



## DÁIL ÉIREANN

*Dé Céadaoin, 29 Samhain 2006.*  
*Wednesday, 29 November 2006.*

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

*Paidir.*  
*Prayer*

### Leaders' Questions.

**Mr. Kenny:** Today the PPARS scandal is running at €186 million and counting. This €186 million is a spectacular achievement of waste by any standard but we should not be too surprised. The Progressive Democrats, after all, is the party that gets things done. We should look at a few things it has not done. I refer to neurosurgery where the computers used to guide brain operations keep crashing and where for lack of money the equipment has not been replaced for years. It is a case of PPARS, €186 million, neurosurgery, nil. We are talking about men and women with bleeds to the brain, brain tumours, aneurysms, brain injury following accidents, severely debilitating diseases such as Parkinson's disease.

Ireland is the only country in Europe that does not provide brain stimulation for people living with Parkinson's. Seconds count in all of these conditions. General practitioners will say it is not just access to neurosurgery and neurology services that are years too late and often do not exist at all. The GP in County Wexford was promised an appointment in three weeks for a woman with epilepsy but was still waiting after three years. It is not just the patients and their families who are at breaking point; it is the state of neurosurgery itself which is now catastrophic.

Mr. Chris Pidgeon says the service is on the verge of collapse, that there is a shortage of consultants, a shortage of beds and that crucial equipment is out of date and regularly breaks down. He believes the state of neurosurgery is worse now than it was 30 years ago. In September 2005, there were 426 people waiting for surgery in Beaumont Hospital, more than half of that number had waited for a year. I remind the Tánaiste of the promise to end waiting lists in two years. I ask the Tánaiste to inform the House — on second thoughts, I ask the Tánaiste not to tell the Dáil because he treats this House with derision and contempt anyway; he should tell the camera because he loves the camera. He should, through the camera lens, tell the people waiting

for neurosurgery treatment what his Government has done in the past ten years to deal with this problem.

**The Tánaiste:** It is obvious the Deputy got out on the wrong side of the bed this morning.

*(Interruptions).*

**An Ceann Comhairle:** The Tánaiste without interruption.

**The Tánaiste:** Investment in our health services has risen to more than €12.75 billion in 2006. Ireland's public spending on health has grown at one of the highest rates in the OECD in recent years. Irish spending on health has gone from 15% below the OECD average in 1997, when the Deputies opposite were in power, to 17% above the OECD average in 2003. This is notwithstanding the fact that Ireland has a younger age structure than many other countries.

With respect to human resources, 120,000 people work full time or part-time in our public health service. Between 1997 and the end of last September, there was an increase of 33,672 staff or almost 50% in whole-time equivalent terms. Latest figures show 44.9% more medical and dental personnel in the health service, 27.6% or 7,500 more nurses in the health service, 30% or 7,727 more health and social care professionals.

**Mr. McCormack:** They are working under great strain.

**The Tánaiste:** The number of approved consultant posts has increased by 720 or 56% in the period since the Deputy was in office and today.

It should be noted that this Government has provided the health service with record resources.

**Mr. J. O'Keeffe:** Record bad results.

**The Tánaiste:** This Government also introduced the National Treatment Purchase Fund which has been an outstanding success. People may criticise one area of the health service or another but the record shows that Ireland as a society has gone from a situation which in 1997, when Fine Gael, Labour and the Democratic Left were in office, spent 15% below the OECD average on health, to the point where we now spend considerably above it. This shows the extent of the commitment of this Government—

**Mr. Broughan:** The Tánaiste should answer Deputy Kenny's question.

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

**The Tánaiste:** — to improving our health system.

[The Tánaiste.]

We have introduced the medical card for people over the age of 70 years and we have also introduced——

**A Deputy:** The Tánaiste was against it.

**The Tánaiste:** ——GP visit cards and 200,000 extra GP visit cards are now available.

**Mr. Stagg:** Nobody got them.

**The Tánaiste:** All the recent accident and emergency figures show conclusively that there are improvements right across the service on a daily basis. The health service is rapidly becoming one of the most effective health services in the European Union.

*(Interruptions).*

**An Ceann Comhairle:** Allow the Tánaiste without interruption. Deputy Kenny was allowed make his contribution in silence. The Tánaiste is entitled to the same courtesy when he is making a reply.

**Mr. Hayes:** He is not allowed ramble on.

**Mr. Stagg:** He should be reminded of the question.

**The Tánaiste:** I understand a complaint was recently made to the Ceann Comhairle that I gave out about people asking questions and then trying to shout me down. It happens constantly in this House. Deputy Stagg and others are practitioners of the business of asking a question and then shouting the respondent down.

**Mr. Stagg:** The Minister is wasting time as well as money.

**Mr. Allen:** The Minister is like a dumb microphone.

**A Deputy:** The Minister is like Brendan Grace.

**The Tánaiste:** I regret such tactics.

**Mr. Crawford:** The Tánaiste is good at it himself.

**The Tánaiste:** It demeans the Irish Parliament. I think the Opposition is making a collective disgrace of itself and if it does not want to hear the answers I will not go any further.

**Mr. Rabbitte:** The Tánaiste is a fantasist.

**Mr. F. McGrath:** The Minister sounded like the Minister for Foreign Affairs on "Morning Ireland".

**Mr. Kenny:** I give the Tánaiste two out of ten for that answer. I asked him about neurosurgery but not once did he mention the word. His answer was about as lethal as the picture of the Minister for Defence sitting on the edge of a helicopter that appeared in this morning's newspapers. It is a good job the helicopter did not take off.

**Mr. O'Dea:** The Deputy should stick to the script and not let his mind wander.

**Mr. Hayes:** Deputy O'Dea should stick to the *Sunday Independent*.

**Mr. Kenny:** The Tánaiste speaks of others as being handcuffed to mediocrity. The answer he has just given is appalling in respect of the 425 people waiting for brain surgery and treatment in Beaumont Hospital.

**Mr. Crawford:** Those people do not matter.

**Mr. Kenny:** The Tánaiste has not dealt through his camera with the person from Wexford who was to be given an appointment within three weeks but was not given it within three years. The Tánaiste has not referred to the five HSE reports which speak of severe deficiencies in the equipment to deal with neurosurgical treatments. He bluffed about HSE numbers and the numbers in the health system. Two years ago Professor Drumm told my parliamentary party that of the 125,000 health service employees, 3,500 did not know what their jobs or functions were yet they were to be paid for life. Yet through the camera the Tánaiste has told me that 425 people must listen to that rubbish he gave out. The HSE is bulging with well-intentioned career people who are staggering through the halls of inefficiency, bureaucracy and red tape.

The Tánaiste was so clear in his response when he took a page from a departmental file about the dismissal of Mr. Frank Connolly. He said he needed to speak to the public about an issue of public importance.

**An Ceann Comhairle:** The Deputy's time has concluded. He is moving onto another question and he should only ask one topical question.

**Mr. Kenny:** This is an issue of public importance and the Tánaiste did not refer to it once in his reply.

**Mr. Quinn:** He does not know the answer.

**Mr. Kenny:** The Progressive Democrats styles itself as the party that gets things done. Will the Tánaiste tell the nation what it has done about neurosurgery in the last ten years?

**Mr. McCormack:** The Tánaiste should answer it now with one word.

**The Tánaiste:** The Deputy seems to be engaging in amateur theatricals. He has come into this House——

**Mr. Allen:** Like the Tánaiste does every Friday with a dumb microphone.

(Interruptions).

**The Tánaiste:** The shouting has started again. That is the end of it.

(Interruptions).

**Mr. Kitt:** They will not let him answer. They will not let the man speak.

**Mr. English:** I take it the Tánaiste has no answer.

**An Ceann Comhairle:** If Deputies do not want to afford a Member of the House when they are called by the Chair——

**Mr. Kenny:** We want an answer.

**Mr. Connaughton:** He does not have one.

**An Ceann Comhairle:** The Deputy should resume his seat when the Chair is speaking. The Chair is here to keep order.

**Mr. Connaughton:** And to make sure that questions are answered.

**An Ceann Comhairle:** No. That is not a function of a Chair anywhere in the world. We are not getting into an argument on that. When called by the Chair, every Member of this House is entitled to the courtesy of being heard. That is a function of every parliamentary democracy anywhere in the world. The Chair has requested Members to show the normal courtesy and allow the Tánaiste to reply.

**Mr. McCormack:** And the Tánaiste should reply.

**An Ceann Comhairle:** The Chair has two choices——

**Mr. Kenny:** The Tánaiste is not representing the Taoiseach. He should answer the question. He did not once mention the word “neurosurgery”.

**An Ceann Comhairle:** Deputy Kenny, resume your seat when the Chair is on its feet. The Chair has two choices. The Chair can suspend Members for being disorderly. The Chair does not want to take that route, but it will be left with no choice if the disruption continues.

**Mr. Bruton:** What about Government accountability?

**Mr. F. McGrath:** The Tánaiste should answer the question.

**Mr. Durkan:** On a point of order, the Tánaiste was asked a question to which there is a reply. The House is entitled to know his reply.

**An Ceann Comhairle:** That is not a point of order.

**Mr. Durkan:** Huffing and throwing his toys out of his pram does not constitute an answer.

**An Ceann Comhairle:** There cannot be a point of order on Leaders' Questions.

**Mr. Kenny:** I wish to raise a point of order. Under the rulings of this House, I am entitled to ask a leader's question. I have asked the Tánaiste two questions. He did not mention the word “neurosurgery” once in his reply.

**An Ceann Comhairle:** That is an assumption not a point of order.

**Mr. Kenny:** My point of order is that the Tánaiste is well able to indulge himself in amateur theatrics.

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

**Mr. Kenny:** The Tánaiste should answer the question. What has the Tánaiste and his Government done for neurosurgery in the past ten years? The point is the Tánaiste is not able to answer the question and does not represent the Taoiseach.

**Mr. J. O'Keeffe:** He does not have an answer.

**Mr. Rabbitte:** I did not know that there was any question the Tánaiste could not answer.

**An Ceann Comhairle:** We have moved on from the last question and we will hear the Deputy's question now.

**Mr. Rabbitte:** The Tánaiste has a hard neck to lecture this House about decorum in Parliament when he is asked a straight question but cannot answer it and then behaves in the fashion that he has. He has now gone into a sulk.

I would like the Tánaiste to do us the honour of answering a straightforward question. I am referring to an article in *The Irish Times* where the Tánaiste's single transferable speech features a couple of times a week. The Minister of State at the Department of Health and Children, Deputy Brian Lenihan, has stated that the proposed site for the new national children's hospital must be reviewed. This apparently arose in response to the report on Cruimlin Children's Hospital published in *The Irish Times* yesterday. Deputy Lenihan has apparently said the Government

[Mr. Rabbitte.]

decision on locating the new national children's hospital must now be reviewed. Does the Tánaiste understand the concerns about this new uncertainty around the future of the national children's hospital?

If he has not had time to study *The Irish Times* story, I can tell him the report from Crumlin Hospital apparently said it cannot be shoehorned into the Mater Hospital site. It points out that it is one quarter the size of the existing Crumlin site. It says there are serious problems about access, transport and parking. It says that, ideally, the hospital ought to be built on a greenfield site where the three hospitals could be merged and co-located with a maternity hospital.

The National Children's Hospital at Tallaght makes similar arguments that the reinforcement and implementation of the existing decision will lead to a serious downgrading of the tertiary teaching status of the hospital. The former Archbishop of Armagh, Dr. Robin Eames, met with the Tánaiste's predecessor and the Taoiseach and raised his concerns about the downgrading of Tallaght. He advocated a solution that seems to have merit to many people. He said there ought to be a new national children's hospital under single governance with a campus on both the north side and south side of Dublin. He makes this argument based on the circumstances that force parents with sick children to traverse this city through heavy traffic congestion. A national children's hospital should, by definition, serve the nation, and children coming from the south or west ought not to be asked to spend the additional time travelling from Newlands Cross to the Mater Hospital where there is no parking and no adequate space. It is the belief of these experts and the Minister of State, Deputy Brian Lenihan, that the decision made by Government must be reviewed. Is the Government reviewing the decision? Or does the decision to site the new hospital at the Mater Hospital stand?

**The Tánaiste:** As the Deputy appreciates, an extensive review of tertiary paediatric services was carried out by McKinsey and Company on behalf of the Health Service Executive. It recommended the establishment of a single — not a dual — tertiary paediatric hospital in Dublin. It also recommended that the hospital be co-located with a leading adult academic hospital. Subsequently, a joint task group was established between the Department of Health and Children and the HSE to advise on the optimum location for a single tertiary paediatric hospital, bearing in mind the recommendation that it be attached to an adult teaching hospital. That decision stands.

Based on that assessment, the task group recommended that the new national tertiary paediatric hospital be located on a site to be made available by the Mater hospital. The Deputy is well aware that a number of contending hospitals

sought to have the single tertiary paediatric hospital located on their campuses. A decision was made on the merits and without political interference that it be located at the Mater hospital.

The task group's report and recommendations were then brought to, and endorsed by, the board of the HSE. They were subsequently brought to Government which mandated the HSE to move forward with the development of the new hospital and the urgent care service required to support it. A joint HSE-Department of Health and Children transition group has been established to advance the development of the new hospital.

The Crumlin report has been the subject of constructive discussions between the hospital and the group. The transition group is in the process of engaging consultants to prepare the high level framework brief for the new hospital and it has been agreed that the Crumlin report, to which the Deputy referred, will be taken into consideration in the preparation of the framework. My colleague, the Minister for Health and Children, has also had meetings with representatives from Our Lady's children's hospital in Crumlin and has assured them that she is committed to ensuring the national paediatric hospital will deliver a world-class service for the children of this country.

Based on its work to date the transition group is entirely satisfied that the Mater site has the space necessary to fully accommodate the new paediatric hospital. It is also satisfied that the future tri-location of maternity services on the site with adult and paediatric services in accordance with best international practice can be fully facilitated and represents the best way forward.

To go back to the Deputy's question, the Minister of State, Deputy Brian Lenihan, asked that the Crumlin report be taken into account, which is being done. However, the decision still stands.

**Mr. Rabbitte:** I thank the Tánaiste. Given that was a considered, prepared document, I accept that is the decision of Government and that it stands. I would like to retrace the history a little in terms of the manner of presentation by the Tánaiste that McKinsey was recruited by him to report, that it recommended a single tertiary hospital, that it ought to be co-located on the same site as an adult hospital and that the subsequent decision of the group selected and of the Cabinet to nominate the Mater site was taken without political interference. I have no idea why the Tánaiste made that remark because I did not. The Government is entitled to make whatever decision it believes appropriate. I did not allege any Government interference.

However, it is interesting that he should raise that point because in September 2005, the chairman of the board of governors of the Mater Hospital, Mr. Des Lamont, thanked the Taoiseach at an event there for pledging to the

hospital the national children's hospital. The significance of that is that it was three months before McKinsey reported and five months before the process, to which the Tánaiste referred, was put in place to select the site. It is very odd that the Tánaiste should refer to political interference. Those were the words of Mr. Des Lamont, chairman of the board of governors of the Mater Hospital. He did not make the information public but it became public.

I am not questioning the Government's right to make the decision but there are serious questions in the minds of parents in my constituency and in the huge catchment area covered by Tallaght Hospital, of the board of governors of Crumlin Hospital and of expert consultants about the wisdom of a single campus and a single tertiary hospital solution in the centre of a crowded city. The people on the north side ought to have access, as should people on the south side, in today's traffic conditions. One cannot attend a funeral at the Mater Hospital and get a parking place. These are the problems ordinary, hard-working parents have to endure. There is no adequate parking space there. It can be a matter of life and death whether a sick child can be transported from one side of this city to the other, and that is leaving aside the fact that it is supposed to be a national children's hospital.

The Tánaiste said that the Minister of State, Deputy Brian Lenihan, said that the Crumlin report will be taken into account. Given that the Crumlin report absolutely contests the wisdom of the decision made, I cannot see how it can be taken into account and how the Government can proceed with the decision.

**The Tánaiste:** Either we agree there should be a single tertiary paediatric hospital in the Dublin area or we do not. There are two schools of thought. Some people have suggested there should be more than one such institution. However, the decision of Government and the HSE, based on the McKinsey report, was that there should be only one such institution. No matter where it is located, there will be difficulties for people getting from A to B in modern circumstances. If it is difficult for people to get from Deputy Rabbitte's constituency to the Mater Hospital, it will be difficult for people who live on Eccles Street to get to Tallaght.

**Mr. Rabbitte:** I did not advocate that either.

**The Tánaiste:** There is no magic solution to that problem.

**Mr. Rabbitte:** I asked about the dual campus.

**The Tánaiste:** I am making a very simple point. Once we decided, based on expert advice, that there should be a single campus, which was based on the McKinsey report, it followed—

**Mr. Rabbitte:** It was not.

**The Tánaiste:** It was.

**Mr. Rabbitte:** McKinsey did not recommend a particular site.

**An Ceann Comhairle:** There are seven minutes for this question and Deputy Rabbitte has already used more than seven minutes. I ask Deputy Rabbitte to allow the Tánaiste to speak.

**The Tánaiste:** It recommended a single tertiary paediatric hospital in Dublin co-located with a leading adult academic hospital. I believe the Deputy will agree that once one accepts that recommendation, the hospital must be located somewhere and it will not be convenient for everyone. I am quite satisfied the selection process was objective and without interference. The imputation that McKinsey and subsequently the HSE and the working group were given a political instruction to locate the hospital in one place rather than another is wrong.

**Mr. Rabbitte:** McKinsey did not deal with where it should be located.

**The Tánaiste:** The Deputy is forgetting the answer I gave, which was that a joint HSE-Department of Health and Children task group was established and the officials on that group decided to make a recommendation. It is wrong to impugn them and to suggest they were "got at" in some way without any evidence whatsoever of that.

**Caoimhghín Ó Caoláin:** The Tánaiste will recall that the Irish Human Rights Commission was established under the terms of the Good Friday Agreement to enhance the human rights of everyone who lives on the island of Ireland and to assist us in meeting our international obligations to human rights.

The record will show that as Minister for Justice, Equality and Law Reform the Tánaiste has more often than not ignored the advice of the commission. Will he and the Government continue to ignore it with regard to the continued use of Shannon Airport by US military and CIA sponsored aircraft in the furtherance of their war in Iraq? Will the Government continue to facilitate the use of this facility, which clearly is in flagrant conflict with our stated position on neutrality and as being neutral on the war in Iraq.

The EU committee to investigate so-called extraordinary rendition has found that the State hosted 147 secret CIA flights, the third highest number among EU states. I emphasise, 147 secret CIA flights. Can the Tánaiste explain how that facilitation fits with our stated policy of neutrality, to be a sovereign and independent state with regard to international affairs in particular,

[Caoimhghín Ó Caoláin.]

when we continue to use Shannon Airport as a staging post for the US and British led war in Iraq?

**Mr. F. McGrath:** It is a clear breach of it.

**Caoimhghín Ó Caoláin:** It is important to point out that this question is posed by a variety of opinions across this island and the United States and does not stem from any anti-Americanism. It is posed simply and in complement to the wishes of the clearly expressed view of the majority of citizens in the United States as recently expressed in the mid-term elections there.

Does the Tánaiste agree that the invasion of Iraq has been an unqualified disaster, has resulted in the loss of tens of thousands of lives and has plunged that country into civil war? Does he agree the war was launched on the erroneous pretext of the existence of weapons of mass destruction? Does he agree that the war policy of the Bush Administration has now been clearly rejected by a significant majority of US opinion? Why then does the Government continue in its facilitation of that US war effort by making Shannon Airport available to US military and CIA engaged aircraft? Will the Tánaiste end that policy now?

**The Tánaiste:** The Deputy will appreciate that the origins of the Iraq intervention by western armies occurred at a time when the Government consistently argued against military intervention and asked that more time be given to the weapons inspectors to discover whether there were weapons of mass destruction——

**Mr. Gormley:** It did not wait to hear the result.

**The Tánaiste:** ——and whether the issues could be dealt with differently. That was the consistent position of the Government at the time. Deputy Gormley seems to have forgotten that in the meantime a mandate from the United Nations Security Council was unanimously adopted and that it requires member states of the United Nations to facilitate and assist the UN forces in the normal way in carrying out their mandate. We are not in a position to simply tear up or reject that mandate.

With regard to military flights, Ireland, as a member of the United Nations, has an obligation to assist the Security Council in the proper implementation of a council resolution which mandates the presence of a number of countries' armed forces in Iraq. Whatever about the wisdom of the original intervention, on which the Government had a consistent position, the position is that there is a UN mandate for military flights passing through Shannon and it would be wrong for the State to say it will tear up a mandate agreed unanimously by the Security Council.

On rendition flights, the Taoiseach, the Minister for Foreign Affairs and I have personally been assured at the highest levels by US authorities——

**Mr. F. McGrath:** Search the planes. If it cannot be done in one's own country, it is a disgrace.

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

**The Tánaiste:** May I answer the question? Deputies may make comments afterwards. We have been assured at the highest level by the——

**Mr. Boyle:** Some assurance.

**Mr. D. Ahern:** It would be the case in Cuba.

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

**The Tánaiste:** ——United States, through the Secretary of State and at diplomatic level, that there has never been a rendition flight through Irish airspace or Irish airports.

