inspectorate has undertaken a comprehensive evaluation of the impact of ICT on teaching and learning across both primary and post-primary schools. It is expected that this report will be published during the coming school year.

Question No. 515 answered with Question No. 490.

Youth Services.

516. **Mr. Timmins** asked the Minister for Education and Science the assistance her Department has given or will give to Wicklow County Council to assist in the establishment of an outreach third level centre at a school (details supplied) in County Wicklow in conjunction with Carlow Institute of Technology; and if she will make a statement on the matter. [24562/06]

Minister for Education and Science (Ms Hanafin): My Department has not been approached by Wicklow County Council for assistance in the establishment of an outreach third level centre at the location referred to by the Deputy in County Wicklow.

School Accommodation.

517. **Mr. Callely** asked the Minister for Education and Science the recommended spatial size of primary school classes for approximately 25 pupils; and if she will make a statement on the matter. [24659/06]

Minister for Education and Science (Ms Hanafin): A number of factors are taken into account in determining an appropriate size for a primary school classroom such as curricular development, the pupil/teacher ratio and the fact that the number of pupils in a classroom may vary from year to year to take account of departing classes, and new enrolments. In the provision of major extensions/new school buildings it is the current practice of my Department to use a guideline of 80m² as a standard size of general classroom, this space allows for the inclusion of two ensuite toilets and in room storage. This is sufficiently large to comfortably cater for a class size in the region of 30 pupils. It should be stressed however that this is a guideline and it may not be possible or viable to achieve it particularly in projects involving the refurbishment of existing classrooms or due to factors such as site constraints.

518. **Mr. Callely** asked the Minister for Education and Science if her attention has been drawn to the concerns by staff and parents in a school (details supplied) in Dublin 3 with regard to the size of two classrooms; and the procedures which should be adopted to have this situation remedied. [24660/06]

Minister for Education and Science (Ms Hanafin): I can confirm to the Deputy that the school to which he refers has applied to my Department for two new classrooms. This application has been assessed in accordance with the published prioritisation criteria for large scale building projects and has been assigned a Band 2 rating. Progress on the project is being considered in the context of the School Building and Modernisation Programme from 2006 onwards.

Disadvantaged Status.

519. **Mr. Ring** asked the Minister for Education and Science the number of schools in County Mayo that have submitted an application for review in relation to the review mechanism put in place to address the concerns of schools that did not qualify for inclusion in the school support programme under DEIS ; the outcome of those applications or when it is hoped that decisions will be available for those schools; the number of appeals that were allowed or disallowed for both primary and post primary schools in Mayo; and if she will make a statement on the matter. [24661/06]

Minister for Education and Science (Ms Hanafin): DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated School Support Programme (SSP). The School Support Programme will bring together, and build upon, a number of existing interventions in schools with a concentrated level of disadvantage.

The process of identifying primary and second-level schools for participation in the SSP 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.

As a result of the identification process, 840 schools were invited to participate in the SSP. These comprised 640 primary schools (320 urban/town schools and 320 rural schools) and 200 second-level schools. These included 4 urban/town primary schools, 59 rural primary schools and 6 second-level schools in County Mayo. Nearly 20% of all the rural schools to benefit from the new programme nationally are in Mayo.

A review process has been put in place for primary and second-level schools that did not qualify for participation in the SSP and that regard themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the programme. The closing date for receipt of review applications was Friday, 31st March, 2006.

The review process applies only to those primary schools that participated in the ERC survey in May 2005 and only to those eligible second-level schools for which data were available from the relevant databases. Review requests must be evidence-based and based on the variables and reference dates used in the identification process for the SSP. Thirty-two primary schools and 15 second-level schools in County Mayo have submitted applications for review. The review process is underway and it is anticipated that it will be completed shortly.

Schools Building Programme.

520. **Mr. Ring** asked the Minister for Education and Science the position regarding the building of a new primary school (details supplied) in County Mayo; if all the site issues have been resolved; if an application for planning permission has been lodged or when it is envisaged that a planning application will be lodged; when this project will progress to tender and construction stages; and if she will make a statement on the matter. [24662/06]

Minister for Education and Science (Ms Hanafin): A site has been identified for the school in question and while there are a small

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number of issues outstanding, these are currently being addressed and are expected to be resolved shortly. Meanwhile, in order to expedite the design process, my Department is replicating an existing design, which has been successfully completed in another location. This should allow for the project to proceed to construction as soon as possible.

Special Educational Needs.

521. **Mr. Aylward** asked the Minister for Education and Science further to Parliamentary Question No. 233 of 26 April 2006 the progress which has since been made on this case. [24663/06]

Minister for Education and Science (Ms Hanafin): Second level pupils with a specific learning disability are normally integrated into mainstream classes. In such situations, they may receive additional tutorial support through the remedial teacher, guidance teacher or subject teacher. Depending on the degree of the condition, they may also be eligible for special arrangements in the Certificate Examinations. There are a total of 532.5 remedial/learning support teachers and 684 guidance teachers to cater for pupils with specific learning disabilities.

My Department also allocates additional teacher support and special needs assistant support to second level schools and Vocational Edu-

cation Committees to cater for pupils with special educational needs, including pupils with dyslexia. To qualify for such support, under this category, children must be assessed by a psychologist as being of average intelligence or higher and having a degree of learning disability specific to basic skills in reading, writing or mathematics which places them at or below the 2nd percentile on suitable, standardised, norm referenced tests. I understand the pupil referred to by the Deputy did not meet the above criteria for additional support.

Third Level Education.

522. **Mr. O'Shea** asked the Minister for Education and Science the number of students enrolled on courses (details supplied); and if she will make a statement on the matter. [24664/06]

Minister for Education and Science (Ms Hanafin): In May 2002 my Department approved the provision of 175 additional therapy training places to tackle shortages of physiotherapists, occupational therapists and speech and language therapists as identified in the report "Current and Future Supply and Demand Conditions in the Labour Market for Certain Professional Therapists", which was undertaken by Dr. Peter Bacon and Associates in 2001. The table below shows the student numbers on these courses in the 2004/05 academic year (latest full information available).

Enrolments Academic Year 2004/2005

	M	F	Total
B.Sc. Speech and Language Therapy UCC	0	53	53
B.Sc. Speech and Language Therapy NUIG	0	48	48
B.Sc. Occupational Therapy UCC	3	51	54
B.Sc. Occupational Therapy NUIG	0	44	44
M.Sc. In Speech and Language Therapy UL	0	50	50
M.Sc. In Occupational Therapy UL	4	38	42
B.Sc. In Physiotherapy UL	18	67	85

Site Acquisitions.

523. **Mr. Andrews** asked the Minister for Education and Science the progress which has been made in improving facilities at a school (details supplied) in Dublin 18 or in finding a new location for the school. [24665/06]

Minister for Education and Science (Ms Hanafin): The Property Management Section of the Office of Public Works, which acts on behalf of my Department in relation to site acquisitions generally, has been requested to source a site for the school to which the Deputy refers. When a suitable site has been identified and acquired, the school building project can then be considered for progress in the context of the School Building and Modernisation Programme from 2006 onwards.

Third Level Fees.

524. **Ms Enright** asked the Minister for Education and Science the third level grant conditions attaching to a person (details supplied) in County Offaly; if such a person is entitled to the free fees initiative; and if she will make a statement on the matter. [24676/06]

Minister for Education and Science (Ms Hanafin): Under the terms of my Department's Free Fees Initiative, tuition fees are payable in respect of eligible EU nationals who have been ordinarily resident in an EU Member State for at least three of the five years preceding entry to their third-level course. This condition applies equally to all EU Nationals, in accordance with a judgement of the European Court of Justice that

access to vocational training must apply equally to all EU Nationals.

The Nationality requirement of the Student Support Schemes states:—

- Candidates must:—
- hold E.U. Nationality; or
- have Official Refugee Status; or
- have been granted Humanitarian Leave to Remain in the State; or
- have permission to remain in the State by virtue of marriage to an Irish national residing in the State or be the child of such person, not having EU nationality; or
- have permission to remain in the State by virtue of marriage to a national of another EU Member State who is residing in the State and who is or has been employed, or self-employed, in the State, or be the child of such a person, not having EU nationality; or
- be nationals of a member country of the European Economic Area (EEA) or Switzerland.

The candidate referred to by the Deputy does not appear to satisfy the eligibility conditions of the Free Fees Initiative.

I wish to advise the Deputy of the provisions under Section 473A, Taxes Consolidation Act, 1997. This provides tax relief for eligible persons, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate courses in E.U. Member States and postgraduate courses in non EU countries.

Tax relief at undergraduate level extends to approved full/part-time courses in both private and publicly funded third level colleges in the State and any other EU Member State and approved full/part-time courses operated by Colleges in any EU Member State providing distance education in the State. Tax Relief on tuition fees is claimed directly from the Tax Office using an I.T. 31 Form. Details of approved colleges and courses are also available on Revenue's Internet site at www.revenue.ie.

Psychological Service.

525. **Mr. S. Ryan** asked the Minister for Education and Science if her attention has been drawn to the fact that the board of management of a school (details supplied) in County Dublin has been informed that due to staff changes the National Educational Psychological Service will no longer be in a position to provide a direct service to the school. [24677/06]

Minister for Education and Science (Ms Hanafin): The assignment of schools to psychologists in my Department's National Educational Psychological Service (NEPS) is subject to change for a variety of reasons. In the case of the school in question, the change was necessitated by promotion to managerial positions in NEPS. The school may avail of the Scheme for the Commissioning of Psychological Assessments (SCPA), details of which are available on my Department's website. The previously assigned psychologist will be happy to contact the school in early September 2006 to discuss appropriate referrals to SCPA and any other relevant issues which are of concern to the school principal.

Questions Nos. 526 and 527 answered with Question No. 487.

Departmental Agencies.