**Mr. Eamon Ryan:** That is nonsense.

**An Ceann Comhairle:** Members of the Green Party should be aware this is a Sinn Féin question. It is Deputy Ó Caoláin's question and he is entitled to hear the answer.

**The Tánaiste:** Experts who have examined the case have stated that in their view it would be highly improbable that the United States would ever have selected Shannon Airport as a place through which rendition flights would pass. I accept that view because, first, we have a solemn assurance they have never taken place and, second, I regard it as improbable that anyone would attempt to use Irish airspace or airports in this manner.

**Mr. Boyle:** That is very naive.

**The Tánaiste:** Members of the Garda Síochána are fully entitled to search any aircraft if they have a reasonable belief that a crime is being committed on board, and it would be a crime to detain a person against his or her will on a flight, other than on foot of an extradition treaty which is not relevant to this case. As Minister for Justice, Equality and Law Reform, I have repeatedly called on any person with any credible evidence that Shannon Airport was used for allegedly unlawful purposes to share this information with the Garda. On a number of occasions information has been provided to the Garda who thoroughly investigated it and found it to be without substance.

**Mr. Eamon Ryan:** Hear no evil, see no evil.

**The Tánaiste:** I remind the House that the President of the Human Rights Commission, Dr. Maurice Manning, said yesterday there was no smoking gun. Members should pay some attention to what he says rather than misquoting him and attempting to suggest that Ireland has been used for rendition flights. It has not.

**Caoimhghín Ó Caoláin:** This is a serious issue, but clearly we do not all share the certainty the Tánaiste's statement indicates he feels. The Irish people, if not the world community, are entitled to that reassurance and certainty. I believe that gardaí, in carrying out their function, should investigate the possibility of wrongdoing rather than wait for a crime to happen. In this instance, it is within the Tánaiste's remit as Minister to indicate, in conjunction with his colleague the Minister for Foreign Affairs, that it is in the interest of truth and right that occasional spot checks be carried out in order to give an indication that there is substance to the Tánaiste's belief.

The Tánaiste must accept that the majority of the people do not believe the assurances given by the US Administration are sufficient or adequate to address this matter and he has a responsibility to take this on board. There was no mandate for the US and British-led invasion of Iraq nor, following investigation, was any evidence presented of the presence of weapons of mass destruction. The contrary is the case. Therefore, their presence was a false pretext for the invasion and this is universally recognised. It is recognised also by citizens of the United States who are probably even more virulent in their opposition than we can represent here today. We must be mindful of this and of the importance of our relations with people in the US.

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

**Caoimhghín Ó Caoláin:** We must not ignore them and feel that the Bush Administration is the solitary representative voice. It clearly is not. Will the Tánaiste be honest and admit that to all intents and purposes he has given a *carte blanche* to the US Administration with regard to its use of Shannon Airport?

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

**Caoimhghín Ó Caoláin:** Further, does the Tánaiste recognise—

**An Ceann Comhairle:** The Deputy cannot drive a coach and four through the Standing Orders of the House. I ask him to resume his seat.

**Caoimhghín Ó Caoláin:** —that at the very least we and everyone else deserve that

occasional spot checks are carried out as a matter of course and immediately?

**Mr. Morgan:** It is a bad, old fashioned invasion and we all know it.

**The Tánaiste:** There is a UN mandate for the presence of foreign contingents in Iraq. It expires at the end of this year and the Iraqi Government has applied for it to be extended.

**Mr. F. McGrath:** That is some government.

**Caoimhghín Ó Caoláin:** There was no mandate for the invasion.

**The Tánaiste:** I want the Deputy to know the facts before he begins speaking. I never said there was a mandate for the invasion.

**Caoimhghín Ó Caoláin:** I never said the other thing either.

**An Ceann Comhairle:** The Tánaiste, without interruption.

**Mr. D. Ahern:** They should not lecture us about invasions. They are not so bad at invasions themselves.

**The Tánaiste:** The Government has consistently opposed and condemned unlawful rendition of any person by the United States. We are unequivocal on that point and my colleague, the Minister for Foreign Affairs, has made his position absolutely clear in that regard. Second, as it might be asked here, he and I are on the public record as rejecting the circumstances in which people are detained in Guantanamo. We are unequivocal in that regard also.

The Deputy suggested that somehow we are giving *carte blanche* for the abuse of Shannon Airport.

**Mr. F. McGrath:** Yes.

**The Tánaiste:** The military flights are authorised and above board. It is our duty as a member of the United Nations to support the mandate which the United Nations Security Council has unanimously given for the presence of those troops and, by implication, for their rotation.

**Caoimhghín Ó Caoláin:** We are talking about 147 secret CIA flights.

**The Tánaiste:** We have received categorical, unambivalent and totally clear assurances—

**Mr. F. McGrath:** Does the Tánaiste believe them?

**The Tánaiste:** —that at no time in the past has Shannon Airport ever been used for rendition.



**Mr. Ferris:** That is the same argument that was used for the war in Iraq.

**Mr. Cuffe:** Did the Tánaiste check the assurances?

**Mr. Ferris:** It is the same argument.

**The Tánaiste:** There is no point in shouting me down. The Deputy keeps shouting me down. He is not at one of his own meetings. He should let me finish.

**Mr. Allen:** The Tánaiste would prefer it if he had nobody to answer to.

**Mr. D. Ahern:** There is no shouting down at those meetings. It is *uno duce*.

**An Ceann Comhairle:** When the Chair is on his feet, Deputy Ferris should stay silent.

**Mr. D. Ahern:** Why is there never a leadership crisis in Sinn Féin? Why is there never a leadership battle? I often wondered that.

**An Ceann Comhairle:** There are seven minutes for a Leaders' Question. Deputy Ó Caoláin used almost seven minutes on the question. No party in the House can take all the time allotted for the question and then take the time allotted to the member of Government to respond.

**Mr. McHugh:** It happens all the time.

**The Tánaiste:** The Sinn Féin Deputies might listen carefully to the following. If I were to reject the solemn unequivocal word of three senior officials of the United States Administration in this regard, and disbelieve them, it would be a serious step.

**Caoimhghín Ó Caoláin:** A serious step——

**The Tánaiste:** The Deputy should let me finish. If relations between Ireland and America were at such a low ebb that we could not believe members of the American Administration on this issue, and that we were naive to believe them——

**Mr. Boyle:** Their citizens do not believe them.

**The Tánaiste:** ——much rethinking would have to be done. I say this to the members of the Sinn Féin Party — “You may ask this Government to regard the assurances they receive from the American Administration as false but, if you do so, do not go knocking down the door to get into the White House on St. Patrick’s Day.”

**Mr. Morgan:** Their own people do not believe them.

**Caoimhghín Ó Caoláin:** Their people do not believe them.

**Mr. D. Ahern:** They were the first to shake his hand. They made a beeline for him. It is one thing here but another over there.

**Caoimhghín Ó Caoláin:** The Minister is a very confused little man.

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

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

**Mr. Healy-Rae:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the urgent need for funding to provide a sexual assault unit in Kerry General Hospital. At present, rape victims have to travel to Cork or Waterford, leaving the victims to travel for hours in the clothes that they were wearing at the time of the assault; vital DNA could also be lost due to the delay. These victims often have to travel by taxi and, therefore, their anonymity is no longer guaranteed. Surely these unfortunate people have been through enough. The standard of reporting is very low compared to the number of attacks that occur. Basic services like this unit are needed for Kerry General Hospital. The Kerry Rape and Sexual Abuse Centre, where services are available for all types of sexual violence, childhood abuse, rape and sexual assault, needs €260,000 per year to keep this service running. This centre caters for the whole of the county in conjunction with Kerry General Hospital and the Garda Síochána.

**Dr. Cowley:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, why drift net fishermen in north-east England were given Stg£70,000 a number of years ago in a buyout in the interests of salmon conservation and Stg£110,000 is being offered to those remaining as a buyout, while only approximately €2,000 is being offered to our 850 drift net fishermen for a similar buyout with a disgraceful €23 euro per salmon caught in the last five years, with a quota reduction of 75% already unfairly operating, which is supposed to satisfy their needs for the rest of their existence, having had the licence for up to 30 years in some cases, with no provision for the drift net crew or any other option considered for them or for wild salmon dealers; and whether this is at all equitable considering the devastating effect on those men and their families in rural areas for the rest of their lives, considering that ESOT Aer Lingus workers were treated equitably by comparison.

**Mr. M. Higgins:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the implications of the most recent report from a committee of the European Parliament in regard to the abuse of human rights through extraordinary rendition,

which has suggested that Ireland is not in a position to deny that it was not involved in the transport of those illegally apprehended, transferred and tortured; the position which has arisen in which Ireland's international policy in regard to human rights has been placed by the failure to carry out the inspections possible or necessary to enable the Irish people to know for certain they were not part of this appalling abuse of human rights.

**Aengus Ó Snodaigh:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, recognising the potential for peace posed by the current ceasefire, the urgent need for the Government to recognise on this international day of solidarity with the Palestinian people that the source cause of the humanitarian failures and human rights abuses in the area is ultimately the Israeli occupation itself, and that the international community, including Ireland, must finally act on its responsibility to bring an end to this illegal occupation, as highlighted by human rights NGO, Al-Haq; that during the past 365 days Israeli military operations resulted in the deaths of 562 Palestinians, many of whom were civilians, including 86 children; and the urgent need for the Government to follow the example of active citizenship demonstrated by Irish Palestinian Solidarity Committee members in Limerick last weekend, who persuaded Atlantic Homecare to remove Israeli goods from the shop floor, by suspending preferential trade between the EU and Israel.

**Mr. Healy:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for the Government and the Dáil to acknowledge that it is unforgivable that one in ten children — approximately 100,000 children — is living in consistent poverty, and calls on the Minister for Finance in his budget to prioritise the eradication of child poverty and include the introduction of a new targeted child income support and increase the child dependant allowance to a minimum of €25 per week, as this payment has not been increased since 1994.

**Mr. Cuffe:** I wish to seek the adjournment of the Dáil under Standing Order 31 to raise a specific and important matter of public interest that requires urgent consideration, namely, the fact that the European Commission is set to reject the Government's plan for greenhouse gas reductions on the basis the plan is deemed insufficient to meet Ireland's obligations under the Kyoto Protocol on climate change. Ireland may be forced to——

**An Ceann Comhairle:** It is not appropriate to go beyond the notice submitted to the Office of the Ceann Comhairle.

**Mr. Cuffe:** An essay was put into the record by the Deputy beside me.

**An Ceann Comhairle:** The Chair has suggested in the past that such notices should be kept brief. The Office of the Ceann Comhairle has written to Members about the need to keep contributions brief.

**Mr. Cuffe:** I will take that on board.

**An Ceann Comhairle:** Members cannot go beyond the notices they submit to my office.

**Mr. Gormley:** I will be brief. I wish to seek the adjournment of the Dáil under Standing Order 31 to raise an issue of urgent public importance, namely, the report by a European Parliament committee on the transport and illegal detention of prisoners by the CIA which criticised the Government and expressed serious concern about the 147 stopovers at Irish airports by aircraft involved in such illegal activities.

**Mr. Stagg:** I wish to seek the adjournment of the Dáil under Standing Order 31 to raise a matter of local and national interest, namely, the fact that, with one garda for every 558 people, the Carlow-Kildare Garda division has the lowest ratio of gardaí to population in the State; the increase of 55% in serious crime in the Carlow-Kildare division since 2000; the detection rate of 30% in the division, which is one of the lowest rates in the State; the lack of a Garda barracks in Leixlip; the failure to provide for a 24-hour Garda barracks in Celbridge, Maynooth and Leixlip, which have a combined population of 45,324; the fact that Kilcock, Maynooth and Leixlip, which are within eight miles of each other, are in three different Garda divisions; and the refusal of the Minister for Justice, Equality and Law Reform to take effective action on the issues I have outlined, citing operational matters as his reason for refusing to do so.

**Mr. Durkan:** Hear, hear. The Minister should answer that.

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

#### Order of Business.

**The Tánaiste:** It is proposed to take No. 15, motion re leave to introduce Supplementary Estimates [Votes 1, 18, 19, 20, 21, 22, 26, 30, 32, 35 and 37]; No. 16, motion re referral of Supplementary Estimates [Votes 1, 18, 19, 20, 21, 22, 26, 30, 32, 35 and 37] to select committee; No. 25,

[The Tánaiste.]

Electoral (Amendment) Bill 2006 — Report Stage (resumed) and Final Stage; No. 26, Health (Nursing Homes) (Amendment) Bill 2006 — Report Stage (resumed) and Final Stage; No. 27, National Oil Reserves Agency Bill 2006 — Report Stage (resumed) and Final Stage; and No. 28, statements on the implications for governance, accountability, discipline and training within the Garda Síochána arising from the findings and conclusions of a number of reports and the actions taken by the Government in response to these matters of serious public concern, to be taken at 3.45 p.m., and the order shall not resume thereafter.

It is proposed, notwithstanding anything in Standing Orders, that No. 15, and subject to the agreement of No. 15, No. 16, referral to select committee, shall be decided without debate and any divisions demanded on Nos. 15 and 16 shall be taken forthwith; the proceedings on the resumed Report and Final Stages of No. 25 shall, if not previously concluded, be brought to a conclusion after 60 minutes today by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for the Environment, Heritage and Local Government; the following arrangements shall apply in relation to No. 28 — the statements of a Minister or Minister of State and of the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order, shall not exceed 30 minutes in each case; the statements of each other Member called upon shall not exceed 15 minutes in each case; Members may share time; and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed 15 minutes.

Private Members' business shall be No. 40, Noise Bill 2006 — Second Stage, resumed, to conclude at 8.30 p.m.

**An Ceann Comhairle:** There are three proposals to be put to the House on the Order of Business. The first is the proposal to deal with Nos. 15 and 16 without debate. Is that agreed?

**Mr. Eamon Ryan:** Nothing threatens our economic progress more than the dysfunctional transport system that has been devised by the Ministers opposite. The Supplementary Estimates which are to be decided on by the House provide for the transfer of over €100 million, which we have been unable to spend this year, from the public transport budget to the roads programme. One of the elements of the public transport programme is the extension of the Luas light rail link to Cherrywood in south Dublin. The plans for that project gathered dust on the Minister for Transport's desk for several months.

**An Ceann Comhairle:** We cannot go into detail on it.

**Mr. Eamon Ryan:** I will not go into detail.

**Mr. Gormley:** It is in order.

**An Ceann Comhairle:** The proposal before the House is merely that——

**Mr. Eamon Ryan:** I want to make a brief point about why I want to call a division on this issue. Although the project in question will not proceed next year, it has been included in the 2007 Estimates. Therefore, the Estimates can only be described as fraudulently over-optimistic. We will not spend that money on public transport. The Estimates have the authority of a letter from the Tánaiste to Santa, put over a roaring fire to go up to the ether. We are unable to spend money on public transport because of the incompetence of the Ministers opposite.

**An Ceann Comhairle:** The Deputy has made his point.

**Mr. Eamon Ryan:** The House should vote to show its disdain for the incompetence of the Government, which has ignored public transport and ignored the people of this city and other cities throughout this country by investing in nothing but roads.

**An Ceann Comhairle:** You have made your point.

**Mr. Eamon Ryan:** This Supplementary Estimate shows the Government should not be allowed to run a parking lot, let alone a national transport system.

**Deputies:** Hear, hear.

**The Tánaiste:** It is not usual for motions of this nature to be the subject of a division or a debate in this House. They are usually referred to a committee. I remind Deputy Eamon Ryan that the deputy leader of his party said, in respect of the N9 road to Waterford——

**Mr. Boyle:** No, she did not.

**Mr. Gormley:** That is rubbish.

**Mr. Boyle:** She did not say that.

**Mr. Eamon Ryan:** She did not say that.

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

**The Tánaiste:** The Deputies are trying to shout me down.

**Mr. Gormley:** The Tánaiste is incorrect.

**Mr. Boyle:** She did not say that.

**Mr. Gormley:** He is talking nonsense.

**An Ceann Comhairle:** The Deputies are not in a crèche.

*(Interruptions).*

**An Ceann Comhairle:** They are in a national Parliament. They should allow a speaker who has been called by the Chair to be heard.

**Mr. Parlon:** Can the Tánaiste remind us of what she said?

**The Tánaiste:** She said she hopes the economy will crumble before the road can be built.

**Mr. Eamon Ryan:** Those were not her words.

**An Ceann Comhairle:** I will ask the next Member who opens his mouth to interrupt when I call a speaker to leave the House.

**Mr. Gormley:** Fair enough.

**Mr. Kehoe:** The Chair is very serious.

**Mr. Kenny:** You are biting today, a Ceann Comhairle.

**An Ceann Comhairle:** The Members have a choice.

**Mr. Boyle:** On a point of order——

**The Tánaiste:** This is the party that has proposed the Noise Bill.

**Mr. Boyle:** On a point of order, I have a letter in front of me in relation to Standing Order 58 of the House.

**An Ceann Comhairle:** That does not arise at this stage.

**Mr. Boyle:** It relates to the conduct of the Tánaiste in this House.

**An Ceann Comhairle:** It will be dealt with by the Committee on Procedure and Privileges.

**Mr. Boyle:** I would like to place it on the record.

**An Ceann Comhairle:** That is not a point of order.

**Mr. Boyle:** If the Tánaiste persists with putting libellous comments on the record of this House, we will interact with that in the Committee on Procedure and Privileges.

**An Ceann Comhairle:** If the Deputy does not resume his seat, I will have no choice but to ask him to leave the House.

**Mr. Eamon Ryan:** People with babies in the back of their cars had to spend seven hours in traffic because of the incompetence——

**Mr. O'Dea:** I thought the Deputy was anti-noise.

**An Ceann Comhairle:** Deputy Eamon Ryan will leave the House if he interrupts once more.

**Mr. Stagg:** Now we are not allowed to talk.

**An Ceann Comhairle:** We cannot allow this to continue. A great deal of business is before the House today. Speakers who are called in the national Parliament are entitled to be heard.

**Mr. Gormley:** Even if they are talking rubbish.

**The Tánaiste:** It is not customary to have a division. If the Members opposite want to have a division, we can waste another 20 minutes on sending the Supplementary Estimates to the committee.

**Mr. Gormley:** The Government is wasting money.

**The Tánaiste:** If they want to do that, they are welcome to do so.

Question put: "That the proposal for dealing with Nos. 15 and 16 be agreed to."

The Dáil divided: Tá, 64; Níl, 58.

Tá

Ahern, Dermot.  
Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Blaney, Niall.  
Brady, Johnny.  
Brady, Martin.  
Brennan, Seamus.  
Browne, John.  
Callanan, Joe.  
Carey, Pat.

Carty, John.  
Cassidy, Donie.  
Cooper-Flynn, Beverley.  
Coughlan, Mary.  
Cregan, John.  
Curran, John.  
Davern, Noel.  
de Valera, Síle.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Finneran, Michael.

Tá—*continued*

Fitzpatrick, Dermot.  
 Fox, Mildred.  
 Gallagher, Pat The Cope.  
 Glennon, Jim.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Haughey, Seán.  
 Healy-Rae, Jackie.  
 Hoctor, Máire.  
 Jacob, Joe.  
 Kelleher, Billy.  
 Kelly, Peter.  
 Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McDowell, Michael.  
 McGuinness, John.  
 Moynihan, Donal.  
 Moynihan, Michael.

Mulcahy, Michael.  
 Ó Fearghail, Seán.  
 O'Connor, Charlie.  
 O'Donnell, Liz.  
 O'Flynn, Noel.  
 O'Keefe, Batt.  
 O'Keefe, Ned.  
 O'Malley, Fiona.  
 O'Malley, Tim.  
 Parlon, Tom.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Sexton, Mae.  
 Smith, Brendan.  
 Smith, Michael.  
 Treacy, Noel.  
 Wallace, Mary.  
 Walsh, Joe.  
 Wilkinson, Ollie.

## Níl

Allen, Bernard.  
 Boyle, Dan.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burton, Joan.  
 Connaughton, Paul.  
 Connolly, Paudge.  
 Costello, Joe.  
 Cowley, Jerry.  
 Crawford, Seymour.  
 Cuffe, Ciarán.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 English, Damien.  
 Ferris, Martin.  
 Gilmore, Eamon.  
 Gogarty, Paul.  
 Gormley, John.  
 Hayes, Tom.  
 Healy, Seamus.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Kenny, Enda.  
 McCormack, Pádraic.  
 McGinley, Dinny.  
 McGrath, Finian.

McGrath, Paul.  
 McHugh, Paddy.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Moynihan-Cronin, Breeda.  
 Murphy, Catherine.  
 Murphy, Gerard.  
 Naughten, Denis.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Dowd, Fergus.  
 O'Keefe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Perry, John.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 Sherlock, Joe.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Upton, Mary.  
 Wall, Jack.

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

Question declared carried.

Question, "That the proposals for dealing with Nos. 25 and 28 be agreed to," put and declared carried.

**Mr. Kenny:** I suppose I will not get anywhere by telling the Ceann Comhairle that I consider the Tánaiste and Minister for Justice, Equality and Law Reform to be in breach of Article 28 of the Constitution.

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

**Mr. Durkan:** Does it not arise?

**Mr. Kenny:** It states that the Government shall be responsible to Dáil Éireann.

**Mr. English:** That is the job of the Ceann Comhairle.

**Mr. Bruton:** The Tánaiste is one to talk, given the way he shouted people down earlier.

**An Ceann Comhairle:** The House will hear questions appropriate to the Order of Business.

**Mr. Kenny:** Arising from his U-turn on the issue of home defence, which he derided when that matter was introduced by Fine Gael, will the Tánaiste say when he intends to introduce the

legislation arising from the Law Reform Commission report? When does he expect to introduce legislation dealing with the issue of sentencing, which again he rubbished until the Director of Public Prosecutions came out with his comments? As regards a report on the front page of today's *Irish Examiner*, in respect of the Mental Health Act 2001, Part 2, apparently there are serious gaps in this legislation that were known to the Government for the last four years, which will take months if not years to shore up.

**Mr. S. Power:** It is a little bit like the Opposition.

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

**Mr. Kenny:** Does the Government intend to introduce amendments to Part 2 of the Mental Health Act 2001, which is clearly inadequate, according to this report?

**The Tánaiste:** There is no promised legislation on that matter. On sentencing, the Deputy will be aware that the recently established balance in the criminal law committee is looking at that issue.

As regards the rights of home occupiers to defend themselves, the Deputy will, of course, be aware that there is no U-turn. My party colleague, Senator Morrissey, moved a Bill in the Seanad—

**Mr. Kehoe:** The Tánaiste rubbished it.

**The Tánaiste:** No, I did not rubbish it and I want to assure the House that issue will be dealt with in a responsible and sensible manner in the criminal law (miscellaneous provisions) Bill, which it is to be published in the first quarter of next year.

**Mr. Rabbitte:** I wonder who helped Senator Morrissey with that Bill in the Seanad.

Will the Tánaiste say how the Government intends to proceed on the Colley report? If the Government has decided that we are to have legislation on this matter, will he say when it is expected to come before the House?

**The Tánaiste:** Strictly speaking, legislation is not promised. That report is being considered by Government. It has been published and put into the public domain. On Friday the Government hopes to receive the report on cohabitation from the Law Reform Commission. When these two reports have been studied any legislation initiative on foot thereof will be decided on at that point by Government.

**Mr. Rabbitte:** Do I take it the Government has decided to long-finger the issue of legislating on the question of civil union?

**Mr. Howlin:** No legislation is promised.

**The Tánaiste:** No, the Deputy cannot take it that there is any long-fingering process. The Government is facing up to this issue and has requested one report, which it has put into the public domain. It is also awaiting the second report, which will be published on Friday. I suggest there is no question of long-fingering it and it will be interesting to see whether there is consensus on that side of the House on these issues.

**An Ceann Comhairle:** I am sorry, but we cannot have a debate on this.

**Mr. Rabbitte:** On the legislation, will the Tánaiste say whether it is the Government's intention to legislate on the question of civil partnership?

**The Tánaiste:** The Taoiseach has indicated that it is the Government's policy to introduce legislation to bring fairness to people who are in a relationship of the type contemplated, but the exact form that takes must await consideration of the two reports.

**An Ceann Comhairle:** We cannot have a debate on it now.

**Mr. Rabbitte:** I asked a simple question in one sentence. I was told there was no decision on legislation, in the first answer. I am now being told there is a decision on legislation.

**Mr. Howlin:** When?

**Mr. Rabbitte:** My question is whether legislation is forthcoming on this issue, and in the event, when it will come before the House.

**The Tánaiste:** The Deputy seems not to understand ordinary English. I said—

**Mr. Rabbitte:** I have a reasonable grasp of it.

**Mr. Hogan:** What arrogance.

**Mr. Howlin:** There is no legislation.

**The Tánaiste:** —no legislation was promised. I indicated the Taoiseach had said it was Government policy to legislate in this area and there is no contradiction between those two statements.

**Mr. Howlin:** Alice in Wonderland.

**Mr. Rabbitte:** I want to know what the difference is between no legislation being promised and the Taoiseach saying there is a policy to legislate? Will there be legislation or not and, if so, when is it likely to come before the House? I understand English perfectly well.

**The Tánaiste:** As the House well knows, promised legislation is not covered by the Leader of the Government saying it is intended that——

**Deputies:** It is.

**Mr. Rabbitte:** The Tánaiste is wrong, whether it is promised inside or outside the House. He is wrong.

*(Interruptions).*

**An Ceann Comhairle:** The House will hear Deputy Rabbitte.

**Mr. Rabbitte:** Does the Ceann Comhairle intend to leave a statement on the record of the House to the effect that a legislative promise, whether made inside or outside the House by the head of Government, namely, the Taoiseach, does not constitute promised legislation?

**An Ceann Comhairle:** The Chair does not intervene in the substance of Dáil debates.

**Mr. Durkan:** It was not true. What is the correct interpretation?

**Mr. Howlin:** There is a ruling and a precedent.

**Mr. Rabbitte:** What is the Ceann Comhairle's advice on this matter? It makes a complete farce of this process if I rise on a point——

**An Ceann Comhairle:** Legislation promised either inside or outside the House is covered by Standing Order.

**Mr. Allen:** The Tánaiste is wrong.

**Mr. Rabbitte:** I ask the Tánaiste, as the acting head of Government this morning, whether legislation will be forthcoming on the issue of civil union and when is it likely to be before the House?

**The Tánaiste:** I have indicated that the Taoiseach has stated it is the policy of the Government to bring forward legislation on the subject of the predicament of people who are in unions that are not recognised by the law at present.

**Mr. Rabbitte:** When?

**The Tánaiste:** I have indicated clearly and unequivocally to the House that the Government is in possession of one report on the options available to it, which it intends to study. On foot of such a study a decision will be made as to whether any or all such options will be put forward before the House in the form of legislation.

As for the other paper, namely, the Law Reform Commission's paper on the rights of cohabitants, the Government has not yet received

it and it cannot possibly make a promise to implement that report until it has seen it.

**Mr. Quinn:** Deputy Rabbitte did not ask that.

**Mr. Rabbitte:** I did not ask the Tánaiste what the legislation contained, as the Ceann Comhairle would rule me out of order. I asked whether there will be legislation within the lifetime of the Government. Can the Tánaiste answer that question?

**Mr. Quinn:** Radical or redundant.

**The Tánaiste:** It is the intention of the Government to legislate in this area. However, I wish to make it clear to Members that the scope of the legislation has not yet been decided.

**Mr. Quinn:** Deputy Rabbitte did not ask that.

**The Tánaiste:** Hence it would be absurd of me to state in the House when so-called promised legislation would come in——

**Mr. Howlin:** So-called.

**The Tánaiste:** When the Government has not——

**Ms Burton:** So-called.

**An Ceann Comhairle:** The Tánaiste, without interruption.

**The Tánaiste:** When the Government has not had an opportunity to even consider the basic components of such legislation. While Members may shout and roar about the matter, the Government intends to proceed carefully in this respect.

**Ms Burton:** So-called legislation.

**The Tánaiste:** The Taoiseach has indicated there will not be a constitutional referendum in this area and that it is his intention to deal with the matter legislatively without a referendum. However, the format, substance and thrust of the legislation has not yet been decided. It would be absurd for me to state it would be available within any particular timeframe when the Government has not yet had an opportunity to consider the issues because the second report is not available.

**Mr. Quinn:** That did not stop it in respect of stamp duty.

**Mr. Gormley:** On a point of order, in the House last week, the Ceann Comhairle told me there were no legislative proposals in this regard. Now he is stating that there may be proposals——

**An Ceann Comhairle:** The Ceann Comhairle certainly did not tell the Deputy anything like that.

**Mr. Gormley:** No, the Tánaiste and Minister for Justice, Equality and Law Reform said that last week. He stated here that there were no legislative proposals.

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

**Mr. Gormley:** What is he saying today? Are there legislative proposals or not? Last week he stated there were none.

**Mr. Howlin:** There is so-called legislation.

**Mr. Gormley:** He said it in the House.

**The Tánaiste:** A proposal is a suggestion that there will be legislation of a particular kind.

**Mr. Howlin:** Bertie speak is catching.

**The Tánaiste:** When Fine Gael and Labour agree on this matter I will be back to discuss it.

*(Interruptions).*

**Mr. Durkan:** The Taoiseach should appoint someone else to be acting leader.

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

**The Tánaiste:** Let us see them.

**Mr. D. Ahern:** The Opposition should go back to Mullingar.

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

**Mr. D. Ahern:** The Opposition Members should go back to Mullingar.

**An Ceann Comhairle:** The Chair intends to conclude the Order of Business quite soon. A number of Deputies are offering to speak and they cannot be facilitated if Members continue to interrupt.

**Mr. D. Ahern:** They appear to be talking about the Mullingar accord less and less.

**Mr. Sargent:** I wish to ask about two pieces of promised legislation.

**An Ceann Comhairle:** On promised legislation, Deputy Sargent, without interruption please.

**Mr. Sargent:** I am unsure whether the Tánaiste regards what the Taoiseach said to be absurd or whatever. However, it would be interesting to get a straight answer in this regard.

**Mr. Kenny:** The Deputy has some hope of that.

**Mr. Sargent:** I refer to a straightforward matter related to the Ceann Comhairle's decision, which I respect but regret, not to allow Deputy Cuffe's request to adjourn the Dáil under Standing Order 31. Nevertheless, promised legislation that might allow Members to confront some of the challenges in respect of climate change are listed, namely, the carbon fund Bill, due in early 2007 and the forestry amendment Bill, which is also due in 2007. Could the forestry amendment Bill precede the carbon fund Bill, although it has had its Estimates funding slashed by 3% and Ireland will only reach half of the target?

**An Ceann Comhairle:** The Tánaiste to reply on the two Bills.

**Mr. Sargent:** Will the House get serious about the——

**An Ceann Comhairle:** Other Members are offering to speak.

**Mr. Sargent:** I simply wish to know which will come first, the forestry amendment Bill or the carbon funding Bill?

**The Tánaiste:** While it is most likely that the carbon legislation will precede the forestry legislation, both Bills are scheduled for introduction next year.

**Mr. Sargent:** Back to front again.

**Mr. Crawford:** As one who had the benefit of neurosurgery in Beaumont Hospital after four months of waiting, I wish to pay tribute to all the staff concerned——

**An Ceann Comhairle:** Sorry, Deputy, I will move on to Deputy Deenihan.

**Mr. Crawford:** When will the proposed health Bill be introduced to the House, in order that Members can have a full debate on the situation?

**An Ceann Comhairle:** The Tánaiste, on the health Bill.

**Mr. Crawford:** When will the proposed coroners Bill be introduced to the House?

**The Tánaiste:** It is intended to introduce the health Bill early in the next session and to give it priority.

**Mr. M. Higgins:** I refer to the proposed broadcasting authority of Ireland Bill, which is listed for 2006. When will this Bill be brought before the House?

**The Tánaiste:** The heads of the Bill were approved by the Government in July 2006. While it is at drafting stage at present, I am not in a



[The Tánaiste.]

position to indicate exactly when it will be published. However, an on-line consultation process is under way in conjunction with the drafting of the Bill along the approved lines.

**Mr. M. Higgins:** Will it be within the Government's lifetime?

**Caoimhghín Ó Caoláin:** Human trafficking is a serious and growing problem within the EU, causing misery in the lives of tens of thousands of people. There is an EU directive designed to combat this very serious problem to which this State has yet to sign up. What is the position with the proposed criminal law, trafficking and sexual offences Bill? When will it be published? There are concerns it will not go far enough in terms of providing sufficient protection.

**An Ceann Comhairle:** The Deputy cannot discuss the content of legislation. The Tánaiste, on the legislation.

**Caoimhghín Ó Caoláin:** The only reason I mention that is to ask whether there will be a further Bill to cover the protection——

**An Ceann Comhairle:** The Deputy should allow the Tánaiste to answer his question.

**Caoimhghín Ó Caoláin:** Yes, but my question is will there be further legislation, apart from the Bill I have already mentioned——

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

**Caoimhghín Ó Caoláin:** ——that will address the issue of the protection of victims? When will the promised legislation come before the House?

**The Tánaiste:** I am informed that the legislation in question will be published early in the new year. Moreover, it will deal with the issue of the protection of victims and will deal with issues such as grooming of potential victims.

**Mr. Deenihan:** Six months have elapsed since the publication of the Dalton report on the doping scandals in Bord na gCon. Will the report be discussed in the House? Although it was extensively leaked to the media before its publication, it was never discussed in the House.

**An Ceann Comhairle:** Was a debate promised in the House?

**Mr. Deenihan:** Legislation is promised. I introduced a Private Members' Bill that was rejected by the Government, which then promised to bring forward its own legislation.

**An Ceann Comhairle:** The Deputy has made his point and should allow the Tánaiste to answer.

**Mr. Deenihan:** When will the legislation be introduced? Will the report be discussed in the House?

**The Tánaiste:** Deputy Deenihan is correct. Legislation has been promised to give effect to the recommendations of the Dalton report and it is scheduled for publication in 2007.

**Mr. Costello:** Does the Tánaiste propose to introduce legislation to regulate the adult entertainment industry?

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

*(Interruptions).*

**The Tánaiste:** It is appropriate to have a Noise Bill before the House today. However, entertainment is provided without legislation in this House.

**A Deputy:** We will wait until after May.

**Mr. Connolly:** In respect of the Teamwork report and the authors' complete disagreement with the method of implementation——

**An Ceann Comhairle:** Sorry, Deputy, it does not arise. I call Deputy Kehoe.

**Mr. Connolly:** It does arise. I simply want the Tánaiste to catch my drift. The authors completely disagree with the method of implementation.

**An Ceann Comhairle:** Does the Deputy have a question——

**Mr. Connolly:** I refer to the withdrawal of services. The difficulty is——

**An Ceann Comhairle:** ——appropriate to Standing Order 26?

**Mr. Connolly:** It is appropriate.

**An Ceann Comhairle:** What is the Deputy's question?

**Mr. Connolly:** The withdrawal of services prior to alternative, safer services being put in place——

**An Ceann Comhairle:** It does not arise. I call Deputy Kehoe.

**Mr. Connolly:** It does arise——

**An Ceann Comhairle:** I am sorry to be obliged to rule the Deputy out of order. I call Deputy Kehoe.

**Mr. Connolly:** ——under the health Bill.

**An Ceann Comhairle:** It does not arise.

**Mr. Connolly:** I believe this is a pilot project for the nation. It is most important to get this right in the north east.

**An Ceann Comhairle:** It does not arise. The Deputy should raise the matter in other ways.

**Mr. Connolly:** The Tánaiste is here to answer this question.

**An Ceann Comhairle:** The Chair did facilitate Deputy Connolly on the Adjournment on the same issue.

**Mr. Connolly:** Will it come under the health complaints Bill?

**An Ceann Comhairle:** Sorry, Deputy. I call Deputy Kehoe.

**Mr. Kehoe:** The Tánaiste referred this morning to Government policy regarding civil union. While he is on Government policy, is it Government policy to reduce stamp duty?

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

**Mr. Kehoe:** He would like to answer, a Ceann Comhairle.

**An Ceann Comhairle:** Deputy Kehoe, you are being totally disorderly.

**Mr. Broughan:** When will the Indecon report on Ireland's natural resources be published and will legislation follow? On the electronic communications miscellaneous provisions Bill, I understand the Minister, Deputy Noel Dempsey, is in Hanoi studying the broadband system. I wonder if the Government intends to bring forward the communications Bill before the end of this Dáil.

**Mr. Howlin:** By rickshaw.

**Mr. Durkan:** The Tánaiste could call him on the Tannoy.

**An Ceann Comhairle:** The Tánaiste on legislation.

**The Tánaiste:** Deputy Broughan must put down a question on the Indecon report to the relevant Minister. I am not in a position to reply to that. The electronic communications miscellaneous provisions Bill will be published this session. I remind the Deputy that Hanoi is not that far from Pyongyang where some of his colleagues used to visit regularly.

**Mr. Durkan:** It could be reached by Tannoy.

**Mr. Howlin:** I have two questions for the Tánaiste. First, as a member of the Joint Committee on Child Protection, he will be aware that it is proposed to publish an important Oireachtas joint committee report on child protection tomorrow. Under the provisions of the Official Languages Act 2003, will it be required to have that report translated into Irish? Would it be lawful to publish it without a tuairisc Gaeilge available?

Second, on the matter raised by Deputy Rabbitte, I remind the Tánaiste that on 14 June last the Taoiseach told the House he would certainly not rule out the possibility that we could at least start, if not complete, a legislative process over the winter.

**An Ceann Comhairle:** What is the question appropriate to the Order of Business?

**Mr. Howlin:** We already discussed the matter. I am clarifying it. I am asking the Tánaiste if he is aware the commitment to start the legislative process on civil unions was given to the House by the Taoiseach on 14 June last.

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

**Mr. Rabbitte:** Can we get the answers?

**Mr. Howlin:** The normal way is that the person answers, as well as ducks, questions.

**Mr. Rabbitte:** We are not here for the fun, as the Ceann Comhairle will be aware.

**The Tánaiste:** I presume a committee of this House is master of its own affairs and that it can issue what it wishes.

**Mr. Howlin:** The Tánaiste is a member of the commission.

**The Tánaiste:** I am not here to state what the Oireachtas Commission can do with the report or whatever, or whether it must publish it bilingually.

**Mr. Howlin:** It is not the Oireachtas Commission.

**The Tánaiste:** That is not my function. That is the committee's issue, not mine.

On the second matter, as Deputy Howlin will be well aware, the legislative process involves, first, under Cabinet handbook provisions, that a scheme must be prepared based on a policy consideration of the issues involved and when that scheme is prepared it is brought to Government for liberty to draft a Bill. When the Bill is then drafted—

**Mr. Howlin:** The election will be over.

**The Tánaiste:** —it comes to Government in its draft form and then a decision is made to publish it.

**Mr. Kenny:** Senator Morrissey's was drafted fairly fast.

**Mr. Howlin:** Will the Tánaiste see that this is a priority?

**The Tánaiste:** The Deputy will appreciate that this is momentous stuff and that I have not heard anybody in this House state he or she has an instant answer to all of these issues. It is a matter on which we must proceed carefully, but I point out that this Government is the first in the history of the State to say it proposes to legislate in this area.

**Mr. Howlin:** Not the first parties.

**Ms Burton:** I want to ask the Tánaiste and Minister for Justice, Equality and Law Reform about the promised review of security at private airports and the question of drugs being smuggled. We were promised that the review would be available this week. Is it the intention of the Government to publish it and will there be provisions in the Criminal Justice (Miscellaneous Provisions) Bill to which he referred earlier to deal with this issue? As Minister, he is probably aware the west side of Dublin is awash with drugs—

**An Ceann Comhairle:** That does not arise. Is legislation promised?

**Ms Burton:** I want to know if the review will be published.

**An Ceann Comhairle:** We cannot debate it. If the Deputy wants to raise other issues, there are many ways the Chair will facilitate her.

**Ms Burton:** I have been promised twice that the review would be issued this week.

**An Ceann Comhairle:** When a report is published, unless it is promised in the House, it does not arise.

**Ms Burton:** Has the Minister seen the review on private airport security?

**The Tánaiste:** I stated in the House that it was my intention to have the area of private airports reviewed. I did not promise in this House that I would publish something in the next week or two.

**Ms Burton:** On a point of order, it is the Minister for Finance, who initiated the review, who told me in the House the review would be available this week.

**An Ceann Comhairle:** I suggest Deputy Burton submit a question to the Minister for Finance.

**The Tánaiste:** If Deputy Burton asks the Minister for Finance about it, he will deal with it.

**Ms Burton:** Does the Tánaiste not talk to the Minister for Finance? I presume this was a Government decision.

**An Ceann Comhairle:** I call Deputy Durkan. Sorry, Deputy Burton, we want to move on.

**Ms Burton:** I am entitled to an answer.

**An Ceann Comhairle:** There is a colleague of yours waiting patiently and we would like to facilitate her.

**Ms Burton:** This is a matter of life and death—

**An Ceann Comhairle:** Yes, Deputy, and that is the reason the Deputy should raise it in a proper way in this House.

**Ms Burton:** —for communities in Dublin under a plague of drugs. Can we have the courtesy of an answer?

**An Ceann Comhairle:** The Chair would facilitate the Deputy raising it.

**Ms Burton:** Can we have the courtesy of an answer from the man who knows everything and does not know anything about drugs coming into private airports?

**An Ceann Comhairle:** Deputy Burton, I would ask you to resume your seat. I call Deputy Durkan.

**Ms Burton:** Could we have the courtesy of an answer?

**An Ceann Comhairle:** If the question is appropriate to the Order of Business, the Deputy will be heard. If it is not, I suggest she raises another way.

**Ms Burton:** A Cheann Comhairle, I asked the Tánaiste is there a proposal to legislate in the Criminal Justice (Miscellaneous Provisions) Bill, which he stated earlier was coming up after Christmas.

**An Ceann Comhairle:** Is legislation promised? I ask Deputy Bruton to resume her seat and—

**Ms Burton:** Could we have the courtesy?

**An Ceann Comhairle:** —and not interrupt.

**The Tánaiste:** If the Deputy had been listening earlier, I stated that the Criminal Justice

(Miscellaneous Provisions) Bill would be introduced early next year.