528. **Mr. Crowe** asked the Minister for Education and Science the level of resources, financial, staffing or otherwise allocated to NALA by her Department. [24680/06]

Minister of State at the Department of Education and Science (Miss de Valera): The National Adult Literacy Agency (NALA) was established in 1980. It is a voluntary organisation, concerned with national co-ordination, training and policy development work in the area of literacy. NALA receives most of its income from my Department. It was first grant-aided in 1984 and has received funding annually since.

In 2006, the Department has approved funding of €1,765,000 in respect of the adult education activities of NALA. This includes a grant of €314,000 for the general running expenses of the organisation, including staff salaries. The Department is not directly involved in the employment of staff. Staff numbers, remuneration and conditions of employment are determined by NALA.

Adult Education.

529. **Mr. Crowe** asked the Minister for Education and Science the level of resources, financial, staffing or otherwise allocated to AONTAS by her Department. [24681/06]

Minister of State at the Department of Education and Science (Miss de Valera): AONTAS is a voluntary national adult education body established in 1969. It represents the interests of individuals, and voluntary and statutory bodies, involved in promoting and developing adult education in Ireland. AONTAS receives most of its funding from my Department. It was first grant-aided in 1976 and has received funding annually since.

In 2006, the Department has provided funding of €860,000 towards the adult education activities of AONTAS. The grant includes €452,000 for the general running costs of the organisation, includ-

[Miss de Valera.]

ing staff salaries. The Department is not directly involved in the employment of staff. Staff numbers, remuneration and conditions of employment are determined by AONTAS.

Vocational Education Committees.

530. **Mr. Crowe** asked the Minister for Education and Science the level of resources, financial, staffing or otherwise allocated to the IVEA by her Department. [24682/06]

Minister for Education and Science (Ms Hanafin): My Department provides an annual grant to each of the Post-Primary Managerial Bodies. In 2006, the allocation to the Irish Vocational Education Association (IVEA) will amount to €177,533. My Department does not provide staffing resources to any of the Managerial Bodies, including the IVEA.

School Enrolments.

531. **Mr. Durkan** asked the Minister for Education and Science the number of gaelscoileanna; and the number of pupils currently attending such gaelscoileanna. [24694/06]

Minister for Education and Science (Ms Hanafin): In the 2005/2006 school year there were 132 gaelscoileanna at primary level with a total enrolment of 24,376 pupils on 30 September 2005.

Education Welfare Service.

532. **Ms Enright** asked the Minister for Education and Science the number of staff employed by the National Education Welfare Board; the number employed in each county and the area which they cover; the number employed in administration only; and if she will make a statement on the matter. [24710/06]

534. **Ms Enright** asked the Minister for Education and Science the average caseload per officer in the National Educational Welfare Board; and if she will make a statement on the matter. [24712/06]

Minister of State at the Department of Education and Science (Mr. B. Lenihan): I propose to take Questions Nos. 532 and 534 together.

The National Educational Welfare Board (NEWB) was established under The Education (Welfare) Act, 2000 as the single national body with responsibility for school attendance. The Act provides a comprehensive framework which promotes regular school attendance and tackles the problems of absenteeism and early school leaving. The general functions of the Board are to ensure that every child attends a recognised school or otherwise receives a certain minimum education.

The Board is developing, on a continuing basis, a nationwide service that is accessible to schools,

parents/guardians and others concerned with the welfare of young people. For this purpose, Educational Welfare Officers (EWOs) have been deployed throughout the country to provide a welfare-focused service to support regular school attendance and discharge the Board's functions locally. The total authorised staffing complement of the Board is 94 comprising 16 HQ and support staff, 5 regional managers, 12 Senior EWO's and 61 EWO's. Five regional teams are in place with bases in Dublin, Cork, Limerick, Galway and Waterford.

In deploying its service staff, the NEWB has prioritised the provision of services to the most disadvantaged areas and the most at-risk groups. This deployment includes areas designated under the Government's RAPID programme where an intensive full level of service is provided. Since September 2005 every county in Ireland is served by an educational welfare service. I have been informed by the NEWB that the current average caseload is 138 per officer.

In addition to the NEWB personnel there are some 490 staff, within the education sector, deployed in education disadvantage programmes whose work involves an element of school attendance and significant scope exists for integrated working between these personnel and Educational Welfare Officers. My Department is anxious to ensure that the maximum benefit is derived from these substantial personnel resources. Consequently work is ongoing to develop appropriate protocols for all agencies and services to work together in collaboration and to ensure that optimum use is made of the resources deployed.

This government is determined to do all that is possible to ensure that every child gets all the opportunities and support they need to enable them to achieve their potential and participate fully in education. I will be keeping the issue of the NEWB's staffing under review in light of the rollout of services, the scope for integrated working and any proposals that the Board may put to me in relation to clearly identified priority needs and in the context of Government policy on public service numbers.

533. **Ms Enright** asked the Minister for Education and Science the number of offices leased, rented or owned by the National Educational Welfare Board; the location of these offices; the costs per annum of these offices; if they are shared with any other agency or board; and if she will make a statement on the matter. [24711/06]

Minister of State at the Department of Education and Science (Mr. B. Lenihan): The information requested is not readily available in my Department as it is an operational matter for the National Educational Welfare Board. However I have requested the Board to supply this information directly to the Deputy.

Question No. 534 answered with Question No. 532.

535. **Ms Enright** asked the Minister for Education and Science the amount spent on travel expenses on a county basis by staff in the National Educational Welfare Board; and if she will make a statement on the matter. [24713/06]

Minister of State at the Department of Education and Science (Mr. B. Lenihan): The Education (Welfare) Act, 2000 established the National Educational Welfare Board (NEWB) as the single national body with responsibility for school attendance. The Act provides a comprehensive framework promoting regular school attendance and tackling the problems of absenteeism and early school leaving. The general functions of the Board are to ensure that each child attends a recognised school or otherwise receives a certain minimum education.

The Board is developing, on a continuing basis, a nationwide service that is accessible to schools, parents/guardians and others concerned with the welfare of young people. For this purpose, Educational Welfare Officers (EWOs) have been deployed throughout the country to provide a welfare-focused service to support regular school attendance and discharge the Board's functions locally. The total authorised staffing complement of the Board is 94 comprising 16 HQ and support staff, 5 regional managers, 12 Senior EWO's and 61 EWO's. Five regional teams are in place with bases in Dublin, Cork, Limerick, Galway and Waterford.

I have been informed by the NEWB that the information, as requested by the Deputy, for travel expenses on a county basis is not readily available. However the Board have supplied the total cost of travel for officers in 2005 which was €320,408. This figure is comprised of public transport costs and costs for use of personal vehicles where warranted.

Psychological Service.

536. **Ms Enright** asked the Minister for Education and Science the amount spent on travel expenses on a county basis by staff in the National Educational Psychological Service; and if she will make a statement on the matter. [24714/06]

Minister for Education and Science (Ms Hanafin): My Department's National Educational Psychological Service (NEPS) is organised on a regional basis. At present, there are ten NEPS regions corresponding roughly to the former Health Board Regions with a Head Office based in Dublin. In the case of NEPS psychologists, travel (including subsistence) expenses, by staff member, are managed on a regional and national basis, and in the case of administrative staff in NEPS those expenses are managed on a national basis. Accordingly, the information

sought is not available on a county basis. Summary details of NEPS travel expenditure by region and on a national basis in the 2005 financial year are provided in a table.

Travel	Subsistence	Total
€	€	€
34,930.33	14,531.59	49,461.92
24,026.89	11,737.59	35,764.48
20,938.19	7,759.75	28,697.94
39,695.55	17,802.40	57,497.95
21,043.83	7,614.53	28,658.36
57,250.50	21,332.76	78,583.35
32,342.24	12,278.03	44,620.27
56,619.60	28,899.75	85,519.35
101,285.82	45,288.20	146,574.02
57,896.05	24,117.20	82,013.25
10,743.73	7,053.07	17,796.80
6,071.54	3,186.82	9,258.36
462,844.27	201,601.69	664,446.05

537. **Ms Enright** asked the Minister for Education and Science the number of psychologists employed by the National Educational Psychological Service; the number of other staff employed; and if she will make a statement on the matter. [24715/06]

Minister for Education and Science (Ms Hanafin): Since the establishment of my Department's National Educational Psychological Service (NEPS) in 1999, the number of psychologists in the NEPS has increased from 43 to 122 at present — this includes 3 psychologists from the former National Rehabilitation Board (NRB) assigned to work with NEPS and 1 psychologist serving with another Section in my Department. The Public Appointments Service recently concluded a new recruitment competition for the appointment of Educational Psychologists to NEPS. Regional panels have been established to allow my Department give greater priority in filling vacancies to areas with the greatest need. My Department is currently in the process of recruiting a further 9 psychologists.

At present, 29 administrative staff are serving with NEPS. The above numbers of psychologists and administrative staff include staff in a number of posts filled on a work-sharing basis.

538. **Ms Enright** asked the Minister for Education and Science the average caseload of children of each psychologist in the National Educational Psychological Service; and if she will make a statement on the matter. [24716/06]

539. **Ms Enright** asked the Minister for Education and Science the average caseload of schools of each psychologist in the National Edu-

[Ms Enright.]

cational Psychological Service; and if she will make a statement on the matter. [24717/06]

545. **Ms Enright** asked the Minister for Education and Science the average number of schools each individual National Educational Psychological Service psychologist deals with; and if she will make a statement on the matter. [24723/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 538, 539 and 545 together.

All primary and post primary schools have access to psychological assessments either directly through my Department's National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA) that is administered by NEPS and full details of which are available on my Department's website.

In common with other psychological services, NEPS encourages a staged assessment process, whereby each school takes responsibility for initial assessment, educational planning and remedial intervention, in consultation with their assigned NEPS psychologist. Only if there is a failure to make reasonable progress in spite of the school's best efforts, will a child be referred for individual psychological assessment. This allows the psychologists to offer early appointments to children who are in urgent need of support and early advice to teachers in respect. This allows the psychologists to offer early appointments to children who are in urgent need of support and early advice to teachers in respect of those children whose needs may be less significant but who still need additional help in school.