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

**Ms Burton:** Yes. Will that legislation relate to it?

**An Ceann Comhairle:** Allow Deputy Durkan without interruption, please.

**Mr. Durkan:** I ask the Tánaiste this time, in his role replacing the Taoiseach,——

**An Ceann Comhairle:** I ask the Deputy to come straight to the legislation.

**Mr. Durkan:** I am coming straight to it but I must clear my throat, which the Tánaiste is wont to do as well from time to time. Could I ask him if the postal services miscellaneous provisions Bill, which was promised——

**An Ceann Comhairle:** That was asked by Deputy Durkan and answered yesterday.

**Mr. Durkan:** I am asking again today.

**An Ceann Comhairle:** The Deputy is taking up valuable time in the House.

**Mr. Durkan:** The Tánaiste has been known to change his mind——

**An Ceann Comhairle:** The Tánaiste, on the postal services miscellaneous provisions Bill.

**Mr. Durkan:** ——and I am asking if the Bill will be reintroduced to the Order Paper to allow a much needed debate on the post office system and services.

**An Ceann Comhairle:** Allow the Tánaiste answer the question.

**The Tánaiste:** As the Deputy has been told on a number of occasions, that Bill has been withdrawn. It is not promised legislation.

**Mr. Durkan:** Could the Tánaiste promise it again?

**An Ceann Comhairle:** Deputy Shortall has been waiting patiently.

**Ms Shortall:** Last week the NRA pointed out that land acquisition costs amount to 23% of the total roads budget. In this House, on several occasions over the past couple of years, the Taoiseach has promised to introduce legislation to allow the State to CPO land at use value. Is it still the Government's intention to do that and if so, when can we expect to see the legislation published?

**The Tánaiste:** I do not think there is promised legislation of that kind.

**Ms Shortall:** The Taoiseach has promised to deal with it, particularly in the context of the spirally house prices. He has promised to legislate, on foot of a Bill brought forward three years ago by Deputy Gilmore and on foot of the recommendation of the All-Party Committee on the Constitution.

**Mr. Rabbitte:** The Tánaiste is horrified.

**The Tánaiste:** I do not believe there is a promise to legislate.

**Ms Burton:** There was.

**An Ceann Comhairle:** We cannot have a debate on it now.

**Ms Shortall:** Maybe the Tánaiste could clarify if the Government has any proposals to tackle this issue of the escalating cost of land acquisitions for public projects.

**An Ceann Comhairle:** The Tánaiste has answered the question, stating that he is not aware of any legislation promised.

**Mr. Rabbitte:** Was the Taoiseach just spoofing then?

**An Ceann Comhairle:** I would suggest Deputy Shortall to submit a question to the Minister concerned.

**Ms Shortall:** The Taoiseach gave a promise on a number of occasions here in the House.

**An Ceann Comhairle:** Moving on to the Private Members' Bill, No. 10a, Road Traffic (Amendment) Bill 2006 — First Stage, Deputy Sargent is not here.

### Supplementary Estimates 2006: Leave to Introduce.

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

That leave be given by the Dáil to introduce the following Supplementary Estimates for the service of the year ending on the 31st day of December, 2006:

Vote 1 — President's Establishment (*Supplementary Estimate*).

Vote 18 — Office of the Ombudsman (*Supplementary Estimate*).

Vote 19 — Justice, Equality and Law Reform (*Supplementary Estimate*).

Vote 20 — An Garda Síochána (*Supplementary Estimate*).

[Mr. McDowell.]

Vote 21 — Prisons (*Supplementary Estimate*).

Vote 22 — Courts Service (*Supplementary Estimate*).

Vote 26 — Education and Science (*Supplementary Estimate*).

Vote 30 — Communications, Marine and Natural Resources (*Supplementary Estimate*).

Vote 32 — Transport (*Supplementary Estimate*).

Vote 35 — Arts, Sport and Tourism (*Supplementary Estimate*).

Vote 37 — Army Pensions (*Supplementary Estimate*).

Question put and agreed to.

**Supplementary Estimates 2006: Referral to Select Committee.**

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

That, subject to leave being given to introduce the following Supplementary Estimates for the service of the year ending on 31st December, 2006, the Supplementary Estimates be referred to the following Select Committees pursuant to Standing Order 152(3) and paragraph (1)(a)(ii) of the Committees' Orders of Reference, which shall report back to the Dáil by no later than 12th December:-

Vote No. 1 — President's Establishment (*Supplementary Estimate*) — Select Committee on Finance and the Public Service.

Vote No. 18 — Office of the Ombudsman (*Supplementary Estimate*) — Select Committee on Finance and the Public Service.

Vote No. 19 — Justice, Equality and Law (*Supplementary Estimate*) — Select Committee on Justice, Equality, Defence and Women's Rights.

Vote No. 20 — Garda Síochána (*Supplementary Estimate*) — Select Committee on Justice, Equality, Defence and Women's Rights.

Vote No. 21 — Prisons (*Supplementary Estimate*) — Select Committee on Justice, Equality, Defence and Women's Rights.

Vote No. 22 — Courts Service (*Supplementary Estimate*) — Select Committee on Justice, Equality, Defence and Women's Rights.

Vote No. 26 — Education and Science (*Supplementary Estimate*) — Select on Education and Science.

Vote No. 30 — Communications, Marine Natural Resources (*Supplementary Estimate*) — Select Committee on Communications, Marine and Natural Resources.

Vote No. 32 — Transport (*Supplementary Estimate*) — Select Committee on Transport.

Vote No. 35 — Arts, Sport and Tourism (*Supplementary Estimate*) — Select Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs.

Vote 37 — Army Pensions (*Supplementary Estimate*) — Select Committee on Justice, Equality, Defence and Women's Rights.

Question put and agreed to.

**Electoral (Amendment) Bill 2006: Report Stage (Resumed) and Final Stage.**

Bill again recommitted in respect of the following amendment:

No. 28a. In page 11, between lines 17 and 18, to insert the following:

“11.—(1) The Table to Rule 1 (4) of the Second Schedule to the Act of 1992 is amended as respects, and only as respects, the preparation of the register of electors which comes into force immediately following the register in force at the date of coming into operation of this Act, by substituting—

(a) in paragraph 7, “9th December” for “25th November”,

(b) in paragraph 8, “12th December” for “30th November”, and

(c) in paragraph 9, “12th January” for “23rd December”.

(2) In this section “preparation”, in relation to the register of electors, includes any relevant act in relation to the register mentioned in the Table to Rule 1 (4) of the Second Schedule to the Act of 1992.

(3) This section shall be deemed to have come into operation on 25 November 2006.”.  
—(Minister for the Environment, Heritage and Local Government).

**An Ceann Comhairle:** We resume the debate on amendment No. 28a, to conclude within one hour. The Minister for the Environment, Heritage and Local Government, Deputy Roche, was in possession. Amendment No. 28a is being discussed with amendments Nos. 30a and the amendment to amendment No. 30a, on recommitment. Had the Minister concluded his contribution?

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I was just about to finish, a Cheann Comhairle. In fact, I manfully delayed matters because I knew Deputy Gilmore

wanted to talk on the issue covered by his amendment. I support the spirit of his amendment and I am trying to strengthen it somewhat. As regards amendment No. 28*a*, the nub of the issue is that we are allowing additional time for councils to complete their work on the electoral register for 2007-08. We are also allowing members of the public more time to return their registration forms to city councils. The effect will be that councils will have until 2 January to complete their work and the public will have an extension until 9 December to return forms that were sent to them in the earlier part of November. The amendment provides a new timetable and, as I have already explained to the House, the new timetable arises from the reality that there is a flexible arrangement within the existing legislation where all the dates are set out.

On amendment No. 30*a*, I am happy to accept the underlying proposals that local authorities should be able publicly to make available lists of persons listed on the current register but who are not listed on the draft register. These are the lists of deletions. Many local authorities had already done that but, as Deputy Gilmore has pointed out, a number of Labour and Sinn Féin Members were refused the deletion list. That was an inappropriate decision and to put the matter beyond any doubt I accept the spirit of the Labour Party amendment. I have, however, had the amendment examined by the Parliamentary Counsel, as I promised I would do. My amendment seeks to retain much of the proposed language, while improving the text by, first, keeping more closely to the legal language already included in the Second Schedule of the 1992 Act and, second, by not confining publication of the list to before the closing date for submission times, as regards claims for correction. In other words, I am not confining it to 25 November. It is prudent that the list should be available. Effectively, therefore, I am opening the matter up beyond what the Deputy sought to do. I believe it was imprudent of councils not to make the list available. That list would have been available under the Freedom of Information Act anyhow and it should have been done speedily by councils. I am pleased to accept the spirit of Deputy Gilmore's amendment but I have inserted some additional text. I commend both amendments to the House.

**Mr. Gilmore:** I wish to express my appreciation to the Minister for holding the fort yesterday when I was unavoidably absent and, thus, unable to move amendment No. 30*a*. I wish to speak to that amendment now, however, along with the others being taken with it. For some time, the Labour Party has sought an extension to the deadline for people submitting amendments to the draft register. Given the problems that arose in compiling the new register, we argued that the 25 November deadline provided insufficient time for people to respond. This was particularly so as some local authorities had not managed to notify

those whose names had been deleted from the register and, therefore, such people would not have enough time to respond. I proposed an amendment along these lines on Committee Stage three or four weeks ago. It is a pity it was not accepted at the time and that the date was not extended then. I welcome the fact that it is now proposed to extend the date to 9 December.

There is a case for extending it beyond 9 December. At a practical level, that could be done because work will continue on this process up to Christmas and beyond. In that context, there is probably some latitude that could allow for the date to be extended. It would be necessary to extend the deadline arising from the Minister's effective acceptance of the amendment I propose on behalf of the Labour Party in respect of data protection issues.

As the Minister is aware, the data protection issues arose from requests made by Members of the House to local authorities to supply the list of deletions from the draft register. Given the time constraints involved, this was a means of quickly cross checking the list of deletions with local information available to Members of the House and others active in the political process. Some local authorities refused to supply that list of deletions. In the case of my local authority, I was told that the computer would crash if it had to print the list of deletions. In the case of South Dublin County Council, the response given to my party leader was that there was an issue in respect of the Data Protection Acts. For purposes of clarification, the response given by the local authority through the Data Protection Commissioner in that case in a letter to Deputy Rabbitte, dated 23 November, stated:

In our advisory role we were approached on the issue of the provision of lists of persons who were on the old electoral register and not on the new draft register. Following various contacts, we provided the following advice in an email to South Dublin County Council:

There is no data protection difficulty with an elected representative pursuing queries in relation to the status of individual persons on the electoral register if doing it on their behalf and, thereby, the consent of the person in question will legitimise the making available of the information. Equally, there is no problem with an elected representative pursuing queries in relation to blocks of houses in a particular area that are no longer on the register, as this is aggregate data and there is no personal data involved. We also see no difficulty with supplying an electronic copy of the draft register, as is, and the previous current register to the elected representative for electoral purposes. As you have explained, you had already done this as this is standard practice. This would be as opposed to actually processing the two registers themselves and producing an extract of

[Mr. Gilmore.]

names that are no longer on the draft register, as this could give rise to data protection implications.

In the course of the letter the Data Protection Commissioner also stated, "Our concern relates to those individuals who deliberately choose not to be included on the register. We believe, and nobody has argued against this, that their choice must be respected". The commissioner went on to explain that the purpose of the decision was to protect the rights of those people who chose not to be on the electoral register, and that this is where the issue of data protection arises. He went on to state that this was an issue the Oireachtas might wish to address. The Oireachtas is now addressing it. We are making a change in the law, as proposed by the Labour Party and accepted by the Minister, whereby the data protection legislation will be changed to allow for the issue of lists of deletions from the old register to those who seek them, and it will not contravene the Data Protection Act.

Earlier, I drew attention to another practical issue which arises from that situation. We will complete Report Stage of this Bill within the next hour. Following the enactment of the new electoral Act there will be no legal impediment on local authorities from issuing the list of deletions.

I anticipate that practical difficulties will continue and I will be interested to see the direction given by the Minister for the Environment, Heritage and Local Government, Deputy Roche, to local authorities on this matter. Even if the word goes out to local authorities this evening that they can issue the list of deletions, the deadline of 9 December will be upon us by the time we receive it and deal with it. Given our actions on the issue of the list of deletions I ask the Minister to reconsider the deadline as I think it could be extended to Christmas, for practical purposes, without causing major upheavals in how the register is compiled and without interfering with the deadline of 15 February.

The work on the compilation of the register will continue until the new register is produced and I do not think an extension of the deadline of 9 December to the beginning of Christmas week will cause the practical difficulties the Minister might previously have envisaged. An extension would allow everyone to make use of the list of deletions in the most effective way possible.

The second issue to arise from the amendment is the question of people opting not to be on the electoral register. There is an assumption, made by the data protection commissioner, the Minister and the Department, that there is a right to opt out of the electoral register and I question this. Historically, voting rights were related to property rights and the local authority had a list of rate payers who were, in turn, the voters. That is how local authorities came to compile the electoral register in the first place. There was no basis

in law for people to opt not to pay rates at that time and I can find no legislative basis for people to opt out of the electoral register. My interpretation of the electoral Acts is that there is a positive responsibility on the registration authorities to register people. The law does not support the Taoiseach's assertion that it is up to individuals to ensure they are on the register. The registration authorities have an obligation to register people. I will be interested to hear the Minister's response on this matter.

On the issue of data protection, some local authorities, when compiling the draft register, removed people who did not respond to the letters and the callers to their doors. Other local authorities, including that in my area, Dún Laoghaire-Rathdown County Council, chose not to take that route unless there was actual evidence that a person was no longer at a particular address. Can a local authority remove a person from the register without firm evidence that the person wishes to be removed?

I am concerned that some local authorities compiled the draft register on the basis of responses they received. People will check the draft register and be satisfied that they are on it without having replied to the earlier correspondence issued by the local authority. Now the local authority may, on the basis of the earlier correspondence, remove such people from the register. This would create a triple jeopardy for people in such a situation. I want the Minister to give a clear direction to local authorities that unless concrete evidence exists that a person on the draft register is no longer where he or she was, his or her name should not be removed. This concrete evidence would include a request from a person wishing to have his or her name removed or evidence that a person has moved to a new address.

People have contacted me recently expressing their concerns that they may not have returned the relevant form to the council and that their names did not appear on the register website. When I check the hard copy of the draft register they are often on it and, in such circumstances, I assure them that they have nothing to worry about. People have been encouraged to check the draft register, they are reassured on seeing their names on it and these names should, therefore, not be removed. A direction should be given to local authorities not to create an entirely new problem by removing people from the draft register who have already checked they are on it.

**Mr. Roche:** Deputy Gilmore and I have discussed his important final point privately. I do not share the optimism, trumpeted in the press, of the Chairman of Dún Laoghaire-Rathdown County Council that somehow the system operated there is superior to everywhere else. Deputy Dan Boyle made the point yesterday that it would be preferable if all councils operated on the same basis and that is why consolidated guidelines were issued.

Legal responsibility for producing the register lies with the councils, as Deputy Gilmore indicated. His point is important because if Dún Laoghaire-Rathdown County Council intends to delete people from the register it will be compelled to give written notice. This is specific to Deputy Gilmore's constituency so I will send a note in this regard to the council if it would be of assistance. The Deputy is correct and that is why significant trouble was taken earlier this year to circulate and consolidate the draft guidelines. The guidelines were not produced merely to kill a few hours, they were produced because it was not right that local authorities should adopt a *laissez-faire* attitude, taking different approaches to compiling the register. That is an opinion I frequently expressed in this House. Responsibility for the draft register lies with local authorities, nonetheless it should be done in a coherent fashion.

I will ensure, in communicating with Dún Laoghaire-Rathdown County Council, that the obligation to write to a person before deleting him or her from the register is made clear. This is an obligation contained in the guidelines that every other council has fulfilled. The double jeopardy outlined by Deputy Gilmore could become a reality if Dún Laoghaire-Rathdown County Council enters the electoral court with a list of people to be excluded from the register. That council will have to do what every other council has done and deal with its own special arrangements which have been trumpeted up and down the country as better than every other council's. At least every other council tried to abide by a single, common set of rules and it would have been more prudent had Dún Laoghaire-Rathdown County Council also done so.

I was anxious to allow Deputy Gilmore make his contribution because I accept that both Deputies Crowe and Rabbitte were refused access and I accept that both Members were trying to facilitate the democratic process of registration. This is something I normally find praiseworthy and I was surprised at the adjudication, to put it mildly. To ensure the adjudication goes beyond doubt we are accepting an amendment that goes somewhat further than Deputy Gilmore's original amendment.

On the issue of date, we can make it very clear in the communications that go to councils that, having sent out the deletions list and having undoubtedly received much contact from Members of this House, the other House and councillors, they cannot simply ignore them. The councils have until 2 January, and that is the latest date to allow them to make changes. I will make clear to councils that they must take cognisance of the communications they receive from Members of the Houses and members of the public before 2 January 2007. This will address the concern raised by Deputy Gilmore that local authorities will be required, when doing their back office work, to take on board specific issues raised with them.

The Data Protection Commissioner's adjudication was interesting because it specifically referred to the names of people living in certain blocks of houses being deleted from the register. As I noted last night, when Deputies Gilmore and O'Dowd were detained by other business elsewhere, the guidelines we issued earlier this year specifically requested local authorities to ensure they check their data when deleting the names of tenants of social and council housing estates. It makes no sense for a local council to remove Mr. X and Mrs. X from the electoral register if it collects rent from them a few days later and it is clear from the council's accounts that they live in the property in question. If a council is able to send persons a bill, it should not delete their names from the register because they were not at home on the night the enumerator called. I issued a circular letter to local authorities on this matter because I was concerned, having reviewed my local register, that a hard hand appeared to have been used at one or two estates where council officials and I knew people were resident.

I have asked councils to observe the spirit of the House's decision and ensure their officials, rather than adopting a jobs worth attitude, apply a degree of common sense. My amendment goes further than Deputy Gilmore's amendment as it provides that local authorities will have until 2 January to make adjustments to the electoral register. As part of this process, they must be cognisant of views expressed to them in communications. Most local authorities are doing precisely that.

Given that all local authorities operate a common system established by the Local Government Computer Services Board, I fail to understand how an authority can argue that the whole system will crash if it seeks to generate a list of deletions. I expect local authorities to respect the letter and spirit of the House's decisions. Deputies have voiced suspicions that some local authorities have been shy in sending out the deletion list because it could highlight deficiencies in their fieldwork. My support for sending out a deletions list is specifically to ensure consistency in the fieldwork, show up any glaring anomalies that may arise and make certain that the efforts of local councillors and Members and would-be Members of the Oireachtas to facilitate democracy are supported in every possible way by councils.

The Department will communicate Deputy Gilmore's valid concerns, which I share, with Dún Laoghaire-Rathdown County Council. I will also ensure that all councils pay respectful attention to submissions they receive from public representatives and members of the public. They will have until 2 January to make adjustments. As it is not necessary to change the 9 December deadline, I ask the Deputy not to press his amendment.

**Mr. O'Dowd:** The problem with the Minister's proposal in amendment No. 28a to extend the



[Mr. O'Dowd.]

timeframe by two weeks is that the period in question includes the Christmas holiday. As a result, the additional time available to local councils will probably be just one week. The only date not being changed is the date on which the final register must be published. This means no additions may be made to the register in the 19-day period between the deadline by which county registrars must complete their work and the date of publication of the register. This interregnum, which will be used exclusively for printing, provides a window of opportunity for the Minister to extend the deadline.

The deadline for the register is 1 February, while the final document is to be issued on 15 February. Why not postpone the publication date for the final document until 1 March?

**Mr. Roche:** As I indicated last night, I do not anticipate that a general election will be held between 15 February and 1 March 2007. We would be in odd territory if we did not have a valid electoral register. I am not taking a hard-nosed position on this matter. It would create a bad precedent to extend the 15 February deadline. It is important to have a voting register. I do not disagree with the Deputy on the general issue that specifying a series of dates in primary legislation creates inflexibility.

**Mr. O'Dowd:** The Minister's amendment proposes to change them.

**Mr. Roche:** In the Deputy's absence last night I indicated my approval of his proposal to have a rolling register. The amendment makes a specific change which applies to this year only. I am not being bloody-minded on this matter and I ask Deputies to accept my bona fides. If it had been possible to make further changes to the dates, I would have done so.

**Mr. O'Dowd:** Why will the Minister not reduce by seven days the 19-day interregnum by extending the 2 February deadline by a week. He would still meet the 1 March deadline.

**Mr. Roche:** In normal circumstances county registrars would be able to start their work on 23 September. The time available to them is already truncated. Councils will have to work hard because, as Deputy Gilmore pointed out, if substantial changes are required after the register is signed off, some process will have to be observed. It would not be wise to change the deadlines as the local authorities have more than adequate time to do their work. One or two of them have incorrectly argued that I am making life difficult for them.

**Mr. O'Dowd:** Allowing for the holiday period, the extension of the deadline by two weeks will leave just seven additional working days. For this

reason, the Minister should extend the 12 January deadline to 19 January to enable the county registrars to add further names to the register. The Electoral Act 1992 gives the Minister and county registrars powers to extend the deadline for completing the electoral register. Is it open to county registrars to use the power available to them under the legislation to extend the deadlines set by the Minister?

**Mr. Roche:** No, for the good reason that county registrars must comply with the dates prescribed. They do not have the facility to ask for an extension. The mechanism to trigger an extension was available to councils.