Children who manifest very special or urgent needs in school and who have not been previously assessed by a psychologist and are brought to the attention of a NEPS psychologist by the Principal teacher will usually be assessed by the psychologist within that school term. Normally, principals of schools prioritise those children in need of psychological assessment in consultation with the assigned psychologist.

In the case of schools that do not currently have dedicated NEPS psychologists assigned to them, as I have already mentioned, such schools have access to educational psychological assessments through the SCPA. Under this Scheme, schools can commission assessments from a member of the panel of private practitioners approved by NEPS, and NEPS will pay the fees directly to the psychologist concerned.

The figures requested by the Deputy regarding numbers of schools assigned to psychologists in NEPS are as provided below. However, in the case of the caseload for psychologists, the numbers refer to named children only and do not take into account the frequent discussions between school staff and psychologists in regard to other pupils of concern in schools or to special needs in general. In some cases where a full cog-

nitive assessment is not undertaken, there may nevertheless be a considerable time investment by the psychologist.

Schools: Psychologists are assigned to schools on the basis of total school population, the geographical distribution of schools and on the basis of a weighting given to schools designated as disadvantaged. Therefore, the number of schools allocated to a psychologist in a highly urbanised area will differ from the number of schools allocated where there is a wide dispersal of small schools. In that context, an average figure is not meaningful. In urbanised areas the range in the number of schools can vary typically from 15 schools to 20 schools. In a rural area the range will vary between 25 and 40. These figures do not take into account psychologists availing of work sharing schemes where the numbers of schools are allocated accordingly.

Caseload: Statistical data is maintained on a school year basis. Those data indicate that in the 2004/2005 school year, NEPS psychologists consulted with schools in a total of 5,986 cases. Interventions included forms of assessment such as, full cognitive assessments, testing of attainments, classroom observations, discussion with parents/guardians and teachers, liaison with outside agencies and subsequent follow-up. The figures for 2005/2006 are not finalised at this time but they will be available in September 2006.

NEPS also provides assistance to all schools and school communities that experience critical incidents, regardless of whether or not they have a NEPS psychologist assigned to them. NEPS processes applications for Reasonable Accommodations in Certificate Examinations for all schools and responds to queries in relation to individual children from other sections of my Department and from the specialist agencies. NEPS also provides psychological services to schools for children with visual impairment and for children with hearing impairment.

The Public Appointments Service has concluded a new recruitment competition for the appointment of Educational Psychologists to NEPS. Regional panels have been established to allow my Department give greater priority in filling vacancies to areas with the greatest need. My Department is currently in the process of recruiting a further 9 psychologists.

540. **Ms Enright** asked the Minister for Education and Science the breakdown of the National Educational Psychological Service on a county basis as a percentage of schools covered in each county; the number of private assessments granted in each county in schools not covered by NEPS; and if she will make a statement on the matter. [24718/06]

Minister for Education and Science (Ms Hanafin): All primary and post primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS) or through the

Scheme for Commissioning Psychological Assessments (SCPA), full details of which are available on my Department's website. Schools that do not currently have NEPS psychologists assigned to them may avail of the SCPA, whereby the school can have an assessment carried out by a member of the panel of private psychologists approved by NEPS, and NEPS will pay the psychologist the fees for this assessment directly. Details of this process and the conditions that apply to the scheme are available on my Department's Website. The prioritisation of urgent cases for assessment is a matter for the school principal in the first instance.

NEPS provides assistance to all schools and school communities that experience critical incidents, regardless of whether or not they have a NEPS psychologist assigned to them. Also, in relation to all schools, NEPS processes applications for Reasonable Accommodation in Certificate Examinations and responds to queries in relation to individual children from other sections of my Department and from the specialist agencies.

Since the establishment of the NEPS in 1999, the number of NEPS psychologists has increased from 43 to 122 at present. Any increase in the number of psychologists in NEPS will depend on the availability of resources and must also take account of Government policy on public sector numbers. The Public Appointments Service has concluded a new recruitment competition for the appointment of Educational Psychologists to NEPS. Regional panels have been established to allow my Department give greater priority in filling vacancies to areas with the greatest need. My Department is currently in the process of recruiting a further 9 psychologists.

The most recent information about NEPS coverage and private assessments (SCPA) by

County as sought by the Deputy is detailed below.

County	
Carlow	52
Cavan	49
Clare	116
Cork	346
Donegal	268
Dublin	563
Galway	107
Kerry	56
Kildare	278
Kilkenny	90
Laois	40
Leitrim	31
Limerick	373
Longford	30
Louth	70
Mayo	81
Meath	64
Monaghan	25
Offaly	39
Roscommon	48
Sligo	104
Tipperary NR	106
Tipperary SR	76
Waterford	59
Westmeath	105
Wexford	178
Wicklow	113
	3,467

NEPS Primary schools by County 31 May 2006

County	NEPS schools	Total schools	Percentage NEPS	NEPS pupils	Total pupils	Percentage NEPS
			%			%
Carlow	20	42	48	4,082	5,827	70
Cavan	42	79	53	4,484	7,590	59
Clare	59	120	49	7,957	12,288	65
Cork	160	368	43	27,765	51,007	54
Donegal	45	176	26	6,829	17,404	39
Dublin	305	471	65	76,337	109,862	69
Galway	165	239	69	18,351	23,701	77
Kerry	91	144	63	9,222	14,790	62
Kildare	39	100	39	10,771	21,659	50
Kilkenny	19	80	24	4,104	9,389	44
Laois	39	70	56	5,370	7,731	69
Leitrim	18	39	46	1,871	2,778	67
Limerick	13	148	9	1,913	20,209	9
Longford	17	40	43	2,275	3,809	60
Louth	35	73	48	7,362	13,076	56

[Ms Hanafin.]

County	NEPS schools	Total schools	Percentage NEPS	NEPS pupils	Total pupils	Percentage NEPS
			%			%
Mayo	122	181	67	9,712	13,728	71
Meath	62	110	56	12,427	17,939	69
Monaghan	47	65	72	4,962	6,291	79
Offaly	45	67	67	6,538	8,188	80
Roscommon	36	95	38	2,655	6,341	42
Sligo	24	68	35	4,153	6,285	66
Tipperary NR	15	74	20	2,178	7,057	31
Tipperary SR	38	90	42	4,585	9,571	48
Waterford	32	76	42	6,683	11,859	56
Westmeath	32	77	42	5,378	9,483	57
Wexford	36	105	34	8,367	15,456	54
Wicklow	55	85	65	9,515	13,808	69
	1,611	3,282	26,5846		44,7126	

Postprimary schools May 31 2006

County	NEPS schools	Total schools	Percentage schools	NEPS pupils	Total pupils	Percentage pupils
			%			%
Carlow	11	11	100	5,492	5,492	100
Cavan	10	11	91	4,013	4,942	81
Clare	18	19	95	7,295	7,295	100
Cork	62	91	68	27,300	41,397	66
Donegal	12	26	46	7,116	12,144	59
Dublin	155	185	84	73,890	90,622	82
Galway	47	49	96	18,184	18,184	100
Kerry	15	27	56	5,954	10,320	58
Kildare	25	29	86	11,879	13,103	91
Kilkenny	14	15	93	6,508	6,582	99
Laois	11	11	100	4,389	4,389	100
Leitrim	8	9	89	2,478	2,478	100
Limerick	11	37	30	4,741	14,827	32
Longford	1	9	11	620	3,431	18
Louth	14	17	82	8,533	10,192	84
Mayo	28	29	97	10,751	10,751	100
Meath	17	18	94	8,766	9,363	94
Monaghan	9	13	69	3,931	5,432	72
Offaly	10	12	83	4,531	5,167	88
Roscommon	8	8	100	3,066	3,066	100
Sligo	10	15	67	4,121	4,904	84
Tipperary NR	1	15	7	691	6,375	11
Tipperary SR	11	16	69	4,646	6,800	68
Waterford	19	20	95	9,161	9,161	100
Westmeath	11	15	73	6,017	7,781	77
Wexford	20	20	100	10,940	10,940	100
Wicklow	22	22	100	9,793	9,793	100
	580	749	77	264,806	334,931	79

541. **Ms Enright** asked the Minister for Education and Science the number of assessments carried out each year by the National Educational Psychological Service since its inception; the number of private assessments in the same period; and if she will make a statement on the matter. [24719/06]

Minister for Education and Science (Ms Hanafin): All primary and post primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA) that is administered by NEPS and full details of which are available on my Department's website.

In common with many other psychological services, NEPS operates a staged model of service to schools, whereby an initial referral usually leads to a consultation and provision of advice to teachers and parents on appropriate teaching and management strategies. Progress is kept under review and only those children who fail to respond to these interventions will need to see a psychologist. This allows the psychologists to offer early appointments to children who are in urgent need of support and early advice to teachers in respect of those children whose needs are perhaps less pressing but who still need additional help in school.

The following is the total number of assessments, by school year, carried out by NEPS psychologists for the years in question: Not all assessments involved full cognitive IQ assessments.

1999/00 = 3,051

2000/01 = 2,978

2001/02 = 4,536

2002/03 = 4,837

2003/2004 = 5,024

2004/2005 = 5,986

In addition to the figures above it should be noted that the number of children assessed under the SCPA scheme since its inception in 2001 to the end of the calendar year 2005 was in excess of 15,000.

In 2004, NEPS was also involved in a verification process of over 5,000 children for additional resources prior to the appointment of Special Education Needs Organisers (SENOs) by the National Council for Special Education (NCSE) and prior to the new general allocation model put in place for schools in the context of additional teaching resources.

542. **Ms Enright** asked the Minister for Education and Science the number of private assessments her Department has received each year for the past three years from schools or parents,

which have been privately paid for and not paid for by the National Educational Psychological Service or her Department; and if she will make a statement on the matter. [24720/06]

Minister for Education and Science (Ms Hanafin): Psychological assessments are required for a number of purposes. These assessments must accompany applications from schools to the National Council for Special Educational for special educational needs resources.

My Department does not hold data on the number of psychological assessments completed by private practitioners and which have been paid for privately.

543. **Ms Enright** asked the Minister for Education and Science if the psychologists for her proposed behavioural units will be provided through the National Educational Psychological Service; when they will be in place; and if she will make a statement on the matter. [24721/06]

Minister for Education and Science (Ms Hanafin): The National Educational Psychological Service (NEPS) is currently finalising the assignment of four psychologists to this new service. The psychologists concerned will be assigned early in the new school year. As a consequence, four additional psychologists will be appointed to NEPS from the current panel established following the recruitment competition of 2005.

544. **Ms Enright** asked the Minister for Education and Science the locations of staff in the National Educational Psychological Service; if these offices are owned, leased or rented; the costs of same per annum; if these offices are shared with any other agency or board; and if she will make a statement on the matter. [24722/06]

Minister for Education and Science (Ms Hanafin): The information sought in relation to the locations of staff in my Department's National Educational Psychological Service (NEPS) is in the form of a tabular statement that I propose to circulate with the official report. Procurement arrangements for office space for government departments, including leases, rents and the costs of same are the responsibility of the Office of Public Works; accordingly, information relating to those costs is not available in my Department. The general (non-pay) out-turn for NEPS in 2005, met from the 2005 financial provision to my Department, amounted to €2.4 million. This expenditure covered a wide range of running costs relating to NEPS as a national organisation, including the office network. Details of all expenditure incurred by NEPS in respect of each of the offices premises in question are not readily available from my Department's records.

[Ms Hanafin.]

NEPS Region	NEPS Office Location	Status re Sharing etc
Head Office and Northern Area (North Dublin City and Fingal County)	North Frederick St., Dublin 1	Sharing with An Foras Teanga, Education Finance Board and State Examinations Commission
South-Western Area (South Dublin City and County, Co. Kildare and West Wicklow)	Clondalkin Naas	NEPS regional office shared with NEWB Sharing Regional Office of Department of Education and Science (DES)
East Coast Area (Pembroke LEA in Dublin City, Dún Laoghaire-Rathdown County and part of Co Wicklow)	Blackrock	NEPS Regional Office. Sharing with Revenue staff and Railway Procurement Agency
Midland Region (Counties Longford, Westmeath, Offaly and Laois)	Mullingar	Sharing Regional Office of Department of Education and Science
Mid-West Region (Counties Clare, Limerick and Tipperary NR)	Limerick Ennis	Sharing Regional Office of Department of Education and Science Local NEPS office sharing with DES inspectors and NCSE
North-East Region (Counties Louth, Meath, Cavan and Monaghan)	Navan Drogheda Cavan	Stand alone temporary NEPS regional office Stand alone NEPS local office New NEPS local office due to come on stream July 2006
North-West Region (Counties Donegal, Sligo and Leitrim)	Sligo Letterkenny	Stand alone temporary NEPS regional office Temporary office space in Gov offices
South-East Region (Counties Wexford, Carlow, Kilkenny, Waterford and Tipperary SR)	Waterford Wexford Clonmel and Carlow	Sharing Regional Office of Department of Education and Science Local Office sharing with DES inspectors and NEWB Temporary office space
Southern Region (Counties Cork and Kerry)	Cork Tralee	Sharing Regional Office of Department of Education and Science Local Office sharing with DES inspectors and NEWB
Western Region (Counties Galway, Mayo and Roscommon)	Galway Roscommon Castlebar	Sharing Regional Office of Department of Education and Science Local Office (sharing Gov office complex) Temporary Local Office

Note: In addition, 7 psychologists are operating from home pending the procurement/fit-out of offices

Question No. 545 answered with Question No. 538.

546. **Ms Enright** asked the Minister for Education and Science the amount of funding given by her Department to the National Educational Psychological Service each year since its inception; and if she will make a statement on the matter. [24724/06]

Minister for Education and Science (Ms Hanafin): The financial outturn for my Department's National Educational Psychological Service (NEPS) for each year since its establishment was: 1999, €1.3million; 2000, €3.6million; 2001, €6.2million; 2002, €11.1million; 2003, €13.4million; 2004, €13.4million; 2005, €14.0million.

The financial provision for 2006 for NEPS in my Department's Estimates is €15.425 million.

Education Welfare Service.

547. **Ms Enright** asked the Minister for Education and Science if there is an overlap between the work of the National Educational Welfare Board and the home school liaison; where these overlaps occur; the amount of co-ordination between the two; and if she will make a statement on the matter. [24725/06]

Minister of State at the Department of Education and Science (Mr. B. Lenihan): A key focus of the Government's education policy is to prioritise investment in favour of those most at risk and to optimise access, participation and edu-

cational outcomes at every level of the system for disadvantaged groups.

The Education Welfare Act and the establishment of the National Educational Welfare Board (NEWB) is an important plank in the campaign to keep students at school and provides a comprehensive framework for promoting regular school attendance and tackling the problems of absenteeism and early school leaving.

The National Educational Welfare Board (NEWB) was established under The Education (Welfare) Act, 2000 as the single national body with responsibility for school attendance and is developing a nationwide service that is accessible to schools, parents/guardians and others concerned with the welfare of young people. For this purpose, Educational Welfare Officers (EWOs) have been appointed and deployed throughout the country to provide a welfare-focused service to support regular school attendance and discharge the Board's functions locally.

The duties of the EWO would include fostering an appreciation of the value of education, advising schools and parents on school attendance issues and on strategies to promote regular school attendance, dealing with poor attendance or early school leaving case referrals from schools, using a welfare-orientated approach and initiating legal proceedings, under the Act, where appropriate. In particular, EWOs are responsible for children who are at risk and for those who are experiencing difficulties in school. Their objective is to resolve any impediments to these children receiving an education through regular attendance at school. EWOs are also responsible for seeking alternative schooling for those students who have been expelled, suspended or refused admittance to a school.

The Home/School/Community Liaison Scheme is a major mainstream preventative strategy targeted at pupils at risk of not reaching their potential in the educational system because of background characteristics which tend to affect adversely pupil attainment and school retention. The scheme is concerned with establishing partnership and collaboration between parents and teachers in the interests of children's learning. It focuses directly on the salient adults in children's educational lives and seeks direct benefits for the children themselves. Local co-ordinators are assigned to schools in disadvantaged areas to work with school staff, parents and relevant community agencies in advancing the educational interests of children. Under DEIS, the new Action Plan for educational inclusion, HSC services will be extended to all schools selected to participate in the School Support Programme. The new action plan, which is being phased in from the start of the next school year, places a renewed emphasis on the involvement of parents and communities in children's education in schools.

My Department is anxious to ensure that the maximum benefit is derived from the expertise of

these substantial personnel resources. Consequently work is ongoing in my Department to develop appropriate protocols for integrated working between the different services involved. A high level working group comprised of the relevant parties has been established and is currently involved in identifying any areas of common delivery within the services and devising protocols for collaborative working among service delivery personnel. The aim of the protocols is to ensure that the delivery of services is coordinated to achieve maximum benefit for children most at risk.

The Department and the National Educational Welfare Board (NEWB) will work together to advance the development of protocols ensuring an integrated approach to children at risk is adopted and continued collaboration in delivery of service is achieved.

Disadvantaged Status.

548. **Ms Enright** asked the Minister for Education and Science the number of schools in each strand of the new DEIS scheme; and if she will make a statement on the matter. [24726/06]

549. **Ms Enright** asked the Minister for Education and Science the number of schools remaining in the old system of educational disadvantage; the reason they have not been included under DEIS; and if she will make a statement on the matter. [24727/06]

561. **Ms Enright** asked the Minister for Education and Science the criteria under which appeals under the DEIS programme will be considered; and if she will make a statement on the matter. [24793/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 548, 549 and 561 together.

The DEIS action plan is designed to ensure that schools serving the most disadvantaged communities benefit from the maximum level of support available. Over the years, no less than 8 separate schemes for disadvantaged primary schools have been put in place. Some schools were benefiting from just one or two of these and others were benefiting from more. The DEIS initiative is designed to ensure that the most disadvantaged schools benefit from a comprehensive package of supports.

While the whole rationale behind the new programme is to ensure that the most disadvantaged schools benefit from all of the available supports, schools that are benefiting from pre-existing schemes will keep the extra resources — financial and human — that they are getting under these initiatives for the 2006/07 school year. After that they will continue to get support in line with the level of socio-economic disadvantage among their pupils.

[Ms Hanafin.]

The process of identifying primary and second-level schools for participation in the new School Support Programme (SSP) 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.

As a result of the identification process, 840 schools were invited to participate in the SSP. These comprised 640 primary schools (320 urban/town schools and 320 rural schools) and 200 second-level schools. The 320 urban/town primary schools comprise 180 schools in Band 1 and 140 schools in Band 2. I am delighted to say that 833 of the schools invited to join the new programme have accepted the invitation. A full listing of the schools is published on my Department's website.

A review process has been put in place for primary and second-level schools that did not qualify for participation in the School Support Programme and that regard themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the programme. Over 360 review applications from schools have been received.

The review process applies only to those primary schools that participated in the ERC survey in May 2005 and only to those eligible second-level schools for which data were available from the relevant databases. Review requests must be evidence-based and based on the variables and reference dates used in the identification process for the SSP. Having completed the process for each school requesting a review, the review group will make a recommendation to my Department in the case of each such school.

It is anticipated that the review process will be completed shortly.

Schools Building Projects.

550. **Ms Enright** asked the Minister for Education and Science the funding which has been allocated to a school (details supplied) in County Laois for its building project; and if she will make a statement on the matter. [24728/06]

Minister for Education and Science (Ms Hanafin): As part of the expansion of the devolved scheme for primary school building works, a grant of €440,000 was sanctioned in 2005 to enable the management authorities of the school in question to extend and refurbish their school.