**Mr. O'Dowd:** No, it is available to county registrars.

**Mr. Roche:** No.

**Mr. O'Dowd:** I ask the Minister to seek clarification on the matter from his officials. I understand the 1992 Act allows the Minister and county registrars to extend the timeframe. If a registrar asks for a timeframe to be extended, the request is automatically granted. The registrar does not need to refer to anyone else once he forms the opinion that an extension is required. This power is available to him under an emergency provision in the legislation.

**Mr. Roche:** I am assured that is not the case. However, the issue highlights the inflexible position in which we find ourselves. As I stated before the Committee on Environment and Local Government when Deputies Gilmore and O'Dowd asked me about extensions, it is open to me to accede to a local authority's request for an extension.

**Mr. O'Dowd:** The Minister has done precisely that.

**Mr. Roche:** That is not quite correct. I am not quibbling, this is significant. Under the legislation, there was a mechanism that would apparently allow the Minister to trigger an extension at the request of a local authority. In 1997, Monaghan County Council found itself in difficulties and the dates were changed, by coincidence to dates roughly the same as those I now propose. When we discussed this in the committee, my advice was that we could do that but a general change would require primary legislation.

In more recent years, there was a court case on Carrickmines and the judgment stated that a Minister should not use his powers to make regulations to amend primary law. That causes difficulties here because the 1992 Act imprudently specifies the dates in a table in the Schedule to the Act.

**Mr. O'Dowd:** I do not understand what the Minister is saying. I am interested in the county registrar's position in the Act.

**Mr. Roche:** The county registrar cannot trigger anything beyond those dates. He has no more discretion than me.

**Mr. O'Dowd:** Nevertheless he has special powers to extend the time in his administrative area if he wishes.

**Mr. Roche:** He does not, he has the opportunity to amend the register. On election day, a voter might arrive at the polling station to vote only to be told he cannot vote because his name is not on the register. He can then say to the polling clerk that his name was on the proof register when he checked it. The polling clerk can check that and then contact the registrar who can say the person can vote. That is not the same as a general right of extension. The registrar has no rights above and beyond those of the Minister. The judgment on Carrickmines strictly curtailed the Minister's rights. Our electoral law has traditionally been framed by specifying dates and that causes inflexibility.

The Deputy wants to ensure the maximum possible time for all these changes. The timeframe has been extended until 2 January, which involves the Christmas and holiday periods. That is why a few years ago changes were made to restrict the timeframes to November. It is a major task. After the registrar signs off, it is a major undertaking to get the registers printed and distributed between 12 January and 1 February.

**Mr. O'Dowd:** I do not think it is.

**Mr. Roche:** My advice is that it would not be possible to do it any faster.

**Mr. O'Dowd:** That is where the opportunity exists. Modern technology allows for the transfer of information held on databases and most of the work is already done. The further period could be usefully examined.

**Mr. Roche:** I am not being difficult, I have always said that when anyone made a request I would be flexible but I have been strongly advised against doing this.

Deputy Gilmore made a good point that there are Members of this House, Deputy Crowe is one of them, who have not had access to the deletion list. I expect that if that is the case, any submissions Deputy Crowe makes up until 2 January will be respectfully treated as an attempt to ensure the democratic process is properly observed. I will capture that thought in correspondence with the council. That is as facilitative as I can be.

**Mr. Morgan:** I support both amendments as they will deal with the issue of access to proper

data for legitimate reasons and ensure that constituents all have their place on the register of electors. I also support the notion mentioned by the Minister of a rolling register. It would be particularly useful because society has changed so much from the times when people were in the one location for most of their lives. Clearly those days are gone and the prospect of a rolling register has a much greater appeal.

Perhaps while we work out how such a register can be established, we could deal with the present situation through the supplementary register, which at present is quite arbitrary. Names are submitted that are then held in private by the registrar. The registrar considers the applicants and neither they nor their public representatives have any input into the decision made by the registrar. By the time a person finds out if he or she is on the supplementary register, it is too late to do anything about it. It is unlikely that someone will seek a judicial review for the sake of his name appearing on the register of electors and that makes it arbitrary.

Until the establishment of a rolling register, we could deal with this crisis by making the arbitrary position of the supplementary register more accountable. The registrar could issue a draft supplementary register before the election. Issues may arise because of security concerns about those who want to go on to the supplementary register but anyone on that register could be vetted going into the polling booth. At the moment it is proposed that one person in four will be checked but 100% of those on the supplementary register could be checked for identification to ensure everything is in order.

Consideration should be given to this because the supplementary register is a safety net that could deal substantially with the genuine concerns raised by people on all sides of the House.

**Ms C. Murphy:** I got a copy of the deleted list and the numbers who must be visited are frightening. That job will fall to those in political parties or supporters of Independents.

With the best will in the world, we will not be able to get to the people who are on the deleted list. It is not the be all and the end all but it is important and I find it useful. I have the register available in my constituency office and I have put a note in the window to that effect and callers are arriving every day. People are interested enough to check the register when it is made easy for them. I accept the Minister's point that he would expect local authorities to act in the spirit of what is intended.

Deputy Morgan made a point similar to one I made last night about the supplementary register. Some locations do not have Garda stations or 24-hour Garda stations and it is therefore not that easy to have the supplementary form counter-signed in a Garda station and it will not happen in many cases. The lack of a deadline means people are less inclined to deal with the form.

[Ms C. Murphy.]

Most of the names on the supplementary register are signed up in the weeks preceding a general election. More could be done with regard to the supplementary register. The request for 100% identification from those on the supplementary register is a means of ensuring those on the register are eligible, authentic voters. A rolling register could be created even if this is not the best way of doing it.

The on-line system of checking the register can be problematic. I know of a person who spells their name in Irish and this was not recorded on the system because the fada had been omitted, even though the name was entered in the hard copy of the register. The on-line list is very sensitive and it is not being updated as people are added. This is understandable as there must be a system for determining whether people are eligible to vote. However, people cannot be certain that amendments have been made. Constituents have asked me to check and double check whether they have been put back on the register. Some scope for flexibility must be made available within the on-line system than is the case at present. Another constituent has a waiver for bin charges from the local county council and is on the housing waiting list but was deleted from the register. This goes against everything the Minister says is supposed to happen.

Difficulties arise because of the lack of integration among databases. It is a big job to check one database against another. I heard an official from the Office of the Data Commissioner speaking on the radio today about the two registers, the public register and a private register. The form allows for a person to opt out of appearing on the public register so they are not subject to receiving junk mail. The default position should be that one is automatically presumed not to wish to be on the public register. Many companies give that option rather than the situation where a person must actively opt out. This is a practical means of ensuring the form does not deter people from completing it. A constituent of mine did not wish her family's details to be used as fodder for sales and marketing. All the members of her family opted out because they did not wish to receive junk mail.

When reading the draft register it is difficult to believe that field work was done. I have noted gaps in information from some housing estates. My constituency has a new housing estate completed every week and many new people arrive daily. However, the gaps appear in long-established housing estates. For instance, the information will be recorded for house No. 1 and then jump to house No. 12. I do not accept the argument that the houses are all rented out and that the population is transient. The deleted list will show one pattern.

Another problem I have noted which may not be picked up during a referendum, for instance, is that many people not entitled to vote in a general

election will be given a vote because of the various categories of voters entitled to be on the register. There has not been sufficient scrutiny. I have noted many additional people in my area who may be non-citizens whom I would not have expected to see on the register and who will be entitled to vote in the general election. This raises issues about the validity of the register and this requires attention.

**Mr. Roche:** The deletions list has never before been available. I cannot accept the hypothesis that making additional information available that was never available before is a bad thing.

**Ms C. Murphy:** I am not making that point.

**Mr. Roche:** If I may make the point, the on-line access was never made available previously. This is an improvement which was introduced this year. I am smiling inwardly because one of the great silver bullet solutions suggested was to put the entire national register on a single computer. In my view, that route would really cause a problem.

The whole point and purpose of our work as politicians is to check the draft register and to find flaws in the field work. The problem to date has been that there has never been any field work done — it has been hit and miss up to date. The Deputy is correct on the point about the draft register and the deletions list. If there is an area in her constituency where she is of the view there have been wholesale deletions, I refer her to the point made by Deputy Gilmore where he made a cross reference to wholesale deletions by the local authority. I suggest she write to her local authority as I will be writing to my county councillors in that area.

Deputy Gilmore raised a point which I did not address, about people excluding themselves from the register. He asked whether a person has a right to exclude themselves from the register. All the issues in the law relating to the voting register outline the responsibilities of councils but the responsibilities of citizens are not outlined. The Act is silent, by and large, except in section 133(1), which deals with the information which a person supplies. However, the Act only deals with the situation where a person furnishes false information in a claim for correction to a draft register. It deals with somebody who is trying to stuff the register, to fraudulently enter a name on the register. There is nothing in the legislation which states a citizen must register to vote. Deputy Gilmore's point arose because there is some evidence to which I referred last night, that there are areas where people simply do not wish to put their names on the register and they have excluded themselves from the register.

This comes back to the point made by Deputy Catherine Murphy about the opt-in or opt-out nature of the register. The form has been made

*1 o'clock*

simpler this year than it was last year when a person was required to double-tick forms. I have given people the right to tick either to opt in or opt out, if they want the issue of confidentiality to be dealt with. I return to the point Deputy Gilmore was making. The law is silent on whether the citizen has a responsibility to vote. We have never assumed the citizen has that responsibility. I have always believed getting on the register to be part and parcel of one's responsibilities as a citizen. We have had a debate on a directly parallel issue where we spoke of people having the right to spoil their vote on polling day.

**Ms C. Murphy:** What is your response to the issue of the supplementary register?

**Mr. Roche:** The supplementary register is one of those cases where people see the difficulties with the introduction of new facilities rather than the improvements that are made. The supplementary register is a relatively recent change. It was introduced for the reasons Deputy Morgan outlined, namely, that Ireland is a rapidly changing society and the addition of people to the electoral register must be facilitated. The supplementary register facilitated two things. The first was to allow people who had changed address to be added, while the other was to allow people who had reached their 18th year to be added.

While the supplementary register was introduced to facilitate people, it has tight controls. It is not difficult to imagine that the supplementary register could be grossly abused and it is therefore necessary to have checks. Deputy Murphy said that some people would not wish to go to a Garda station to be added to the register. As I understand it, there is a provision where an individual can be added to the register in a council office. Prudence would suggest there must be some controls on the supplementary register. People cannot be added to it willy nilly. One could not tolerate having 1,000 people added to the register a couple of days before polling. Logic suggests that there must be some controls on it.

It has been argued that the supplementary register is less flexible than the other arrangement. Equally, the argument was made last night that it is more difficult to get a parking disc in a residential area than it is to get on the voting register. There must be controls otherwise there may be widespread abuse.

**Mr. Crowe:** I welcome the amendments tabled by Deputies Gilmore and Roche. I had a meeting with the manager of South Dublin County Council two weeks before the publication of the first draft register. I expressed my concerns about how the process was progressing in that area. I had received anecdotal evidence that people were not being called to by fieldworkers. I also outlined the difficulties I had with not knowing who had been added or removed from the register. I

asked the manager if it would be possible for elected representatives to get a list of those deleted from the register. He said there might be a data protection problem with this.

When the draft register was published, I could see the difficulties immediately and I will give some examples. The Knockmore (2) register covers the Cushlawn area and there were 750 deletions. While there were 200 additions, 600 new housing units had been built and there should have been additions to the register rather than a net decrease of 750. Cushlawn Park is a local authority estate and no one had called to the door on behalf of the franchise office in more than half the houses I called to. Two weeks before the draft register was published, we received evidence of children going around with forms. We raised this with the manager and he said there was no way this would have been agreed to. It was suggested that perhaps local political parties were doing this.

Jobstown has 5,000 houses and 1,700 names were deleted from the register there, even though Russell Square is a development of 500 new housing units. Although there are 3,000 names on the Knockmore (1) register, it contained more than 1,400 deletions. Most of these areas contain local authority housing. I asked the manager how this could happen when the people living there are paying rent to the local authority. I accept what the Minister said regarding his guidelines to local authorities that they should pay attention to areas where a disproportionate amount of deletions were taking place. There were 2,200 deletions in one area in the Dublin Mid-West constituency. However, no alarm bells were going off within the franchise section of the local authority. They seemed to think they were doing great work and were in denial that a problem existed. I visited Russell Square last Saturday and no one knew that they had been taken off the electoral register. People were happy to be returned to it.

There are clear problems and we need more time. My local authority is not putting additional resources into areas where there clearly are problems. One can look at the socioeconomic background of the area and see there is a problem. In other areas, with older populations and with more expensive houses, it is understandable there will not be a huge amount of new couples moving to it. However, in areas where new affordable housing is being provided more people should have been added to the register, but this was not happening. The areas I have listed are ones with low turnout at local, European and Dáil elections. One will often hear people speaking about the low turnout in those areas, but people cannot vote if they are not included on the register.

I contacted the data protection agency and received different information depending on who I spoke with. At one point I was told information on the deletion of names from the electoral register could not be given to elected representatives.

[Mr. Crowe.]

I was told it was no longer in the public domain. That is nonsense. One can compare the old register with the new one and deduce the deletions. One can get the register in either hard copy or on disk. Unfortunately, I did not have the resources to compare them as one was in a different format to the other.

I spoke with the deputy commissioner at the data protection agency and she said she did not have a problem with elected representatives receiving a list of those deleted. I asked if I could get a written reply to that effect, but I did not have the time to do so before the deadline — which has since been extended — ran out. I would like the Office of the Data Protection Commissioner to give its view on this. South Dublin County Council was using data protection concerns as an excuse for not releasing the information to me. I mentioned this to Deputy Rabbitte and he was as concerned about it as I was.

We want a list of those deleted because it is easier to go through it than going through the register. Deputy Catherine Murphy mentioned the gaps in the register which were apparent due to the absence of certain house numbers. I have a better idea of who the families are when I see the names of those who have been deleted rather than simply the number of their house. This is why I want the list.

I welcome the additional time that has been given to dealing with this issue. However, local authorities need to accept that there are problems with the registers. Groups in my constituency have been working on this. The Tallaght Partnership went to the local shopping centre to try and add people to the register. The Tallaght west childhood development group was also knocking on doors.

**Acting Chairman (Dr. Cowley):** I am sorry to interrupt the Deputy but as the time permitted for this debate has expired, I am required to put the following question in accordance with an order of the Dáil of this day:

That amendment No. 30a, as amended, and the amendments set down by the Minister for the Environment, Heritage and Local Government and not disposed of are hereby made to the Bill and that Fourth Stage is hereby completed.

Question put and agreed to.

Question proposed: “That the Bill do now pass.”

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I thank Deputies for their contributions. I will speak to Deputy Crowe about the specific points he made.

The purpose we all have is to ensure we have the best possible register. The best way to do that is to encourage people to get on the register because, as Deputy Crowe said, if one is not on it, one cannot vote. That is the whole point of the campaign. No council can use the excuse that resources were not made available this year. We have doubled the amount of finance available and have put €1 million into an advertisement campaign.

Question put and agreed to.

#### **Message from Select Committee.**

**Acting Chairman:** The Select Committee on Enterprise and Small Business has completed its consideration of the Industrial Development Bill 2006 and has made no amendments thereto.

#### **Health (Nursing Homes) (Amendment) Bill 2006: Report Stage (Resumed).**

Debate resumed on amendment No. 15:

In page 11, line 11, to delete “Executive,” and substitute the following:

“Executive, and

(iii) except in exceptional circumstances, not sooner than 12 months after the commencement of the payment of a relevant subvention.”

—(Deputy Twomey).

**Mr. S. Ryan:** I support this amendment. Most of the points on it were made the last day. Perhaps the Minister of State will respond and we will take it from there.

**Minister of State at the Department of Health and Children (Mr. S. Power):** Amendments Nos. 14 and 15 were not accepted on Committee Stage. The Health Service Executive, would have to be in a position to view the degree of dependency and the means of the dependent person at any time as both dependency and financial circumstances can change significantly at any time in a 12 month period, or a lesser period. This provision represents no change from the position laid out in the 1993 subvention regulations.

**Mr. S. Ryan:** It is not quite good enough to state there is no change in the practice. The practice in regard to subvention and the need for it are critical. There is a major problem at present. The Minister and the Minister of State promised further detailed legislation to deal with this issue but we have not seen it. Perhaps the Minister of State will give a solemn commitment in respect of that Bill today.

The explanatory memorandum states the purpose of the subvention scheme is to provide financial assistance to persons towards the cost of maintenance in a private nursing home while the

Bill defines subvention as a payment towards the cost of the care and maintenance of a dependent person in a nursing home. That differs from the 1998 regulations which simply state that the payment of subvention is towards the cost of nursing home care. The main problem is the financial assessment. This amendment seeks to change it but the Minister of State is not prepared to accept it.

**Mr. S. Power:** Are we on amendments Nos. 14 and 15?

**Acting Chairman:** We are on amendment No. 15.

**Mr. S. Ryan:** We are talking about the value of a person's house and its valuation. How will we provide the subvention? That is a major problem as far as I am concerned. We had hoped the Minister of State would look more favourably on the amendment which was dealt with on Committee Stage but I regret he is not prepared to do so.

**Mr. Healy:** I concur with Deputy Seán Ryan. Even at this late stage I ask the Minister of State to reconsider this Bill. Even what is good about the current situation is being undermined by this Bill. In the past officials of the Health Service Executive had discretion but that will no longer be the case.

The situation in respect of the nursing home subvention is completely unwieldy and unfair. Currently I am dealing with the case of two elderly brothers who are both on non-contributory old age pensions and who are both medical cards holders. Both of them were told there are no long-stay public beds for them and they applied for, and received, the maximum subvention. However, if one adds the maximum subvention they are receiving from the HSE in South Tipperary, which is €240 each per week, to their non-contributory old age pension, it amounts to approximately €420. The nursing home is charging them €500 each per week, although they are not paying it because they do not have it.

These two brothers have no savings and live in a local authority rented house. Furthermore, if they want to hold on to the house while they are in the nursing home, they must pay rent for it. The HSE and this Government are asking them to pay €80 each per week which they do not have because they cannot fully fund them in a nursing home or provide them with public beds. That is unfair, unreasonable and unforgivable at a time when this country is awash with money.

Earlier this year the Minister for Finance told me that in the ten years in which this Government has been in power, there has been a budget surplus of €39 billion. Despite the availability of that money, we cannot look after two old age pensioners, who are medical card holders and local authority tenants, when they get old. Even

with their pensions and the HSE subvention, they are still €80 each per week shy of the nursing charge. It is unfair and unbelievable but it is true. This is not an isolated case; it is happening on a regular basis. Even at this late stage I ask the Minister of State to withdraw this Bill and bring forward a proper scheme of subvention which would at least fully cover people such as those about whom I spoke or else provide enough public beds for such people.

**Caoimhghín Ó Caoláin:** I support the amendment tabled by Deputy Twomey. In the same vein as was argued heretofore, the whole basis for the computation of subvention entitlement is giving rise to real hardship for families. Even in the brief period since we set aside Report and Final Stages of the Bill I have personal knowledge of real hardship being experienced. Some families have had to make serious decisions on the care of loved ones. Despite every appeal, it has transpired that in the case to which I refer, a family was forced to withdraw its loved one from residential care. As a consequence, the wife of the man in question had to set aside her work to give direct and full-time care.

There are serious issues involved in assessment. We need to loosen up significantly on the computation method and allow greater discretion in specific cases of hardship. Many examples of hardship have been flagged here. However, let me tell of what happened in the case to which I referred. In the short time since that woman took her husband home, the tremendous pressure she was under and the severity of the change in lifestyle were, I believe, contributory factors to her being killed in a road traffic accident, within a couple of weeks of returning her husband to her personal full-time care. That family has gone through untold trauma.

These personal experiences, the hurt and pain of individuals and families in terms of the provision of care, the harshness of the computation system of entitlement to subvention and the extent of support, must make us realise that people deserve the most accommodating, compassionate and humane response from our system of support provision within our overall health services. Sadly, this is lacking in many instances. I have found it difficult to speak of the case I have mentioned.

It is not good enough that the Government should reject in cold and judicious terms the sound appeals of Opposition voices for a new regime to apply in the area of subvention, its computation and delivery. I support the amendment.

**Mr. Neville:** The aim of the amendment is to enable the HSE to allow patients receive subvention for a specified period. The difficulty is that the payment of a subvention can be queried almost immediately, within months or days of a

[Mr. Neville.]

person receiving it. This situation does not apply in other areas, so why should it apply here. Decisions are made to grant medical cards for a minimum period of from a year to five years, depending on circumstances. Therefore, the HSE could surely examine all circumstances of a person and grant subvention for a period of not less than one year. The subvention could be applied in the same way as medical cards are applied. It has not been unknown for a medical card to be granted for life because of a person's circumstances and the understanding those circumstances would not change for the lifetime of the person.

Deputy Healy has a good point and perhaps the Bill should be re-examined. There is much disquiet on the issue of the calculation of the value of the family home. One of the exemptions covers a relative of an applicant in receipt of a contributory old age pension which is the relative's sole income. We could have a situation where a 79 year old brother and his 80 year old sister live together and the sister goes into the nursing home. The brother who is on a contributory pension may also have an occupational pension and therefore the calculation would come into play and 5% of the family home would be taken into account. In those circumstances that person might be forced to sell his home.