Devolving funding to school management authorities allows them to have control of their projects, assists in moving projects more quickly to tender and construction and can also deliver better value for money. The Schemes are not structured on the basis that the Department funding must be supplemented by local fundraising. They do however allow a school to supplement

the funding from local resources if they so wish. The critical element is that with devolved authority the school must set the scope of works to match the funding allocated. The Department does not define the precise works to be carried out. A school can make choices within the budget allocated.

Setting the scope of works is the critical first step. Clearly where a school has a known level of resources apart from the Department funding or knows its capacity to raise additional resources it is open to that school to extend the scope of works to include additional facilities. However if the scope of works is not set appropriately from the outset based on the budget available there is a risk that the school will be faced with a funding gap when the project is at construction.

The choices to be made within these devolved schemes rest with the school and that is the cornerstone of any policy of evolution. The school authority knows the budget and must decide what it is capable of building with that budget. The time to identify a problem is at the outset before entering any contract. Schools can raise with my Department any site specific problems or unusual planning stipulations that impose additional costs and these will be examined. Otherwise schools must reduce the scope of intended works so as to remain within budget.

A school does not have to accept the invitation to participate in a devolved scheme and instead be considered for inclusion in the mainstream school building programme in line with the project's priority band rating.

The school in question submitted an application for additional funding which was considered by an Appeals Board comprising senior officials of my Department. Increased grant aid has been sanctioned to cover the cost of planning conditions. The school authority has been notified of the decision.

551. **Ms C. Murphy** asked the Minister for Education and Science if her Department has received an application from a school (details supplied) in County Kildare for an extension; if so, the stage of the application process; and if she will make a statement on the matter. [24729/06]

Minister for Education and Science (Ms Hanafin): An application for major capital funding has been received from the school authority to which the Deputy refers. On foot of an assessment of this application, it has been determined that the school requires to be developed into a 24 classroom facility with appropriate ancillary accommodation. This has been agreed with the school authority.

The project has also been assessed in accordance with the published prioritisation criteria for large scale building projects and it has been assigned a Band 2 rating. Progress on the project is being considered in the context of the School Building and Modernisation Programme from 2006 onwards.

Early School Leavers.

552. **Mr. Kehoe** asked the Minister for Education and Science the number of children who were enrolled in school and who then left school prematurely for the past three years; the reason the children involved left. [24764/06]

Minister for Education and Science (Ms Hanafin): The numbers leaving Primary School in the most recent three years for which complete data are available are provided in the following Data Table.

The Deputy should note that it is not generally the policy of my Department to investigate the reasons for which any individual has left or changed school. Research by bodies such as the

Economic and Social Research Institute has identified a wide range of factors from family and personal circumstances to economic, social, health and learning reasons. However, it is my policy to provide the maximum support through the National Education and Welfare Board and other agencies by way of early diagnosis and intervention to encourage young people to obtain the maximum benefit from their experience of school as well as to complete their full education. A key component of my Department's DEIS Strategy is to tackle educational disadvantage through positive discrimination in favour of children who are at risk of dropping out of school early. In line with current thinking it favours an integrated cross-community and cross-sectoral approach based on the development of local strategies.

Numbers of pupils leaving Ordinary Classes in National Schools for three recent years.

Destination of pupils	2003 (October 2002 and September 2003)	2004 (October 2003 and September 2004)	2005* (October 2004 and September 2005)
Transferred to another National School within the State	19,551	19,619	20,301
Private primary within the State	580	644	660
Second level school (aided) within the State	54,220	53,968	51,943
Any other type of school within the State	446	435	427
Did not go to any school within the State (excluding those who emigrated)	300	237	263
Emigrated	2,223	2,133	2,050
Destinations unknown	704	548	543
Total	78,024	77,584	76,187

* Provisional data.

Departmental Websites.

553. **Ms Enright** asked the Minister for Education and Science the number of times her department's website has been offline and inaccessible to the public since 1 January 2006; the length of time her Department's website has been inaccessible on each occasion; and if she will make a statement on the matter. [24765/06]

Minister for Education and Science (Ms Hanafin): My Department's website has been available for approximately 4,221 hours or 98.8% since 1 January, 2006. This level of availability is above the industry average identified by a recent report by Keynote.com. Using a global network of reference sites that monitor Web sites using simulated user transactions the average downtime was 1.41%.

In the last 178 days since the 1 January, 2006 the website has been unavailable between the hours of 6pm and 8am 24 times, with an average length of 30 minutes; during the hours of 8am and 6pm the site has been unavailable 73 times, for an average length of 15 minutes. These figures include the downtime experienced last Thursday when the website was unavailable for two hours due to the unprecedented number of hits received

on the website when school inspection reports were published on-line for the first time. The Department's webmaster worked quickly to minimise the problems being experienced by members of the public wishing to access the school inspection reports on Thursday morning. Specific domains were provided to individuals so that they could directly access the reports without having to go to the main website first.

The Department's website is a valuable source of information for schools, parents, students and other customers seeking a wide variety of information in relation to education in Ireland. My Department aims to have its website available to the public 24 hours a day 7 days a week. However, it is necessary from time-to-time to take the website off line in order to carry out essential maintenance and development work. Where possible this work is carried out outside of office hours to minimise disruption to customers, such as schools, accessing information on the website.

School Staffing.

554. **Mr. Neville** asked the Minister for Education and Science the number of additional

[Mr. Neville.]

primary teachers to be employed in Limerick in September 2006. [24766/06]

Minister for Education and Science (Ms Hanafin): Pending the outcome of decisions of the independent Staffing Appeals Board, the clearance of the relevant diocesan redeployment panel and the finalisation of allocations in respect of special needs pupils, my Department is not in a position to indicate the number of additional primary teachers to be employed in Limerick with effect from September 2006.

Special Educational Needs.

555. **Ms C. Murphy** asked the Minister for Education and Science the basis for her Department's special education policies (details supplied); if she will formulate and implement a clear and comprehensive policy regarding the provision of suitable facilities, resources, and school places for children with special needs in both primary and secondary schooling streams; and if she will make a statement on the matter. [24767/06]

Minister for Education and Science (Ms Hanafin): Children who have been assessed as having special educational needs have access to a range of special support services. The services range from special schools dedicated to particular disability groups, through special classes or units attached to ordinary schools, to placement on an integrated basis in ordinary schools, with special back-up supports.

The allocation of resources for children with special educational needs is based on the criteria set out in my Department's circulars having regard to the recommendations of the Report of the Special Education Review Committee, 1993, also known as the SERC Report. The Deputy will be aware that the National Council for Special Education (NCSE), through the local special educational needs organisers (SENOs), is responsible for processing applications from primary and post primary schools for special needs supports such as resource teaching hours and Special Needs Assistant (SNA) support on the basis of applications in respect of individual pupils. The teaching and SNA support allocated are intended to enable schools to meet the needs of pupils as outlined in psychological and other professional reports.

In allocating additional teaching and SNA supports for individual pupils, the SENOs examine the teaching and other resources available within the individual schools. The SENO also operates within the parameters of my Department's criteria for the allocation of such resources.

Primary schools are also supported by means of a general allocation which provides additional teaching support to enable schools to cater for pupils with high incidence special educational needs, such as dyslexia, and those with low attainments. Second level schools continue to be sup-

ported by the allocation of additional teaching hours, where appropriate, for each pupil enrolled who is assessed as having a special educational need. SNA support is allocated, as appropriate, to all schools where there are confirmed assessed care needs in respect of students.

My Department's policy and approach in the area of special education is underpinned by Statute, particularly the Education for Persons with Special Educational Needs Act, also known as the EPSEN Act, which was enacted in 2004. While many sections of the Act have already commenced, the remaining sections relate mainly to the statutory assessment, appeal and education plan processes. These cannot come into effect without the NCSE presenting an implementation report to my Department, which it is scheduled to do by October 2006.

Schools Building Projects.

556. **Ms C. Murphy** asked the Minister for Education and Science the number of purpose built special educational units built in each year since 2000; the number of those units being used for the purpose they were built; and if she will make a statement on the matter. [24768/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is not readily available in my Department. I can however confirm for the Deputy that under the prioritisation criteria for large scale building projects, the provision of specialist accommodation for children with special needs attracts a Band 1 rating. This is the highest rating possible which is indicative of my Department's commitment to ensuring that where accommodation needs are identified, these are addressed in the shortest time frame possible.

Irish Language Support.

557. **Mr. J. O'Keefe** asked the Minister for Education and Science to explain the consultative process followed prior to her announcement of the Irish Language support package to the INTO conference at Easter 2006; and the Irish language organisations which were consulted in the preparation of the package. [24789/06]

Minister for Education and Science (Ms Hanafin): There was no consultation process that involved individuals or organisations outside of my Department prior to my announcement of the Irish language support package at this year's INTO Easter conference.

Ionad Náisiúnta Oideachas Gaeilge.

558. **Mr. J. O'Keefe** asked the Minister for Education and Science when the Ionad Náisiúnta Oideachas Gaeilge will be established in Baile Mhuirne; the role it will have; and the process which is being used to ensure that it will meet the needs of those promoting Irish in the system and

beyond it in view of the findings of the Harris Report. [24790/06]

Minister for Education and Science (Ms Hanafin): Officials from my Department met recently with interested parties in relation to Baile Bhuirne. Following consideration of the views expressed by the interested parties at that meeting, I expect to be in a position very shortly to make a final decision on the project.

I recently announced a range of additional measures to promote enhanced quality in the teaching and learning of Irish. These include the employment of 30 additional *cuiditheoirí* at primary level to provide a programme of supports and inservice training for teachers, enhancement of the second level support service, and from 2007 development of summer camps in Irish for children attending schools in disadvantaged areas. This builds on developments to date in the form of implementation of the revised primary curriculum in Irish with effect from September 2003 supported by a national programme of 3500 inservice training seminars for 21,000 teachers a revised literature programme for Leaving Certificate Irish examined for the first time in 2006 substantial progress in the supply of textbooks through the development of *Séideán Sí* for primary schools and the work of *An Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta*. The *Chomhairle* has published an extensive resource directly now running to 83 web pages of materials and resources available to support the teaching of Irish in the curriculum and the teaching of other subjects through Irish enhancements in the arrangements for the *Scrúdú Cáilíochta sa Ghaeilge* which must be passed by primary teachers trained abroad within a 5 year period.

Special Educational Needs.

559. **Ms Enright** asked the Minister for Education and Science if she will review a decision to withdraw a special needs assistant from a child (details supplied) in County Laois in view of the fact that the child still has serious problems; and if she will make a statement on the matter. [24791/06]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware the National Council for Special Education (NCSE) is responsible for processing applications for special educational needs supports. My officials have been advised by the NCSE that special needs assistant support for the pupil in question has not been withdrawn. I understand that the local SENO will contact the school to clarify the position.

Educational Disadvantage.

560. **Ms Enright** asked the Minister for Education and Science the reason two schools (details supplied), in the same town in County Offaly, with children from the same homes are receiving

such different supports for educational disadvantage; and if she will make a statement on the matter. [24792/06]

Minister for Education and Science (Ms Hanafin): DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated School Support Programme (SSP). The School Support Programme will bring together, and build upon, a number of existing interventions in schools with a concentrated level of disadvantage.

The process of identifying primary and second-level schools for participation in the SSP 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.

As a result of the identification process, 840 schools were invited to participate in the SSP. These comprised 640 primary schools (320 urban/town schools and 320 rural schools) and 200 second-level schools. I am delighted to say that 833 of the schools invited to join the new programme accepted the invitation.

Schools that did not qualify for the new programme will keep the extra resources they are getting under existing schemes for the 2006/07 school year and after that they will continue to get support in line with the level of disadvantage among their pupils. 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 in the programme. The schools referred to by the Deputy have submitted review applications. The review process is underway and it is anticipated that it will be completed by the end of the current school year.

Question No. 561 answered with Question No. 548.

Psychological Services.

562. **Mr. Callely** asked the Minister for Education and Science if the issue of secondary supports for pupils with special needs such as psychology and so on has been brought to her attention; the issues which are of concern; and if she will make a statement on the matter. [24795/06]

Minister for Education and Science (Ms Hanafin): 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 Execu-

[Ms Hanafin.]

tive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Equal Opportunities Employment.

563. **Mr. Callely** asked the Minister for Education and Science the targeted percentage of employment of people with a disability by her Department; if the 3 per cent target be surpassed or is her Department restricted to this percentage; the percentage of people with a disability employed in her Department; and if she will make a statement on the matter. [24828/06]

Minister for Education and Science (Ms Hanafin): Under the terms of the Social Partnership agreements, the Government has set a 3% employment target for people with disabilities in the civil and public service. This is not a restrictive target. Following the cessation of special competitions for the recruitment of persons with disabilities, due to the Equal Status Act 2000, it is very difficult for Departments to positively discriminate in favour of persons with disabilities. Consultants have been engaged centrally within the Public Service to review the current position and make recommendations to improve the situation.

The most recent data available on officers in my Department who have a disability indicate that there are 35 such officers, which equates to 2.76% of staff. The guidelines followed for the collection of this information are set out in the Code of Practice for the Civil Service 1994. The Human Resource Strategy for my Department, which was developed through Partnership and published in 2005, states that the Department will consider the recommendations in the forthcoming consultants' report, with a view to improving the proportion of staff employed with a disability. It is also stated in the HR Strategy that the Department is committed to facilitating the appointment of persons with disabilities, through the provision of assistive technology and ensuring physical access.

The Public Appointments Service recruits the majority of staff for the Department of Education and Science. For certain posts, (eg service support

staff, temporary and contract posts), my Department conducts its own recruitment. The Civil Service is an equal opportunities employer. Recruitment to posts within my Department is on the basis of qualifications, where applicable, and the ability to carry out the responsibilities of the grade or post. There are no special qualification criteria for persons with disabilities seeking employment in the Civil Service. Persons with disabilities are entitled to apply for all competitions for which they are eligible and no special application procedures are required. During the selection process and in any subsequent placement in a post, any special needs requirements of an individual will be provided where possible.

My Department has agreed to participate in the Willing Able Mentoring (WAM) project in 2006. This project aims to give between 3 — 6 months quality work experience to Graduates with disabilities. It is recognised that a disproportionate number of Graduates with a disability encounter difficulties at the transitional stage between graduation and employment since many have not had the opportunity of a summer work placement, despite qualifying in a broad range of disciplines such as Business, Economics and Social Science, Law, Engineering, Commerce, Education and Science. Offering placements to third level students has already proved to be a good way of highlighting the benefits of the Civil Service as an employer to prospective Graduates. The WAM project will help promote the Civil Service as an employer of choice, as well as giving practical effect to Government and Civil Service policy on improving employment prospects for people with disabilities.

School Enrolments.

564. **Mr. Dennehy** asked the Minister for Education and Science the number of gael scoileanna in the Cork region; the approximate number of pupils enrolled; the way in which this has changed over the past five years; and if she will make a statement on the matter. [24851/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is set out in the following tabular statement.

No. of Gaelscoileanna and Total Enrolments in Cork City & County

Year	Cork City		Cork County	
	No. Schools	Total Pupils	No. Schools	Total Pupils
2001/2002	7	1,382	12	2,146
2002/2003	7	1,382	12	2,169
2003/2004	7	1,388	12	2,173
2004/2005	7	1,392	13	2,500
2005/2006	7	1,402	14	2,512

Schools Building Projects.

565. **Mr. P. McGrath** asked the Minister for Education and Science the situation regarding a building project for a primary school (details supplied) in County Westmeath; if plans have been submitted to her Department; if these plans have been approved; and when funding is expected to be granted. [24852/06]

Minister for Education and Science (Ms Hanafin): The School Planning Section of my Department recently received an application for capital funding from the school to which the Deputy refers. The application has been assessed in accordance with the Department's prioritisation criteria for large scale projects. Progress on the project, mindful of the recommendations in the Area Development Plan for the N4/M4 Area, is being considered in the context of the School Building and Modernisation Programme from 2006 onwards.

School Staffing.

566. **Mr. Penrose** asked the Minister for Education and Science the steps she will take to ensure that a school (details supplied) in County Longford is enabled to retain their third teacher due to the circumstances outlined in the parents' association correspondence to her Department dated 9 June 2006; if she will accede to this request as the removal of the third teacher would increase the pupil/teacher ratio to 1:26, in view of the significant population increase now being projected; and if she will make a statement on the matter. [24853/06]

Minister for Education and Science (Ms Hanafin): My Department has received the letter referred to by the Deputy from the Parents Association in the school concerned. The staffing of a primary school for a particular school year is determined by reference to the enrolment of the school on the 30th September of the previous school year and by reference to a staffing schedule. This staffing schedule for the 2006/07 school year is outlined in Primary Circular 0023/2006 which was issued to all primary schools.

The enrolment in the school referred to by the Deputy on 30th September 2005 was 44 pupils, which warrants a staffing of Principal plus 1 mainstream post for the 2006/2007 school year.

To ensure openness and transparency in the system an independent Appeal Board is now in place to decide on any staffing appeals. The criteria under which an appeal can be made are set out in Department Primary Circular 0024/2006.

The staffing of the school referred to by the Deputy for the 2006/2007 school year was considered by the Appeal Board on 25th May, 2006. The Board, having considered the appeal with regard to the criteria outlined in Circular 0024/2006, was satisfied that a departure from the staffing schedule is not warranted in this case.

The Board of Management of the school was notified in writing of the decision of the Appeal Board on 26th May, 2006.

I am sure the Deputy will appreciate that it would not be appropriate for me to intervene in the operations of the Independent Appeal Board.

State Examinations.

567. **Mr. Bruton** asked the Minister for Education and Science her views on changing the system whereby a school principal can refuse a pupil the opportunity to sit State examinations for reasons of breach of discipline which have nothing to do with the integrity of the examination system; and her further views of a system where only breaches of agreed national codes could prevent a pupil from sitting State examinations. [25011/06]

Minister for Education and Science (Ms Hanafin): The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations, including determining procedures in places where examinations are conducted including the supervision of examinations. This function is exercised in collaboration with schools.

The normal practice is for the SEC to provide for the holding of examinations in the school where a pupil is attending, or to make alternative arrangements where these are requested for external candidates, pupils of other centers, and pupils for whom a specific accommodation has been requested and is deemed necessary.

In April 1996, my Department issued Best Practice Guidelines to schools concerning the Certificate Examinations. The guidelines stress the importance of the examinations to the students and to their future progression, the need for a calm and supportive environment, that pupils are subject to the rules of the school during the examinations and that these rules must have as their main objective the securing of the wellbeing of students.

While the Guidelines refer to situations where the removal/refused admission of a student may arise, a judgement in such cases must consider the wellbeing of the individual, of the general body of candidates and the integrity of the examination process, and the need for proportionality in response to non compliance with rules. The guidelines stress the exclusion from an examination would be disproportionate in a situation where alternative arrangements were not made for sitting the examination. The Guidelines recommend that students who breach the school's disciplinary code should be allowed sit the examination on the occasion of the first breach, while parents are being contacted. They also provide that subsequent breaches of discipline which are seen as having wider implications for school discipline are dealt with by making alternative arrangements to sit the examination in a neighbouring school.

School Staffing.

568. **Mr. Bruton** asked the Minister for Education and Science if a person (details supplied) in Dublin 5 is entitled to extra support teaching hours to assist in view of their problem of dyslexia; and if she will give assurances that the school will have the necessary capacity to meet their needs for these additional hours during this phase of their education. [25012/06]

Minister for Education and Science (Ms Hanafin): Second level pupils with a specific learning disability are normally integrated into mainstream classes. In such situations, they may receive additional tutorial support through the remedial teacher, guidance teacher or subject teacher. Depending on the degree of the condition, they may also be eligible for special arrangements in the Certificate Examinations.