The situation is similar in cases where children care for their mother or father over many years and receive the carer's allowance. If the parent goes into a nursing home, the carer may return to employment. I know people who left jobs to care for relatives and who, though at pension age, will not get a contributory pension because they did not make contributions while working as carers. Although the carer may have spent 20 or 30 years caring, if he or she has returned to work to provide a livelihood, the house will be calculated as means to determine the income of the nursing home resident.

I foresee difficulties with the application of this principle. The Minister of State has said the previous level of discretion will remain, but that will not happen. He knows as well as I that we deal with officials who are very careful to ensure they act in accordance with legislation. Not to do so, would put them in a position where they might be questioned about decisions they made contradictory to the legislation. Any ignoring of section 7B by any official of the HSE would be tantamount to saying the HSE does not accept the decision of the Oireachtas that this regulation or approach to means testing should apply.

We hope, at budget time there will be an examination of the issue of nursing home subvention because difficulties that did not exist previously have arisen for families. I know a person who returned to Ireland after being forced to emigrate and work all his life in England. After a while at home the person had to enter a nursing home and

now all his money has been spent and the nursing home is putting pressure on him to leave.

Debate adjourned.

## Ceisteanna — Questions.

### Priority Questions.

#### EU Directives.

1. **Mr. Naughten** asked the Minister for Agriculture and Food the steps she is taking to address the burden of inspections on farmers under the nitrates directive; and if she will make a statement on the matter. [40724/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department, in the context of delivering the single payment scheme, is required under EU law to carry out on-the-spot inspections on a number of farms covering such issues as eligibility under the scheme, compliance with EU legislation in the areas of the environment, food safety, animal health and welfare and plant health, and ensuring the farm is maintained in good agricultural and environmental condition. A minimum of 5% of single payment scheme applicants is required to be inspected under the eligibility rule. Up to two thirds of these inspections are carried out without a farm visit and using the technique of remote sensing.

The rate of on-farm inspection required for cross-compliance is 1% of those farmers to whom the statutory management requirements, including the nitrates directive, or GAEC apply. However, at least 5% of producers must be inspected under the bovine animal identification and registration requirements as this level is prescribed under the relevant regulations.

On-farm inspection is a requirement of the many schemes operated by my Department, including REPS, the early retirement scheme, the farm waste management scheme and other measures included in the €6.8 billion funding package recently agreed for the 2007-13 period. In carrying out the inspection function, my officials try to be reasonable while respecting the regulatory requirements of the schemes involved.

In 2006, 8,200 farmers had their holdings selected for on-the-spot inspection out of 130,000 who had applied under the single payment scheme. Over 100,000 of these are also applicants for the disadvantaged areas scheme. The value of both schemes to Irish farmers is €1.55 billion in 2006.

My Department's policy towards on-farm inspection for the single payment scheme has been to give advance notice of up to 48 hours in all cases. This policy of systematic pre-announcement of inspections was questioned by the Commission in July 2006 and its unacceptability was

conveyed to my Department in a formal communication in August. As a result, my Department was obliged to agree to a proportion of single payment scheme inspections being carried out in 2006 without prior notification. Some 650 farms out of 130,000 involved in the single payment scheme were subsequently selected for unannounced inspection. The balance of inspection cases, representing 92% of the 8,200 farms selected for single payment scheme-disadvantaged areas scheme inspection in 2006, were all pre-notified to the farmer.

The EU regulations governing the single payment scheme would allow my Department to give pre-notification of inspection in the case of certain elements of cross-compliance, for example, nitrates. However, my Department is committed in the charter of rights for farmers to carrying out all single payment scheme and disadvantaged area scheme checks during a single farm visit in most cases. This then obliges my Department to respect the advance notice requirements applicable to the most stringent element of the inspection regime, namely, a maximum of 48 hours' notice but with no advance notice in a proportion of cases.

*Additional information not given on the floor of the House.*

My Department is also committed in the charter of rights to pursuing with the European Commission a strategy to deliver advance notification of 14 days for inspections under the single payment scheme. The matter has been raised with the Commission on a number of occasions since 2004, particularly in the context of the Irish situation where we are applying a fully decoupled and essentially area-dependent single payment scheme. I have personally made the case again recently to Commissioner Fischer Boel and this issue will be a key point for Ireland in the CAP simplification initiative of the Commission which is now under way. I had a meeting last week with my German counterpart, Horst Seehofer, who takes over the chair of the Agriculture Council in January, where I gave my wholehearted support to his proposal to make simplification of the CAP a core issue during the German Presidency.

Pre-notification of single payment scheme-disadvantaged areas scheme inspections fits in with the practicalities of Irish agriculture where, increasingly, farmers are also engaged in off-farm employment. In a decoupled single payment scheme system, the provision of advance notification of inspection to the farmer should not negatively impact on the effectiveness of the control. However, as the EU regulations stand, my Department is obliged to carry out a small proportion of inspections without prior notification and this is what is being done in 2006.

It is important to point out, however, that the total level of cross-compliance penalties in 2005 — the first year of application of the single pay-

ment scheme — amounted to about €330,000 out of the total single payment financial envelope of more than €1.2 billion available to Ireland.

**Mr. Naughten:** Is it not the case that in 2002 the then Minister for Agriculture and Food stated that the nitrates directive, first, would be based purely on science, which we know is not the case and, second, would allow adequate time for phased compliance by farmers? Will the Minister explain how adequate time is being provided to farmers when, within a couple of weeks the information booklet was published and circulated to farmers, the explanatory meetings were arranged and are currently taking place and a rigorous inspection regime is being applied by the Department of Agriculture and Food? Does the Minister believe that is the provision of adequate time for farmers?

How does the Minister expect farmers to understand what is happening when at one of these explanatory meetings the Department of Agriculture and Food and Teagasc blatantly disagreed in regard to the definition of soiled water? How are farmers supposed to comply when the experts dealing with the matter do not know what is happening? Is it not the case that farming is becoming a by-product of bureaucracy rather than the other way round?

**Mary Coughlan:** As I stated in my reply, an agreement was made with the farming organisations under the charter that we would have one inspection. The notification of inspections under certain parts of the single payment scheme can be given, including with regard to nitrates. However, it was agreed that both sectors would be put together so we would not have two or three inspections.

My view, which I have stated publicly and in my meeting with the new president of the Council, is that we need simplification and to deal with the issue of on-farm inspections. He and I agreed a number of issues can be dealt with in a more practical way. I will pursue those issues vigorously. I and my team believe there should be pre-notification of inspections — that is how I stand with regard to the policy. As I indicated to the Deputy, the number of inspections has decreased. However, the regulation given to us in August 2006 states there must be no pre-notification, which has caused difficulties.

I do not agree with the Deputy on the issue of nitrates. All of us have worked strongly in dealing with the nitrates directive. We have worked on a scientific basis and many improvements have been made to the scheme. I sincerely thank Deputy Naughten for the positive way in which he has embraced the fact that we have a derogation, which is important. We have also reflected a number of the concerns about the farm waste management scheme.



[Mary Coughlan.]

I wish to clarify one point, namely, the definition of soiled water and slurry, because it is important we have clarity in this regard. There is no difference between the Department, which is the regulatory body, and Teagasc on this issue. My briefing note states with regard to the holding yards, in particular the collecting yards for milk: "In the case of holding yards not slatted, if the slurry is scraped into the slurry tank and the yard is then washed into the soiled water tank and the contents meet the soiled water standards (BOD/DM) it will be treated as soiled water". That is the definition, on which there is absolute clarity.

**Mr. Naughten:** The reality is that farmers are confused and have not been given adequate time to comprehend these regulations. Inspections are taking place but at the same time farmers are supposed to be compliant. In many parts of the country, the explanatory meetings are only now taking place. Why are the Department's inspectors not prepared to inform farmers of the criteria being used for the penalties, which should be the case? Why has there been a situation in law from 1 January 2006 that farmers must have clean water management systems in place rather than tying that in to the farm waste management scheme, which would have made more sense?

The Department and Teagasc were asked at one of the information meetings whether they would provide a free telephone line for farmers to provide information on how to comply with the nitrates directive. In response, farmers were told the service would be put in place in January. There is not much point putting it in place in January when the inspections are taking place now and given that the Department and the Minister have denied farmers the basic information they need to comply with the nitrates directive as it stands.

The reality on the ground is that farmers are being terrorised. They do not know what is happening and they will be penalised with rules and regulations they do not understand and about which they have not been given adequate information.

**Mary Coughlan:** I refute that completely and categorically.

**Mr. Naughten:** It is the factual position.

**Mary Coughlan:** It is those like the Deputy who are winding up farmers. We have seen a reduction in the number of inspections.

**Mr. Crawford:** There were eight inspections on one farm.

**Mary Coughlan:** I have an agreement on the number of inspections that will take place. The

cross-compliance penalties imposed last year came to €330,000, from a total of €1.2 billion. Half of the people who received penalties in respect of small difficulties — I am referring to approximately 1,000 farmers — got off on the basis of the tolerances in my scheme. The tolerances were agreed with the farmers.

**Mr. Naughten:** Tolerances are not much good to farmers when they do not know what is going on.

**Mary Coughlan:** I appreciate that the Deputy is not farming. Every farmer got an explanatory booklet providing background information on this issue. Every farmer has that booklet.

**Mr. Naughten:** Since last week.

**Mary Coughlan:** Every farmer will have a copy of the report on the examination that takes place on his or her farm. We had an opportunity within the regulation to provide a farm advisory service. That was not acceptable to the farming organisations. Teagasc and the private planners will provide that service. The Department of Agriculture and Food and Teagasc have organised events at which such advice has been given. People are anxious to know what is going on. The information is being provided. If people want to disrupt that process, it will be on their heads. It is unfair that farmers who are being facilitated with this information are not being given an opportunity to appreciate it. It is wrong, without a shadow of a doubt, to suggest that my inspectorate is undermining or vilifying farmers. That is factually incorrect. An inordinate amount of bureaucracy and paperwork is being done by my inspectorate, rather than by farmers.

**Mr. Crawford:** The farmers are answerable for it.

**Mary Coughlan:** All of it is verifiable. Deputy Crawford knows that if people want copies of the reports on the inspections that have taken place, such copies are being made available to them. There has been nothing but openness and working together on this issue to ensure that the system is fair. As I have said on many occasions, I intend use the health check on the Common Agricultural Policy to examine ways of providing for less bureaucracy and dealing with issues relating to on-farm inspections. I intend to deliver that to the best of my ability.

**Mr. Naughten:** They should have been given the information before the inspections took place, not after they took place.

**Mary Coughlan:** Information was made available.

**Mr. Crawford:** They were given two hours' warning.

**Mary Coughlan:** There is no point in the Deputies sitting opposite shouting at me. It does not stand up. It is not permissible under the regulation as it stands. Neither the Deputies nor I, as Members of this House, can allow the money of Irish and European taxpayers to be spent without any accountability.

**Mr. Naughten:** Under the regulation, they have the right to get information in advance.

**Mary Coughlan:** I am sure Deputy Naughten agrees with that, as a Member of the House.

### **National Task Force on Obesity.**

2. **Dr. Upton** asked the Minister for Agriculture and Food the discussions she has had with the National Task Force on Obesity since it was established; the input her Department has made to the ongoing work on the task force; and if she will make a statement on the matter. [40701/06]

**Minister of State at the Department of Agriculture and Food (Mr. B. Smith):** The Department of Agriculture and Food made a comprehensive submission to the National Task Force on Obesity setting out in detail its mission, role and responsibilities, which are "to lead the sustainable development of a competitive, consumer focused agri-food sector and to contribute to a vibrant rural economy and society". The Department participated in a consultation day that was organised by the task force and responded to specific requests from the task force. In the event, the task force's report directed two of its 93 recommendations to the Department. The first such recommendation was that the Department of Agriculture and Food together with the Department of Health and Children should promote the implementation of evidence-based healthy eating intervention. The second recommendation was that the Department of Agriculture and Food should review policies in partnership with other Departments to promote access to healthy food and that such policies should encompass positive discrimination in the provision of grants and funding to local industry in favour of healthy products.

The Department and the Food Safety Authority of Ireland funded a scientific study on children's diet, which was the first study to benchmark the dietary intakes of a nationally representative sample of Irish children. The work was carried out by researchers from Trinity College and University College Cork in 2003 and 2004. They surveyed 600 children between the ages of five and 12 from primary schools throughout Ireland. The researchers collected information on each child relating to their diets, levels of physical activity and body measurements, as

well as to the lifestyles of the children and their parents. The study is the first comprehensive scientific evaluation of the dietary intake of children in Ireland. It provides direction for the dietary strategies that need to be established to prevent obesity. The scientific study identified that the levels of consumption of milk, fresh meat and fruit and vegetables among the young are inadequate. The Minister, Deputy Coughlan, launched a new school milk scheme last August in response to the study and the recommendation of the obesity task force. The revamped scheme offers a broader range of milk products, including flavoured milk, low-fat and fortified options. The packaging of the products has also been improved. The new scheme will encourage increased milk consumption among school-children.

The Department of Agriculture and Food is working with the European Commission and Wholesale Produce Ireland to fund a pilot health food initiative, known as the "food dude" programme, to encourage the consumption of fruit and vegetables by children in primary schools. The programme, which is managed by Bord Bia, is in its second year of operation. When it has been completed, it will have been introduced to 120 primary schools. The programme, which was developed by the University of Wales, Bangor, is based on positive role models, repeated tasting and rewards. Studies show it can deliver long-lasting results across the primary age range, regardless of gender, school size, geographic and socio-economic factors. The programme, which lasts three years, is designed to help children to enjoy a healthy diet and to create a healthy eating culture within schools. The results of the first year of the programme have been very encouraging. The activity has been very well received by pupils, parent and teachers.

*Additional information not given on the floor of the House.*

The Irish "food dude" project, which is highly regarded, won the World Health Organisation's counteracting obesity award for 2006 at last week's WHO Istanbul European ministerial conference on counteracting obesity. The initiative was praised by Commissioner Kyprianou as "an innovative approach to promoting a healthy and balanced diet among children". The three-year programme was singled out for its success in promoting "fruit and vegetable consumption in a way that changes children's behaviour for the better on a permanent basis while ensuring the availability of the promoted product". I have been impressed with the positive response to the programme and decided that it would be beneficial to run it on a larger scale. I have secured some €4 million in the Estimates for the programme to be run with national funding in more primary schools next year. Subject to ongoing evaluation,

[Mr. B. Smith.]

I intend to extend the programme to more schools in later years.

My Department's mission is "to lead the sustainable development of a competitive, consumer focused agri-food sector and to contribute to a vibrant rural economy and society". The agri-vision plan of action reinforces this mission and sets out key deliverables focusing on three axes for success in the food industry — competitiveness, innovation and consumer-focused marketing. In the current era of decoupling production from support, the agri-food sector must look to the market potential of products and consumer demands, including the emerging health agenda. Tackling obesity is a multidimensional issue that involves the whole spectrum of policy makers and health providers, together with public opinion on addressing the need for lifestyle balance.

**Dr. Upton:** I thank the Minister of State for his reply. I thought for a moment that he was going to mention all 93 proposals for dealing with obesity. I would like to mention some relevant facts relating to obesity. Some 18% of adults are obese and 39% of adults are overweight. In health terms, the problems of overweight and obesity contribute to many illnesses, including cardiovascular disease and psychological disorders. I welcome what the Minister of State has said. One should not write off the economic costs against the health costs, which are much more significant. The economic cost of the problems I have mentioned is approximately €0.4 billion per annum. I would like the Minister of State to tell the House what has happened to the proposal to provide for positive discrimination in favour of healthy products when grants and funding are being provided to local industry. While I welcome the "food dude" initiative and the proposal to supply additional milk to school children, etc., much more can be done in such respects. What has happened to the proposal to provide for positive discrimination? How many companies are involved in the proposal? What is the outcome of the proposal in terms of production levels?

**Mr. B. Smith:** The Irish "food dude" programme won an international award last week. It got great recognition from the World Health Organisation.

**Dr. Upton:** Congratulations.

**Mr. B. Smith:** The EU Agriculture and Rural Development Commissioner has said the programme can be a model for the rest of Europe, particularly during the process of organising the fruit and vegetable sector over the coming months. That process is due to conclude in January. We hope the operation of the programme can be expanded.

We have prioritised horticulture in recent years when giving grants to fruit and vegetable developments. There has been substantial investment in on-farm and processing facilities. Deputy Upton is aware that considerable resources are being devoted to the food institutional research programme. Research and innovation are taking place in the public sector and in private companies. Work is being done not only in our universities and institutes of technology, but in Teagasc as the lead authority. The mission statement of the Agri-Vision 2015 report places a particular emphasis on the future competitiveness of our food industry, which needs to be consumer-focused. Our food industry will develop by concentrating on the provision of nutritious, safe and high-quality food for our citizens. Considerable resources have been disbursed and are being expended. Further resources have been committed for the next few years in the Estimates of the Department of Agriculture and Food. The food sector will be a major beneficiary of the Government's strategy for innovation in science. There is support for innovation and research in all areas. We have emphasised the need for innovation in the development of alternative forms of healthy and nutritious food. We intend to continue to accelerate that programme. The emphasis we have placed on fruit and vegetables in recent years will pay dividends.

**Dr. Upton:** I welcome the initiatives that have led to an increase in horticultural output. This country needs to do much more to develop horticulture as an aspect of the food industry. Much more could be done to replace our imported products by way of new initiatives, especially on fruit and vegetables. I accept that we cannot grow bananas here, but there are many other fruits and vegetables that could be promoted and developed.

It is important to note that there is still a problem in this country with food poverty. While there are social and financial aspects to it, there is also an issue about the availability of quality, nutritious foods to those people most at risk. The Department of Agriculture and Food should be looking at new initiatives, such as farmers' markets, to make nutritious foods more available to disadvantaged communities.

**Mr. B. Smith:** Deputy Upton has raised these issues previously. In the next national development plan, there will be a greater focus on fruit and vegetables and we will take new initiatives in that respect. There is an emerging health agenda that is being addressed by the food industry. Food poverty and the fact that people in disadvantaged homes do not get access to nutritious foods are part of a multidimensional question. There has recently been a growth in the number of farmers' markets and there are now 101 such markets. Bord Bia has been actively promoting the idea of

establishing farmers' markets. Over the past few months, there have been four regional food fora in the north east, the midlands, the south east and the north west. In each forum, we invited people involved in the food industry to meet officials from Bord Bia and the other statutory agencies. We have advocated the growth of farmers' markets and quick access to the local consumer. We have given the area our attention, but it does not provide us with the return we would like as quickly as we would like. However, it is being actively pursued at ministerial level and by the officials in the Department and in the statutory agencies. We intend to keep that momentum going.

### **Pig and Poultry Sectors.**

3. **Mr. Connolly** asked the Minister for Agriculture and Food her proposals to address the threat to pig farming and poultry production in counties Cavan and Monaghan posed by their non-inclusion in the recently announced nitrates directive derogation; her plans to minimise the difficulties for grassland and tillage farmers in accepting these top-quality organic fertilisers; and if she will make a statement on the matter. [40704/06]

**Mr. B. Smith:** Ireland applied to the European Commission for a derogation, under the nitrates directive, from the limit of 170 kg of organic nitrogen per hectare per year. The derogation, as submitted to the Commission, would have applied not only to grassland farmers but also to farmers wishing to import pig and poultry manure. Unfortunately, this aspect of the proposal did not meet with the approval of the Commission and it did not form part of the Commission's proposal approved by the EU nitrates committee, involving the 25 member states, on 13 November.

However, producers in the pig and poultry sectors will benefit from transitional arrangements which were secured under the revised European Communities (Good Agricultural Practice for Protection of Waters) Regulations introduced in July 2006. These arrangements, which allow for phosphorus limits to be exceeded until 1 January 2011 for land using pig and poultry manure from existing farming enterprises, represent a major concession and they will give these industries time to adapt to the requirements of the regulations. In addition, the Department has introduced important measures which will benefit pig and poultry producers, such as access to the generous grant aid in the farm waste management scheme, as well as the inclusion under the scheme of elements of particular relevance to the two sectors, including decanter centrifuge systems, dry feeding systems for pigs and specialised slurry spreading tankers.

I have also introduced a pilot scheme for the demonstration of on-farm waste processing facilities to support the introduction in Ireland of new and emerging technologies for the treatment of farm wastes, such as anaerobic digestion and fluidised bed combustion. Grants of up to €400,000 are available under the measure which will be of particular interest to the intensive pig and poultry sectors. A number of research projects supported by the Department in areas covering efficient nutrient use, pig diet and solid-liquid separation of pig manure will also greatly assist the farmers involved. I am proposing some changes to REPS which would incentivise farmers in the scheme to take in pig and poultry manure. Should the Commission accept my proposal, these changes will contribute significantly to a solution of the problem.

**Mr. Connolly:** I have no doubt that the Minister of State shares my concerns. The problem lies in what happens after the transitional arrangements expire. My difficulty is with the Cavan and Monaghan aspect of the problem. It appears to me that Cavan and Monaghan have been left out. A major part of our farming sector is made up of the poultry and pig industries and small farmers in these industries have great concerns for their future. That the derogation does not apply to them brings major problems. They feel they are being treated less favourably than other counties across the country.

As there is no derogation, the big problem is to make customer farmers comfortable about taking fertiliser that is organic. It appears that it is okay to put chemical materials on land. There are practical problems when putting the onus on the farmer to analyse the product that is coming in. The farmers feel that much of the onus is being put on them and that there are too many regulations. The last book of regulations contained 35 pages, which is a great concern to them.