There are a total of 532.5 remedial/learning support teachers and 684 guidance teachers to cater for pupils with specific learning disabilities.

My Department also allocates additional teacher support and special needs assistant support to second level schools and Vocational Education Committees to cater for pupils with special educational needs, including pupils with dyslexia. To qualify for such support, under this category, children must be assessed by a psychologist as being of average intelligence or higher and having a degree of learning disability specific to basic skills in reading, writing or mathematics which places them at or below the 2nd percentile on suitable, standardised, norm referenced tests. I understand the pupil referred to by the Deputy did not meet the above criteria for additional support.

Schools Building Projects.

569. **Mr. Ring** asked the Minister for Education and Science further to Parliamentary Question No. 387 of 7 June 2006 if a process has been completed regarding a school (details supplied) in County Mayo; and if so the outcome of same. [25013/06]

Minister for Education and Science (Ms Hanafin): The process of determining the schools long-term accommodation needs has not yet been completed. As soon as this is finalised, a decision will then be taken on how best to meet the schools long term accommodation needs.

The building project required to address the schools accommodation needs will be considered in the context of the School Building and Modernisation Programme 2006-2010.

Schools Recognition.

570. **Ms Fox** asked the Minister for Education and Science if she will grant formal recognition to a school (details supplied); and if she will make a statement on the matter. [25029/06]

Minister for Education and Science (Ms Hanafin): I can confirm to the Deputy that an application has been received to formally recognise the school to which she refers. The application is currently under consideration in the School Planning Section of my Department. It is intended to arrange discussions between my officials and the proposer to progress the matter.

School Staffing.

571. **Mr. Perry** asked the Minister for Education and Science the number of students in each class in all primary schools in County Sligo; and if she will make a statement on the matter. [25053/06]

Minister for Education and Science (Ms Hanafin): The most recent information on class sizes for County Sligo is for the 2005/2006 school year and is as follows: Classes of 19 and under — 1275 pupils; Classes of 20 to 29 — 4044 pupils; Classes of 30 to 39 — 1118 pupils.

As the Deputy will be aware, major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. Indeed, with the thousands of extra primary teachers hired by this Government, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule.

As you know all schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

So, as I have pointed out the general rule in the current school year is that at least one classroom teacher is provided for every 29 pupils. Furthermore, the actual average class size nationally is 24.

It is important to appreciate that there are a number of different reasons why a particular school may have a large class in a given year. Reasons why there are large classes include a significant fluctuation in enrolments from one year

to the next and/or a decision by the school principal not to have multi-grade classes.

Regardless of the reason why there is a large class in a particular school one year, it should be noted that in the majority of cases this is not the situation in the following year. In the main, the same schools do not have large classes year after year and so the same children are not in large classes year after year.

Where some classes in a school have class sizes of greater than 29, it is often because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes. Indeed, I often find that when I look into why a particular school has a class of 35 in a particular grade, the answer is because there is another class in the same school with a much lower than average number of pupils in it.

I appreciate that splitting classes may not always be an option for a particular school, because for example there might be a large group in junior infants and a small group in sixth class and so on. But where it is possible, I believe that principals should consider the benefits of having smaller multi-grade classes as against having large differences in class sizes at different levels in the school.

This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

Fuel Prices.

572. **Mr. Mulcahy** asked the Minister for Defence the effect the increases in fuel prices have had within his Department; the additional costs anticipated in 2006 as compared with 2005; the fuel economy measures operated by the Defence Forces; and if he will make a statement on the matter. [24787/06]

Minister for Defence (Mr. O'Dea): The effect of increases in fuel costs in the Department of Defence arise in relation to the provision of heating and electricity in the various offices of the Department. Expenditure in 2005 amounted to €315,350 while costs in 2006 are likely to be of the order of €500,000. In addition to the offices of the Department increased fuel costs have also had an impact on the Defence Forces. The expenditure in 2005 and provision in 2006 for the various fuel requirements across the Defence Forces are as follows:

Item	Expenditure in 2005	Provision for 2006
	€	€
Heating and electricity	4,840,000	5,600,000
Fuel for vehicles	2,880,000	3,000,000
Fuel for aircraft	2,180,000	2,450,000
Fuel for Naval Service	3,840,000	2,500,000

The quantity of fuel purchased in by the Naval Service in 2005 included a reserve stock which allows for a lower level of expenditure in 2006. A number of fuel economy measures operate throughout the Defence Forces, the main one being expanding the use of diesel vehicles, use of fuel treatment and the use of the most economic vehicle for each journey.

Question No. 573 withdrawn.

Equal Opportunities Employment.

574. **Mr. Callely** asked the Minister for Defence the targeted percentage of employment of people with a disability by his Department; if the 3 per cent target be surpassed or is his Department restricted to this percentage; the percentage of people with a disability employed in his Department; and if he will make a statement on the matter. [24829/06]

Minister for Defence (Mr. O'Dea): The targeted percentage of employment of people with a disability in the Civil Service is 3 per cent. This target can be surpassed and the percentage of people with a disability currently employed in my Department is 3.56 per cent.

Ministerial Responsibilities.

575. **Mr. P. McGrath** asked the Minister for Defence the Regulations which have been enacted by his Minister of State since his appointment; the Statutory Instruments under which he is carrying out his functions; and if he will make a statement on the matter. [25038/06]

Minister for Defence (Mr. O'Dea): The Minister for State at the Department of Defence Mr. Tom Kitt, T.D., who is also the Minister of State at the Department of the Taoiseach does not have a specific delegated function. No Regulations in relation to Defence matters have been enacted by him since his appointment.

Public Water Services.

576. **Mr. J. Breen** asked the Minister for the Environment, Heritage and Local Government the measures he will put in place to ensure correct accountability and transparency will apply with regard to public water services and its funding particularly as from 1 January 2007 local authorities will introduce metering charges on all non-domestic water use; if he will introduce an office of regulator armed with appropriate powers to ensure efficient monitoring and administration of this charge system; where the previous water pricing framework will stand following the introduction of the new metering policy; and if he will make a statement on the matter. [24496/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The metering of

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all non-domestic water use and the charging of non-domestic users according to actual consumption is being advanced by sanitary authorities in accordance with the Government's water pricing policy for implementation by end 2006. These new arrangements will replace fixed water charges and relate water bills more transparently to usage, thus more strongly incentivising water conservation.

Metering is the most appropriate mechanism to achieve equity in the application of non-domestic water charges. It is a matter for each authority to set appropriate charges for non-domestic users of water services on a non-profit cost recovery basis only.

Considerable support and guidance has already been provided by my Department to sanitary authorities in the development and implementation of the Government's water services pricing policy; this role of support and oversight will be formalised further under the provisions of the Water Services Bill, currently before the Dáil. Against this background, it is not proposed to establish a stand-alone regulator for the water services sector.

Water and Sewerage Schemes.

577. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of a sewerage scheme for Clonmellon Village, County Westmeath; when this scheme is expected to commence; and if he will make a statement on the matter. [24338/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Clonmellon Sewerage Treatment Plant Extension has been approved for funding in my Department's Water Services Investment Programme 2005-2007 under the Serviced Land Initiative. I approved Westmeath County Council's Contract Documents for the scheme in November 2005 and it is now a matter for the Council to advance the scheme through the tender process.

Local Authority Funding.

578. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 152 of 13 June 2006, if the 48 per cent increase in local authority funding was a constant 48 per cent for each county or if that figure is the average increase in funding during the period in question; if it was an average, the breakdown of the level of funding increase on a county basis; and if he will make a statement on the matter. [24354/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The percentage increases in general purpose grants from the

Local Government Fund allocated to each local authority in 2006 compared to the corresponding figure in 2002 are set out in the attached table.

Housing Management Companies.

579. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the replies he has received from local authorities in relation to the attachment of conditions, relating to management companies, to planning permission for residential developments; and if he has given instructions to local authorities to discontinue the inclusion of such conditions where the application is for conventional housing estates. [24389/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In late 2005 I requested that a survey be carried out of planning authorities regarding their policy on attaching planning conditions relating to management companies in housing developments. Some 90% of respondents have indicated that they do attach conditions to planning permissions requiring management companies in the case of apartment developments and a large majority also indicated that they attach such conditions for mixed developments of apartments and houses but only for the communal areas relating to the apartments. In relation to estates comprising houses only, about 40% of respondents do on occasion attach conditions regarding management companies to such estates. However these planning authorities have stated, in the main, that it is not their general policy to attach such conditions to housing estates and that they only do so in very specific circumstances, for example: holiday home developments; if a local authority service is not immediately available e.g. water and sewerage; if the developer indicates that they do not wish the development to be taken in charge; or a specific service or facility is provided for residents use only such as a playground.

As I have stated previously, the related issues of planning conditions regarding management companies and taking in charge are quite complex, particularly in the newer mixed estates which contain apartments, duplex houses and terraced houses, with shared facilities such as car-parking and gardens. My Department is at present updating the residential density guidelines following on the publication of the Housing Policy Framework: Building Sustainable Communities, last December. It will be appropriate to examine further the issues of taking in charge and management companies in this context.

Local Authority Grants.

580. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the mechanisms available to a person to seek grant aid for the provision of toilet or bathroom facili-

ties where an ERG/DPG does not apply; and if he will make a statement on the matter. [24396/06]

581. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if his Department are investigating a grant scheme for the provision of toilet or bathroom facilities for persons who do not qualify for any of the current schemes; and if he will make a statement on the matter. [24397/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 580 and 581 together.

It is not proposed to introduce a generally available grant scheme for the provision of toilet or bathroom facilities. However, there are a number of targeted options currently available to assist vulnerable groups, such as lower income households and elderly persons to secure necessary improvement works to their houses. These include the local authority house improvement loan scheme, the disabled persons and essential repairs grant scheme, the improvement works in lieu of local authority housing scheme and the Task Force on Special Housing Aid for the Elderly.