They are also concerned about the helpline. Rather than other industries having to intensify and increase their volume, the pig and chicken farmers feel that their only way out is to reduce output. Are we expected to take chicken, pork and bacon off the menu? Will we start importing them? These foods must be produced here and this is a major issue for us in Cavan and Monaghan.

**Mr. B. Smith:** I accept the importance of the issues raised by Deputy Connolly. Deputy Crawford, Deputy Connolly and I are well aware of the different issues involved for the intensive industries in Cavan and Monaghan. We have established a working group on intensive livestock enterprises, which was specifically set up to consider issues facing the intensive livestock sector in the context of the nitrates regulations. The group recently met and includes representatives from the Irish Association of Pigmeat Processors,

[Mr. B. Smith.]

the Irish Poultry Processors Association, the IFA, Teagasc, the Environmental Protection Agency and representatives from the Department of the Environment, Heritage and Local Government.

Ireland and five other member states in the EU have received a derogation, but no country received a derogation on the importation of pig slurry and chicken litter. We must develop technology to deal with many of these waste matters. We have established a grants scheme to enable pilot projects to be established so that people can develop the technology that will deal with the disposal of this waste. I arranged for farmers — small and large-scale pig producers and poultry farmers — to meet with Department officials and specialists in the area. These meetings have been about trying to develop technology to deal with these particular waste problems. Substantial funds are available within the Department to assist in the development of this technology. From speaking to individual farmers involved in both industries, I know that they are not handing over the problem to other people. They want to be involved themselves in developing the systems that will deal with the waste on the farm or in central locations.

We have also provided money from the stimulus fund for a research project by Teagasc which involves the assessment of a solid liquid separation system for pig manure and the influence of pig diet on the composition of solid and liquid fractions. A great amount of work is currently being done to devise systems so that we will have the proper technology in place to deal with the disposal of waste from these enterprises before the transition period ends. It was a major concession to obtain a transition period until 2011, because when we speak of waste disposal from pig manure, it is phosphorous rather than nitrogen that is the major problem. We secured a transition arrangement for phosphorous. Farmers can still take in pig manure and use up to 170 kg of nitrogen, without any regard to the phosphorous levels.

Phosphorous levels were the major concern of the pig farmers, rather than nitrogen. However, no other country has managed to get this particular aspect of a derogation. We put an enormous effort into seeking this derogation. We included in the regional derogation application this particular subject which was the focus of bilateral meetings. It was also raised by officials from the Departments of Agriculture and Food and the Environment, Heritage and Local Government, and Teagasc, in their meetings and presentations to the Nitrates Committee of the European Union. Being realistic, I can only foresee these issues being removed from the agenda when the proper technology is developed and in place to deal with these particular waste problems.

3 o'clock

In the short time that I have been in the Department of Agriculture and Food, the Minister, Deputy Coughlan, has been totally supportive of our having adequate financial resources to assist people to develop the technology to deal with these waste problems and that is the only successful route we can take.

**Mr. Connolly:** There seems to be a difficulty in that consultations appear to have broken down with the farm organisations. They believe they have been hung out to dry in that they want help with the directives. They simply do not understand the directives fully. The other matter is the issue of a helpline. I believe there is a need for more consultation with farmers in that regard. The farm organisations believe that consultations have broken down.

**Mr. B. Smith:** In conclusion, I want to assure Deputy Connolly that there has not been a breakdown in communication. The group I refer to is particularly relevant as regards the subject matter of his question about the intensive industries that are important in our two counties. The working group on intensive livestock enterprises met no later than yesterday.

**Mr. Connolly:** My information is three days old, for which I apologise.

**Mary Coughlan:** We are doing our best.

#### Milk Quota.

4. **Mr. Crawford** asked the Minister for Agriculture and Food the position regarding the new quota exchange scheme; the price the quota will be sold and bought at; the situation regarding the milk quota in the year 2013 or before; and if she will make a statement on the matter. [40705/06]

**Mary Coughlan:** The milk quota trading scheme 2007-08, which supersedes the milk quota restructuring scheme, will have two application periods allowing for the exchange of milk quota with effect from 1 April 2007. The first application period closed last Friday, 24 November 2006 and I expect to announce details of the second application period early in the new year. The trading scheme has two elements, a priority pool and a market pool, the latter to function through an exchange mechanism. Some 70% of quota offered for sale will be sold through the exchange, and sellers will receive a market price for quota based on supply and demand. The remaining 30% will be sold at a maximum price of 12 cent per litre to priority categories, namely successors, dairy farmers whose leases have expired, young farmers and category 1 producers. This price of 12 cent per litre is the same as that available for the full amount of quota sold into this year's milk quota restructuring scheme.

My Department has commenced the process of validating applications to buy and sell quota with the co-ops. When this work is completed the exchange will be run in early January and the results will be communicated to applicants through the co-ops at that time.

As regards the future of milk quotas, the position is that the EU milk quota regime was extended to 2015 as part of the Luxembourg Agreement on the reform of the CAP. The Commission may bring forward proposals as part of the 2008 health check to modify that position, which in turn may require a Council decision. I will keep the position under close review and in the meantime I will continue to facilitate the transfer of milk quota to active and progressive dairy farmers.

**Mr. Crawford:** I wonder whether the Minister knows at this stage what interest there has been in the actual seller quota. She may recall the sham that arose last year with the two announcements within 24 hours of each other which meant that literally no quota was sold. I understand her reasoning behind this new scheme was to release the maximum quota so that younger farmers and those interested could take it. My information is that there is no great enthusiasm among sellers at present. There appears to be an enormous lack of understanding as to how this system should work.

On the last part of my question on the future of the milk quota, since the Minister expressed her belief some time ago that it was ending, can she give the House any further indication of her stand in this regard and when it is likely to happen? It is only in this situation that farmers are able to gauge what they can afford to pay. From the information I have, certainly in the northern areas, the amount of money that is being offered by buyers is not so different from what the price is for the 30%. Is that the situation further down the country or can the Minister say whether there will be major differentials?

**Mary Coughlan:** For the Deputy's information, I have received more than 5,500 applications from dairy farmers. Buyers account for 4,700 of those applications and more than 850 have applied to sell. The amount of quota involved for this part of the year is 125 million litres. Some 125 million litres were sold the previous year, but this is only one half of the quota year because as the Deputy knows there will be a further opportunity in February and March. I will be announcing the date fairly soon at the beginning of the year, after we have evaluated the outcome of this one.

At this stage I cannot give the Deputy any notion on price because we are just going through the system to determine what variations exist at the moment. Therefore, contrary to concerns that existed heretofore, we have significant interest in this scheme, and that is good to see. As regards

the future of quotas, the Commissioner indicated that she had a personal viewpoint, as had the Commission. The Commissioner, not I, indicated that the relevance of quotas was something that had to be questioned. As the Deputy knows we are now in the 2008 health check situation, looking at the reform of the quota regime. It will take place after 2015, because this comes under the Luxembourg Agreement. However, we are taking a strategic look on how we develop and support efficiencies within the system and allow the issue of scale to be dealt with. It is on the basis of those policy frameworks that we are working towards what we should like to achieve.

The issue of whether quota will be removed has not been decided. It will be a matter for Council and for some fairly serious discussions and negotiations in due course. However, no definitive view has been expressed by either me or the Government on where, in fact, we should stand on this issue. It is one that will have to be developed in consultation with Members of the Oireachtas, the Joint Committee on Agriculture and Food and the farming organisations.

**Mr. Crawford:** The Minister has said that what is being made available is similar to last year. However, last year was the lowest for a long time. How does it compare to the previous year and will any steps be taken to encourage the movement?

**Mary Coughlan:** My view is that when we take a full year amount which will straddle both the end of this year and the beginning of next there will be much more interest than in previous years in the purchase and sale of quota.

**An Leas-Cheann Comhairle:** That concludes Priority Questions as Deputy Sargent is not present.

*Question No. 5 lapsed.*

### Other Questions.

#### Biotechnological Inventions.

6. **Mr. Penrose** asked the Minister for Agriculture and Food if her attention has been drawn to research here connected with the development of plastic materials and chemical agents from plants like wheat, sunflower, maize or beet; if not, the action she will take to ensure that such research begins as soon as possible; and if she will make a statement on the matter. [40547/06]

**Mr. B. Smith:** I am aware that advances in life sciences and industrial biotechnology are breaking new ground in understanding microbial biodiversity and bioprocesses that could lead to valuable bioproduct and biomaterials like plastic

[Mr. B. Smith.]

materials and chemical agents being produced from agricultural crops. Support for such research which, I believe, should be very much led by industry comes within the remit of the Department of Enterprise, Trade and Employment.

The interest of the Department of Agriculture and Food in this general area lies in the potential for farm production in developing alternative uses for crops. The creation of new markets via non-traditional uses of crops is particularly topical at the moment. To that end the Department of Agriculture and Food has provided considerable research funding via the public good competitive research programme, namely, the research stimulus fund.

**Dr. Upton:** Again, I want to thank the Minister of State for his reply. However, it suggests that there is a large gap somewhere in terms of research. I raised the question on the basis of the Minister's indications on the availability of crops and the potential for their development and conversion into a biodegradable product, by comparison with the use and overuse of plastic products which are non-biodegradable and are creating an environmental nuisance.

I hope the Minister of State will agree there is a need for joined-up thinking in the Departments of Enterprise, Trade and Employment and Agriculture and Food regarding the opportunities to co-operate in respect of the production of raw material and its further development into a product that is biodegradable and environmentally friendly. Can the Minister of State indicate whether some discussions could be arranged, or are already taking place with the Department of Enterprise, Trade and Employment as to how this might be activated?

**Mr. B. Smith:** The Department of Enterprise, Trade and Employment is the lead Department for the European Union's seventh framework programme and from next year, significant funds will be made available from that programme. The Department of Agriculture and Food's role will come under the general theme of food, agriculture and biotechnology. The first call on the framework programme reflects many of the Irish research priorities in non-food crop research. The Department anticipates and is confident there will be successful Irish participation in the seventh framework programme.

As for the areas Deputy Upton correctly identified as having potential, the principal areas funded have included energy production, including bio-fuels, bioethanol and bio-mass production, as well as the use of waste heat. To date, funding under the Department's stimulus research programme has amounted to more than €3.5 million. I refer to bio-mass, miscanthus, willows, bioethanol and the entire field of the alternative use of crops and sustainable agriculture.

The Department's stimulus research programme is particularly geared towards assisting such research in third level colleges and within industry. As Members are aware, there is a focus on the question of the need for alternative energy sources in the context of the Government's Green Paper. Moreover, considerable research funding will be devoted to the potential of those particular crops.

**Dr. Upton:** While I welcome those developments, I understand the Minister of State mentioned a sum of €3.5 million. I consider such a sum to be an extremely small amount of investment in terms of such research. Is the figure of €3.5 million correct?

**Mr. B. Smith:** It pertains to that particular area, to date.

**Dr. Upton:** Yes. This field has enormous development potential and should be promoted. My question pertained in particular to the replacement of plastic materials, in so far as they might be used, for instance, as a food covering material. Some leading supermarkets in the United Kingdom are already working on such research, in which plastic coatings from such biodegradable raw material are used. Will the Department encourage such research in Ireland, as it relates to both the agricultural production and food consumption aspects?

**Mr. B. Smith:** I doubt whether I have sufficient knowledge to comment on a matter that is probably still under development in a laboratory. It is a subject on which I will gladly defer to the Department's inspectorate and to specialists. However, I will not attempt to comment on something that, to my knowledge, has not yet taken life.

**Dr. Upton:** Supermarkets in the United Kingdom are already doing so.

**Mr. Naughten:** To follow Deputy Upton's comments, there is concern within the scientific sector that heretofore, Science Foundation Ireland was more focussed on the high technology end of the spectrum than on developing Ireland's strengths in respect of food production and the growth of crops such as those mentioned by Deputy Upton. Has the Minister of State met representatives of Science Foundation Ireland in this regard? Has he discussed these concerns with it? While its attitude is now changing, can the Minister of State guarantee a greater focus on this subject on the part of Science Foundation Ireland in future?

**Mr. B. Smith:** I met Dr. Fottrell, the chairman of Science Foundation Ireland, in late 2004. It has been exceptionally successful in its work since its establishment in the late 1990s or the early years of this century. The Government is committed to

providing substantial resources in the field of food research innovation. I have stated that substantial resources have been committed already in the Department's Estimates and will be provided under the Government's science and technology innovation strategy.

Last August, the International Congress of Meat Science and Technology was held in Ireland. It was hosted by Teagasc and the Department and included participants from more than 50 countries. I spoke to participants from countries such as the United States, Britain and other European countries who were highly knowledgeable about the significant resources Ireland is investing in science and research at present. I refer to the development of the laboratories at Backweston, the additional resources for Teagasc and the assistance to third level institutions at both university and institute of technology level. Moreover, public good research can be conducted by private and public companies in association with the public service and third level institutions. This is how great synergies are being developed with regard to productive research. I am highly confident the considerable resources being devoted to the food sector will pay great dividends for the food industry, the national economy and — as Deputy Upton noted earlier — the emerging health agenda.

### Food Processing Sectors.

7. **Mr. Nolan** asked the Minister for Agriculture and Food the policies she has in place to sustain the dairy, beef and sheep processing sectors; the progress to date; the outlook for the future; and if she will make a statement on the matter. [40273/06]

11. **Mr. Finneran** asked the Minister for Agriculture and Food her plans for investment in the dairy, beef and sheep processing sectors. [40269/06]

**Mary Coughlan:** I propose to take Questions Nos. 7 and 11 together.

In keeping with commitments given in the *agri-vision 2015* action plan, in recent months I have announced investment packages totalling €150 million to support the development of the dairy, beef and sheepmeat processing sectors. A total of €100 million is earmarked for the dairy sector, while €50 million is being provided for the beef and sheepmeat sectors. This substantial grant assistance, which should trigger investment in excess of €400 million, is yet another clear indication of the Government's commitment to the continued development of a modern, competitive, innovative and market-focused food industry.

Financial support will be made available towards the cost of the construction and acquisition of buildings, new machinery and equipment and will significantly assist the industry in improv-

ing efficiency and competitiveness. I commend the positive response in recent years of the dairy, beef and sheepmeat sectors to the challenges presented in an ever-changing market. This has made a major contribution to the enhanced status and reputation of Irish produce abroad. The Government has striven to lead that progress and to assist stakeholders by adopting pragmatic, if ambitious, policies in supporting the development of the sectors.

The investment schemes will be managed by Enterprise Ireland who will evaluate the suitability of investment projects submitted for grant assistance. I launched the dairy investment fund in September 2006 and the closing date for applications was Thursday, 23 November. The dairy fund will support Annex 1 dairy projects in which the inputs and outputs consist of, at a minimum, 75% Annex 1 products. I was pleased to be informed by Enterprise Ireland that the dairy investment fund was over-subscribed. An evaluation committee comprising representatives from Enterprise Ireland, my Department and other experts will select the projects to be grant aided following a detailed technical and commercial analysis of each project.

While the scheme for the beef and sheepmeat processing sectors was announced as recently as 8 November, there has already been a very positive response from the industry and I expect significant progress to be made fairly quickly. At present I am in consultation with Enterprise Ireland and expect to be in a position to publish the full eligibility criteria and terms and conditions of this scheme in the near future.

**Mr. Nolan:** I welcome the Minister's reply and the Department's commitment to the agricultural sector and to the dairy, beef and sheepmeat sectors in particular. Genuine concern exists within the farming sector regarding the future of farming in general and that of the dairy sector, which has been so good for Irish agriculture in recent years, in particular. Farmers and farm organisations seek a Government commitment to invest significantly in this sector in order that farmers can encourage members of their families to engage in farming and to avoid issues that might discourage farm families from continuing to farm.

I am also pleased to note the Minister has involved Enterprise Ireland in this sphere of investment because one must consider the bigger picture. Can the Minister predict, post 2013 or 2015, where these three agricultural sectors will be?

**Mary Coughlan:** It is with some concerns that we have introduced our *AgriVision 2015* document. With the background of the world trade talks, competitiveness and many of the pressures within the manufacturing sector, it was decided that we would support primary processing, Annex I, on the basis that we need to encourage and



[Mary Coughlan.]

support this export-orientated sector to be competitive and to possess the standards under which they can afford to be competitive. It was under this drive, particularly in the dairy sector, that such an investment has been made.

If we change our product mix, and if we develop the product qualitatively and can deal with a number of opportunities at innovation level, we also will have opportunities to exploit a market which, as Deputy Nolan correctly stated, has been good to Ireland and to Irish farming. If we do not reach a particular level of exports, we will not survive in the future. The methodologies and policies on which we are working to ensure that happens are ones such as the quota exchange that is taking place in the reform of the quota regimes, supporting some of the concerns expressed on the implication of statutory instruments and, most particularly, that the processing sector would get an investment to afford it the opportunity to be competitive, to innovate and to look towards the market and the consumer. The harsh reality is that when the present Common Agricultural Policy reform is changed, Irish farmers and producers must be in a position to move on from some of the existing structures. We provided this significant investment to allow that to happen. Having spoken to a number of company chief executives, I am aware that there are fine projects which will allow us to be more competitive and give us more product mix.

**Mr. Naughten:** I am glad to see that the Minister's backbench colleagues are coming in to support her. It is either that Deputies Upton and Crawford and I are doing a good job or there is a lack of communication within the Fianna Fáil Parliamentary Party — I do not know which is the case.

We all agree on the need for reform within the processing sector in this country and I hope these funds will spur on such reform. The concern I would have in that regard is that clear criteria were not laid down on the structure under which these funds will be distributed. I am afraid this could end up being a lost opportunity. I genuinely hope I am wrong in that regard, but I have concerns about the structure of the dairy fund and I hope clear criteria on the meat processing funds, both in sheepmeat and beef, will be laid down to ensure that the maximum reform possible will take place. What is the current status of the Malone report recommendations on the sheep industry, which is close to my heart, and when will they be implemented?

**Mary Coughlan:** I sincerely hope Deputy Naughten will be wrong because my view is that the dairy investment fund will create significant opportunities for the sector. At present, Enterprise Ireland deals with Annex I products and manufacturing produce. Primary processing

has now moved from Enterprise Ireland. Enterprise Ireland has been targeted at additionality, research and innovation. My view — this fund is being channelled through my Department — is that there is a considerable opportunity within the primary processing sector and that is why it amounts to 75% of Annex I. Our approach is two-pronged. One is straight primary, Annex I. The other involves considerable opportunities within Enterprise Ireland at innovation, research and new product line. These, married together, will provide significant opportunities for the companies.

The criteria were set down. I acknowledge it was a short timeframe, but this must be done in the confines of State aids and that was the issue. We had to get the applications submitted within the existing State aid rules. The changes in State aid could mean that a number of companies would not be eligible and that is why we had to move it.

The criteria for the beef sector and the sheepmeat sector are being dealt with and we hope to have them fairly soon. We have met with the industry on a number of occasions to ascertain its needs and worked with Enterprise Ireland, and will see how we can marry both of those criteria.

There are issues in sheepmeat. We need to take what could be our only, and last, opportunity to develop a sheepmeat sector which will survive and be competitive. The Malone report, as Deputy Naughten will be aware, was launched and I have put together an implementation group. I would hope to receive its outcome quite soon. At present there is much unrealistic talk because people have forgotten that we are in a decoupled system, and a number of Members on all sides of the House are being pressurised to perform miracles on a number of issues. Some of these are well founded and within the confines of the recommendations of the Malone report. Others fall far beyond it. I will be considering that report fairly soon with the chairman with a view to putting together a number of proposals that, hopefully, would support an industry which is extremely important, as Deputy Naughten will be aware from his part of the country.

**Mr. J. Brady:** I welcome the €150 million that the Minister has invested in the dairy, beef and sheep sectors. We all understand the importance of having a modern processing sector because this is an exporting country.

The small processing sector is an area about which I have been extremely concerned. I refer not only to small butchers but also to farmers going into other alternatives. These should be encouraged. There is a cheese factory in my constituency which has gone from strength to strength, and any assistance or help possible should be given to those who want to get involved in alternative types of farming.

**Dr. Upton:** I noted that the chief executive of the Irish Dairy Board commented recently that our input in cheese production is far behind that of the rest of Europe. Are there any specific initiatives in that area? Clearly there are many opportunities. We are importing vast amounts of cheese, which surely could be produced locally. These have the potential to be of a high quality. Why is there not much greater investment in the development of the cheese processing industry, where there are opportunities to develop many new varieties?

**Mary Coughlan:** I agree with Deputy Upton. Mr. Coakley's views are ones we would hope to reflect in this dairy investment scheme, where we are looking at a vision for, and new opportunities within, agriculture. As Deputy Upton will be aware, my view is that in the milk sector there are still opportunities for exploitation of the baseline produce whether in protein, healthy living or looking at new alternatives on the high-tech side or, equally, in cheese production. Mr. Coakley's views have been more than helpful and the dairy investment scheme will reflect a number of those initiatives. From hearsay, quite a number of people are looking at cheese development. Deputy Upton is correct. How is it that an Irish company is the largest producer of cheese in the United States of America? We, in Ireland, should be involved in cheese production.