Under the Special Housing Aid for the Elderly Scheme which is operated by the Health Service Executive in line with guidelines issued from time to time by the Task Force who administer the scheme under the aegis of my Department, aid is provided to improve the housing conditions of elderly persons living alone in unfit or unsanitary conditions and may include the provision of toilet and bathroom facilities.

Housing Statistics.

582. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if his Department's attention has been drawn to the number of houses without toilet or bathroom facilities in each of the local authority areas; and if he will make a statement on the matter. [24398/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Information of this kind was collected as part of the Irish national survey of housing quality carried out by the Economic and Social Research Institute in 2001-2002 on behalf of my Department. While I understand that the number of cases involved is low, this data is being compiled and will be forwarded to the Deputy as soon as possible.

Local Authority Funding.

583. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government if

additional funding will be made available to local authorities to provide underground recycling systems; and if he will make a statement on the matter. [24416/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under the Waste Management Capital Grants Scheme, in operation since 2002, approximately €90 million has so far been allocated to some one hundred local authority recycling projects. This has helped provide a significant increase in the number of recycling facilities available to the public, contributing to the dramatic increase in recycling rates reflected in the last National Waste Report.

In the coming years, priority will be given to the co-funding of further required recycling facilities and also to assisting the provision of the infrastructure necessary to achieve the targets recently set out in the National Strategy on Biodegradable Waste. Identification and provision of this necessary infrastructure is primarily a matter for the local authorities concerned. Decisions on the precise technology or types of facilities are also primarily a matter for the local authorities concerned and would normally be the subject of a competitive tendering process.

Applications for funding will be considered on their individual merits but having regard to their likely contribution to the achievement of national waste management objectives and targets, consistency with the applicable statutory regional waste management plan and the availability of funds.

Housing Aid for the Elderly.

584. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government the funding provided each year since commencement of the special housing scheme for the elderly; and if he will make a statement on the matter. [24417/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The information requested is set out in the following table:

Year	Amount
	€
1982	1,269,738
1983	1,269,738
1984	1,269,738
1985	1,269,738
1986	1,904,607
1987	1,904,607
1988	1,904,607
1989	2,539,476
1990	2,539,476
1991	2,539,476

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Year	Amount
	€
1992	2,539,476
1993	2,539,476
1994	5,078,952
1995	3,809,214
1996	5,078,952
1997	5,246,558
1998	6,348,690
1999	7,618,428
2000	10,157,905
2001	10,993,392
2002	11,903,000
2003	11,536,000
2004	15,600,000
2005	16,536,000
2006	17,012,000

Wildlife Protection.

585. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government if a company (details supplied) in County Wexford is in breach of the law by openly offering glue traps for sale on its website; and if he will make a statement on the matter. [24495/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): This matter is currently being investigated by my Department in the context of the legal prohibition on the sale of such traps in Ireland.

Waste Management.

586. **Mr. Andrews** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the technology developed by a company (details supplied) which allows efficient and profitable kerbside collection of waste through automatic sorting of recyclables and the benefits same would have in reducing landfill and the cost of sorting and allowing people without vehicles to access recycling. [24509/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Significant progress has been made in the promotion of recycling in recent years. The Environmental Protection Agency's (EPA) National Waste Report 2004 shows that 33.6% of municipal waste was recovered in that year, up from just 9% in 1998. The national recycling target of 35% by 2013 set in the Government policy document Changing Our Ways (1998) has almost been achieved. The growth in recycling is attributable to a number of factors including:

- the increase in the number of bring banks, which reached 1929 in 2004, up from 837 in 1998;
- the provision of more civic amenity sites, up to 69 from 30 in 1998; and
- segregated collection services being available to more households, up from 70,000 in 1998 to over 560,000 in 2003.

Responsibility for the procurement of waste management infrastructure, such as Materials Recovery Facilities, lies with local authorities. While I am not familiar with the company in Australia which is referred to in the Question, a greater degree of automation has become more commonplace in the operation of these facilities generally in recent years. Promoters of particular technologies who wish to compete for the provision of the waste management infrastructural requirements in Ireland may either seek to this infrastructure on an advanced basis — subject to the necessary planning/waste authorisations, or can effectively compete with other service providers for a contract from the local authorities and seek to provide them with waste treatment solutions.

Water and Sewerage Schemes.

587. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the position regarding the sewerage scheme at a location (details supplied) in County Kildare; the timeframe involved; and if he will make a statement on the matter. [24534/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 249 of the 8 June 2006.

588. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the plans in place for the upgrading of a sewerage system at Omeath, County Louth; the number of houses the system was built to cater for; the number it is now catering for; if lack of a proper system is impacting negatively on water quality in its receiving waters; and if he will make a statement on the matter. [24564/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Omeath Sewerage Scheme was nineteenth on the list of water and sewerage schemes submitted by Louth County Council in response to my Department's request to all local authorities in 2003 to undertake assessments of needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The priority lists were taken into account in the framing of the Water Services Investment Programme 2005-2007. Given the rating afforded to the Omeath scheme by the Council, it was not possible to include it in the current Programme.

Local authorities have, however, recently been asked to carry out new assessments of needs and to review their water and waste water infrastructural priorities in light of economic, demographic and other developments that have taken place since the previous assessments were completed. New priorities emerging from this process will be reflected in future phases of the Water Services Investment Programme. The operation and maintenance of water services infrastructure within their area is a matter for Louth County Council.

589. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government if he is satisfied with the progress being made relevant to the provision of a new or refurbished waste water treatment plant at Purcellsinch, Kilkenny; and if he will make a statement on the matter. [24797/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Kilkenny City Wastewater Treatment Plant is included in my Department's Water Services Investment Programme 2005-2007 as a scheme to commence construction next year an estimated cost of €6.3 million. My Department is awaiting a Preliminary Report for the scheme from Kilkenny County Council and has requested the Council to expedite the submission of the Report with a view to advancing the scheme to construction as quickly as possible. Following receipt and approval of the Preliminary Report in the Department, the Council will be in a position to draw up Contract Documents for the scheme.

Equal Opportunities Employment.

590. **Mr. Callely** asked the Minister for the Environment, Heritage and Local Government the targeted percentage of employment of people with a disability by his Department; if the 3 per cent target be surpassed or is his Department restricted to this percentage; the percentage of people with a disability employed in his Department; and if he will make a statement on the matter. [24830/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As indicated in the reply to Question No. 588 of 4 April 2006, my Department currently exceeds the Government's 3% target for the employment of people with disabilities. In addition, my Department has agreed to take part in the Willing Able Mentoring (WAM) project. This project aims to give between 3-6 months quality work experience to graduates with disabilities.

Recycling Policy.

591. **Mr. Dennehy** asked the Minister for the Environment, Heritage and Local Government if

he has satisfied himself with the level of recycling of household waste being achieved in the State; the regional variations in this; and if he will make a statement on the matter. [24854/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): National waste statistics for all waste streams are published at three-yearly intervals by the Environmental Protection Agency with the most recent National Waste Report being in respect of 2004. Between 2001 and 2004, two interim database reports have been published to provide data on municipal waste specifically (i.e. household and commercial waste) for the years 2002 and 2003 respectively. While the database reports do not provide recycling rates for individual local authorities or on a regional basis, an overall recycling figure for Ireland is provided for in respect of a number of waste streams.

The recent National Waste Report 2004 shows that 33.6% of municipal (household and commercial) waste generated in that year was recovered. This continues a very positive trend — equivalent rates were 28.4% for 2003, 20.7% for 2002 and only 9% in 1998 — and shows that we have almost reached the 35% national recycling target set for 2013. The national recovery rate for the household component of municipal waste in 2004 was 19.5%. This represents an improvement over the 13.1% household waste recovery reported for 2003, 9.3% achieved in 2002, and 3.2% in 1998, and demonstrates further progress towards the achievement of the 50% household waste landfill diversion rate by 2013. For the third consecutive year, the reported quantity of household waste sent to landfill has decreased indicating that the trend is moving in the right direction.

A key development in waste management in Ireland has been the mobilisation of producer responsibility initiatives. Successful initiatives of this kind have been introduced in the areas of packaging waste and waste electrical and electronic equipment, both of which have diverted significant volumes of these materials from landfill since their introduction. In 2004, packaging waste recovery increased to 56.4% indicating that Ireland exceeded its 50% end 2005 target required under the EU Directive on packaging and packaging waste one year ahead of schedule. I recently signed regulations implementing a further producer responsibility initiative in relation to an EU Directive on end-of-life vehicles and work is underway in developing further initiatives for waste tyres.

Planning Issues.

592. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government his views on the assumption made in Parliamentary Question No. 241 of 20 June 2006 that the provision of a bridge to Spike Island will be an exempted structure under Part 9 of the Planning

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and Development Regulations; and if he will make a statement on the matter. [25030/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Part 9 of the Planning and Development Regulations, 2001 specifies, in accordance with section 181 of the Planning and Development Act 2000, that certain developments by or on behalf of State authorities which are in connection with or for the purposes of public safety or order, the administration of justice or national security or defence do not require planning permission. Instead, such development is subject to a public notification procedure set out in Part 9 of the Planning and Development Regulations 2001. Development on the foreshore is also subject to the requirements of the Foreshore Acts 1933 to 1998, which are administered by the Department of Communications, Marine and Natural Resources.

Ministerial Responsibilities.

593. **Mr. P. McGrath** asked the Minister for the

Environment, Heritage and Local Government the regulations which have been enacted by his Minister of State with responsibility in the area of environmental protection at his Department since his appointment; the statutory instruments under which he is carrying out his functions; and if he will make a statement on the matter. [25039/06]

594. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the regulations which have been enacted by his Minister of State with responsibility for housing and urban renewal at his Department since his appointment; the statutory instruments under which he is carrying out his functions; and if he will make a statement on the matter. [25040/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 593 and 594 together.

As indicated in the reply to Question No. 455 of 13 June 2006 delegation of function orders have not been made in relation to Ministers of State at my Department. Regulations are made, as necessary, by the Minister for the Environment, Heritage and Local Government.