In answer to Deputy Brady, we have enjoyed much success in the small and artisan food sector. Under the Minister of State, Deputy Brendan Smith, an additional €4 million has been made available to An Bord Bia, which is looking at providing a centre of excellence, particularly supporting artisan and small food producer development and linking with what has happened in Leader and county enterprise boards. There are still niche markets and small opportunities for people in the sector. I note that at any of the awards ceremonies and shows here, in the UK and elsewhere that I have attended recently, many of our excellence awards came from people, particularly in the cheese sector, who are small dairy producers who have innovated to create another type of employment for themselves. Much strength has been gleaned by a number of these companies coming together under Cáis. There are niche opportunities which can provide a suitable income for people linking with the food and tourism strategy in this country.

#### **Milk Testing.**

8. **Mr. P. Breen** asked the Minister for Agriculture and Food the steps she is taking to provide for independent milk testing; and if she will make a statement on the matter. [40469/06]

**Minister of State at the Department of Agriculture and Food (Ms M. Wallace):** The Depart-

ment already conducts regular checks on the results of butter fat testing carried out by milk processors. It also checks the calibration of instruments used in milk processing establishments for measuring fat and protein levels in milk collected from producers. The Department also monitors the instruments used in measuring somatic cell levels in milk delivered to processors.

In addition, the Department conducts random administrative checks to ensure the results of butter fat and protein tests are correctly transcribed into the calculation of the milk price paid to the producer. In accordance with the provisions of the partnership agreement, Towards 2016, the Department will extend its monitoring and cross checking of the milk testing regime to include all constituents used for payment purposes and, in consultation with the industry, will ensure transparency in the milk analysis regime.

**Mr. Naughten:** I thank the Minister of State for her reply but when will we see that happening? That is the key issue. Everyone in the House has met dairy farmers around the country who have raised serious concerns about protein in milk. The results do not seem to tally with what they should be. When will the Minister ensure we will have transparency concerning milk analysis? Many farmers believe such transparency is not currently in place. In specific circumstances where individual farmers have concerns, will the Department make its representatives available to carry out inspections? That would ensure a proper and accurate analysis is being made of the milk supplied. I have heard some stories which give rise to a significant number of questions in this respect. If we are talking about developing the industry and increasing the quality of supply to creameries, it is critically important to put in place a transparent system which everyone can stand over and which will reassure farmers as to the accuracy of its analysis.

**Ms M. Wallace:** As part of the partnership agreement, it has been agreed we will engage with stakeholders with a view to having the appropriate arrangements in place. It will only be a matter of months before they are in place. As regards proper and accurate analysis, most processors now have automated equipment for testing the fat and protein content of milk, as well as the somatic cell levels. Twice yearly, the Department's dairy produce inspectorate checks that this equipment is correctly calibrated. This is done by running special samples obtained from Teagasc at Moorpark, for which the relevant values are already known. These checks are carried out without notice.

As regards the other concerns raised by the Deputy, farmers will have to raise them directly with their co-ops with respect to the ongoing situation.

**Mr. Naughten:** That is the problem.

**Mr. Crawford:** As a dairy farmer, it is hard at times to understand how, when checks are carried out on our farms by independent cow testers, there is no comparison between such results and those we receive from the milk tank through the creamery. The sooner this is done the better. May we have an assurance that it will be done within months rather than over a longer period?

**Ms M. Wallace:** Much of the testing is done by automated equipment but, in addition, standard Gerber procedures apply to butter fat testing. The SOPs provide that checks are also made on the accuracy of results from samples already tested by the automated equipment. At least twice a year, therefore, a minimum of ten samples are selected and tested. Some smaller establishments do not have automated equipment and they rely entirely on the Gerber method to determine fat content. In those cases, the inspectorate carries out its own Gerber test, on site, on samples already tested by management. Although the SOP is relatively new, the checking regime has been in operation for a considerable number of years. The validation testing of butter fat levels is already in place but we are talking about extending it to protein so we will have the same level of testing as for butter fat. I note the Deputies' concerns and we will ensure there will be sufficient safeguards concerning the independent validation process, which will be in place in a matter of months.

**Dr. Upton:** Is any comparative data available on tests currently carried out in the processing unit and those undertaken by the Department's independent monitoring unit? The Minister of State referred to ten samples being taken annually. More importantly, how do they compare and what discrepancies, if any, exist between them?

**Ms M. Wallace:** I do not have the comparative information to hand but I will be happy to obtain the data for the Deputy if she wishes me to provide her with some statistics in that respect.

**Dr. Upton:** I thank the Minister of State.

### Nitrates Directive.

9. **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. [40496/06]

**Mary Coughlan:** A revised farm waste management scheme was launched by my Department on 24 March 2006, as part of the arrangements to enable farmers to meet the additional requirements of the nitrates directive. The principal changes to the scheme include an increase in the

standard grant rate from 40% to 60%, with 70% being available in the four zone C counties; an extension of the scheme for the first time to sectors such as horses, deer, goats, pigs and poultry, and mushroom compost; the removal of any minimum income requirements from farming from the scheme so that all small farmers can participate in the scheme; and an increase in the maximum eligible investment from €75,000 to €120,000 per holding.

The technical specifications for farm buildings operated by the Department for the purposes of the scheme require the installation of adequate arrangements for the separation of clean and dirty water as part of the conditions of any new investment. This includes rainwater. 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.

**Mr. Naughten:** I thank the Minister for her reply but how will she ensure the guttering item will be in place by 1 January 2007, which is the legal requirement, as she knows? That seems to be the big difficulty. For many small farmers rainwater management will be as big an issue, if not bigger, than slurry management. It is frustrating for farmers because they must pay for water supplies to their farms, while in some circumstances they will also have to pay for the dirty water coming off their farms. Will the Minister issue specifications for the storage of clean water? No such specifications are currently available. Technical advice is available within the Department and scientific advice is available from Teagasc, but no farmer can get specifications for the storage of clean water or rainwater, rather than having to pay for it through a meter.

**Mary Coughlan:** As the Deputy knows, he is moving on to discuss another subject, which is not under my auspices but comes within the remit of the Department of the Environment, Heritage and Local Government.

**Mr. Naughten:** No. I am talking about the specifications.

**Mary Coughlan:** Water metering is a controversial issue but alternatives that could be used by farmers, including rainwater, will be examined in the context of ensuring efficiencies within the farming sector.

With regard to the storage of clear water, the farm waste management scheme dealt specifically with soiled water and slurry. I expanded the scheme to allow for other necessary works to be carried out on the farmyard, following issues that were raised by farmers in all the local meetings I have held with them.

With regard to specifications, at the end of the day, this is a matter between Teagasc and the Department. Both Teagasc and the private plan-

ners have available to them all the specifications needed in order to have entitlements under this scheme and they have been forthcoming. We have worked with farmers to ensure that, within the realms of possibility, everything that can be done to support them will be done. As the Deputy knows, that has happened in the context of the rules and regulations provided.

The Deputy is slightly flippant in saying the issue of rainwater will have to be dealt with by 1 January 2007. Issues still have to be finalised concerning the farm waste management scheme. Lest it be said otherwise, my view regarding rainwater is that the majority of farmers are dealing with the issue of clean water as opposed to soiled water. Under the farm waste management scheme the emphasis has been placed on soiled water, waste and slurry.

**Mr. Crawford:** The Minister mentioned a ceiling of €120,000 including work done recently on some farms. Is there any room for leeway on an upper limit, given the situation in the Cavan-Monaghan constituency, represented by Deputy Brendan Smith and me, for those involved in intensive pig farming as well as dairy farming? Will €120,000 be the maximum or can herd number be accepted in addition to pig number?

**Mary Coughlan:** I will need to get clarity on the issue of pigs but I do not think there is a limit on the pig installation — it is an overall limit of €120,000. I do not wish to mislead the House so I will have to get the information requested by the Deputy later.

**Mr. Crawford:** It is not a trick question.

**Mary Coughlan:** I understand, I simply do not know the answer and must get it for the Deputy.

**Mr. Naughten:** I wish to return to the questions I asked earlier. Will the Minister ensure storage specifications are made available regarding clean water storage? She is correct that rainwater is not part of the system at the moment, but if it happens to fall on the ground it becomes soiled water and becomes part of the specifications, which we wish to avoid this as much as possible. If the Minister is not prepared to provide grant aid for such storage facilities she should at least provide the specifications so that farmers, if they wish, can build them and ensure they have the capacity to meet requirements.

The vast majority of farmers are unaware that, as the law stands, they must have guttering replaced or installed on existing buildings to manage rainwater and clean water by 1 January. I do not know if the Department of Agriculture and Food will implement this or any other section of the legislation but farmers are concerned because they still do not know the specifications nor the implications of the rules and regulations.

**Mary Coughlan:** The rainwater and clean water directive was introduced in February 2005.

**Mr. Naughten:** Why did the Minister not issue the booklets to farmers then?

**Mary Coughlan:** Every farmer reads the *Irish Farmers' Journal*. It cost a fortune to take several pages in the *Irish Farmers' Journal* on these issues.

**Mr. Naughten:** Not all farmers read the *Irish Farmers' Journal*; look at the circulation figures.

**Mary Coughlan:** Rainwater is not part of this issue because it is clean water, not soiled water or slurry.

**Mr. Naughten:** Until it lands.

**Mary Coughlan:** On landing, if it mixes with livestock faeces, urine, silage effluent, chemical fertilisers, milking parlour washings, washings from mushroom houses or water used in washing farm equipment, it is considered soiled. Once soiled, there is a regulation and a specification and that is what must happen. Clean water has no specification, soiled water has a specification and slurry has a specification. It is very simple and is available to farmers — the specification is part of the scheme and part of the application form.

**Mr. Crawford:** We must get legal advice on this.

**Mary Coughlan:** Legal advice is too expensive.

**Mr. McDowell:** I made my money in slurry.

**Mr. Naughten:** I am tempted to say something but I will not.

**Mary Coughlan:** The information was posted to farmers during the summer.

#### Animal Welfare.

10. **Dr. Upton** asked the Minister for Agriculture and Food her view on requiring the reporting of the severity of animal procedures retrospectively here. [40555/06]

**Mary Coughlan:** I understand that this question relates to scientific experiments on laboratory animals. My Department has no statutory responsibility for this area. The protection of animals used for experimental or other scientific purposes is regulated under EU and national legislation. Statutory responsibility for this legislation falls within the remit of my colleague, the Minister for Health and Children.

The only involvement my Department has had in this area is that, in the past, current and recently retired members of the Department's

[Mary Coughlan.]

veterinary staff carried out inspection visits on behalf of the Department of Health and Children.

**Dr. Upton:** I thank the Minister for responding to this question and I raise it in the wider context of animal welfare. My problem regarding all questions relating to animal welfare is that they are passed from one Department to another. When I asked the Minister for the Environment, Heritage and Local Government about the issue of feral cats, a real problem in suburban areas, he responded that it was not an important matter and it fell off the end of the list. These are genuine animal welfare queries that must relate to some Department in which there is a person with overall responsibility.

The last year for which we have data is 2002 when 41,000 animals were used in experiments in Ireland without anaesthetics and account must be taken of this. It may be that this represents best practice in the area, but we must examine how such issues can be addressed. Procedures are in place for testing and measuring the severity of adverse effects and I wonder why we do not take a more proactive stance.

**Mary Coughlan:** My statutory responsibility is for the protection of farmed animals under the Protection of Animals Kept for Farming Purposes Act 1984 and the EU regulation of 2000. The national legislation for experimental or scientific purposes is related respectively under a Council directive and the European Communities Amendment of Cruelty to Animals Act 1876 Regulations 1994. This is the statutory responsibility of the Department of Health and Children.

The Deputy is correct that the issues involved cut across more than one Department. My Department is responsible for many minor animal welfare schemes and we give considerable grant aid to the care of pets. The Department of the Environment, Heritage and Local Government oversees dog shelters and so on. The overall issue of cruelty to animals crosses all of these Departments, but I am only responsible for the welfare of farmed animals. There is an animal welfare group covering all animals.

The issue the Deputy has raised is totally unacceptable as standards have been set under the Cruelty to Animals Act and they must be adhered to. If the Deputy wishes to raise the matter with the Minister for Health and Children I am sure she will be happy to deal with it and I will also mention it on the Deputy's behalf.

*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 Pat Breen — the implications of the Teamwork report for hospital services in the mid-west; (2) Deputy Neville — the position regarding Athea national school; (3) Deputy Michael Smith — the closure of Corporate Apparel, Roscrea, County Tipperary; (4) Deputy Costello — the need for the Minister to provide statutory regulations for the management of traffic in and around our two major international stadia; (5) Deputy Catherine Murphy — the negative impact on the quality of life on persons affected by the new levies imposed by the Health Service Executive; (6) Deputy Deenihan — the Enterprise Action Team report regarding job creation in Kerry in 2005; and (7) Deputy Sargent — that the Minister report on the number of inspections that have taken place to implement the National Standards Disability Services Report 2004 and the code of practice for sheltered occupational services 2003 and the provision being made to address the need for additional places in the disability services sector in the north County Dublin in the wake of the population explosion in the area.

The matters raised by Deputies Pat Breen, Catherine Murphy, Michael Smith and Costello have been selected for discussion.

#### **Garda Reform: Statements.**

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** On a point of order I apologise to the Members present as my script is being photocopied for them at the moment.

**Mr. J. O'Keefe:** As long as it is not gathering dust.

**Mr. McDowell:** The profoundly disturbing events which are dealt with in the reports we are about to discuss have been, as they must, the subject matter of strong action on the part of the Government. The Garda Síochána Act 2005, the most profound piece of legislation relating to An Garda Síochána in the history of the State, is the vehicle which has put in place many of the changes which have drawn inspiration from the fallout from the events in Donegal.

That Act has become the catalyst for the most fundamental reform and transformation of the force into a modern police service in which we can all take pride. It goes to the very core of policing, recasting in statute form the formal relationship between the Executive, the Minister, the Oireachtas and An Garda Síochána as well as the force's relationship with local government. It imposes a clear statutory duty on every member of the force, when required to do so by a member of higher rank, to account for his or her action or inaction while on duty. Failure to do so is sufficient to ground disciplinary action which may lead to dismissal. It must be recognised that An

Garda Síochána has changed greatly in the intervening years since the events of years ago. We are in the midst of a new era of reform which will continue to impact on the way the force conducts itself and serves the community.

The Government has acted firmly and radically to ensure the culture and organisation of the Garda Síochána is fully fit for purpose. It is my firm belief that, among other steps, the establishment of the ombudsman commission, which is gearing up to commence operations in the new year, the establishment of the Garda inspectorate and the appointment of chief inspector Kathleen O'Toole and her two fellow inspectors, the appointment of the four-person civilian expert group chaired by Senator Maurice Hayes to advise the Commissioner on the development of management and leadership skills for senior officers, including the promotion of a culture of performance management and accountability, the development of human resource management and succession planning and the development of specialist skills and enhanced training for members and staff of the Garda Síochána, the establishment of a Garda reserve, the establishment of local policing committees, the creation of a Deputy Garda Commissioner position to lead a dedicated change management team, the enactment of the provisions of the Garda Síochána Act for greater accountability of members of the service, the new discipline regulations, the new promotion regulations and a whistleblowers' charter signify unprecedented reform and a new era in policing. I am determined to see these measures through and to do my utmost to ensure we never have a repeat of the appalling scenario which arose in the past and had the potential to do lasting damage to the confidence in and trust of the Garda Síochána that all our citizens deserve.

There have been calls by some Members of the House for the establishment of a police authority. Dáil Éireann is Ireland's police authority and accountability through the Minister and the Commissioner is the most appropriate mechanism for democratic oversight of a modern police and security service.

**Mr. Howlin:** Accountability would be a good idea.

**Mr. McDowell:** It is my intention to consult the Opposition parties on the establishment of a security and policing committee. If the measures in the Garda Síochána Act are to have full effect, the Committee on Justice, Equality, Defence and Women's Rights, which has a number of functions and is overloaded with other matters, is not the appropriate forum for having direct Oireachtas accountability from the Garda.

**Mr. J. O'Keefe:** I am glad the Minister has listened to me.

**Mr. McDowell:** Reports from eminent persons which are critical of the Garda Síochána are not to be taken lightly. What I have said and, more important, done clearly illustrates that they have not been taken lightly. The programme of reform undertaken was recognition, even before the publication of the critical reports, that fundamental issues affecting the Garda Síochána had to be urgently addressed.

The State depends on the Garda Síochána for the protection of its citizens and its security against those who would threaten its existence. We are indebted to the vast majority of those upstanding, diligent and courageous members of the Garda who since the foundation of the State have served the Irish people with honour and distinction. We continue to condemn in the strongest possible terms the horrendous and reprehensible events of almost a decade ago. As we take radical steps to ensure such events never recur, we should not condemn and vilify the Garda Síochána as a whole but support the organisation in its radical transformation, under Commissioner Conroy and his team, into a modern, fully accountable and transparent professional police service. I am confident that this sentiment prevails among members of the public and the Garda Síochána and that there is support for the force as it continues its unprecedented expansion through a major recruitment drive for trainee and reserve gardaí.

I and members of the public still retain full confidence in the Garda Síochána as an organisation. Its members are in the front line in the fight against crime and deserve our full support. During my term in office and that of my predecessor, we have continuously increased the financial and human resources made available to the force. Unlike our critics in the Opposition parties who oversaw a decrease in the size of the Garda Síochána when last in office, we have increased the size of the force. I have honoured the Government commitment and overseen the recruitment of a further 2,000 Garda trainees. The force is more than 20% larger in size than it was in 1997. Similarly, the Garda budget is more than €1.3 billion, 85% greater than in 1997. I have assured the Garda Commissioner that he will not lack resources to fight crime.

I turn now to those inquiries which have examined allegations of wrongdoing by members of the Garda Síochána. The House has an opportunity to address the issues raised in six of these reports, namely, the reports of Mr. Justice Frederick Morris on the Ardara, silver bullet and Burnfoot modules of his tribunal's work, Mr. Justice Robert Barr concerning his tribunal's inquiry into the fatal shooting of Mr. John Carthy, Mr. George Birmingham SC regarding his commission of investigation into the Dean Lyons case and Mr. Dermot Nally, Mr. Joseph Brosnan and Mr. Eamon Barnes in relation to the report submitted to the Minister for Foreign

[Mr. McDowell.]

Affairs by the Police Ombudsman for Northern Ireland raising concerns about the alleged activity of certain Garda officers during 1998. On behalf of the Government, I look forward to a vigorous, balanced and responsible examination of their reports over the next two days.

I do not want to avail of the time afforded to me simply to reprise all the reports' findings. The findings of Mr. Justice Morris's reports on the Ardara, Burnfoot and silver bullet modules have been in the public domain since late August. The Government took the unusual step last May of issuing a statement on the contents of the reports, even though publication was not permitted by the High Court at that stage owing to an impending criminal trial. That step was taken because of the serious implications of the reports' conclusions for the force.

Detective Sergeant John White is a central figure in all three reports, notwithstanding that they all deal with separate incidents. He is also the focus of the Nally report to which I shall return later. The silver bullet module report concluded that Detective Sergeant White, with the co-operation of Garda John Nicholson, induced a member of the public, Mr. Bernard Conlon, for the promise of reward, to be "found on" Mr. Frank McBrearty's licensed premises after hours. In this context, Mr. Conlon was paid expenses from public funds to which he was not entitled.

The Ardara report concludes that the self same Detective Sergeant White was responsible for placing an explosive device on a telecommunications mast at Ardara in Donegal so that persons suspected of arson at the site could be falsely arrested under section 30 of the Offences against the State Acts. Perhaps the most damning report of all is the Burnfoot report, which concludes that Detective Sergeant White and Detective Garda Thomas Kilcoyne deliberately planted a weapon at a campsite of the Traveller community on Friday, 22 May 1998. This was done, it is alleged, with a view to ensuring that a search which was then planned and in respect of which warrants were issued under section 29 of the Offences against the State Act 1939 for the following day, would be successful. This, in turn, would facilitate an arrest under section 30 of that Act. Further, the tribunal concluded that Detective Sergeant Conaty, Garda Mulligan and Garda Leonard entered into a conspiracy, a primary motivation being to help Detective Sergeant White to escape a criminal charge.

Two of the foregoing members, Garda Mulligan and Garda Leonard, have since been dismissed. A further member, Sergeant Conaty, is retired and Detective Sergeant White is the subject of an ongoing disciplinary process under section 14 of the Garda Síochána Act 2005.

A common theme in both the Ardara and Burnfoot reports was a shocking abuse of process by members of the Garda Síochána to make the

provisions of the Offences against the State Acts available to them when making arrests. The Burnfoot report indicates that the tribunal was disturbed by the manner in which search warrants under section 29 of the Offences Against the State Act are issued by Garda superintendents. The tribunal recommended that urgent consideration be given to vesting the power to issue warrants, under section 29 of the Offences against the State Act, in judges of the District Court and Circuit Court, rather than in officers of the Garda Síochána not below the rank of superintendent, as at present. The tribunal recognised that there are very limited occasions upon which time would be so pressing as to make it impossible to follow such a procedure and that, in any event, a residual power for such eventuality could still be vested in a senior officer of the Garda Síochána to be used in exceptional circumstances.

I share fully the tribunal's concerns about the abuse of warrants and accept the recommendation of the tribunal to the effect that statutory provisions in this regard should be considered. In light of the findings of the tribunal I did not proceed with proposals in the Criminal Justice Act, based on recommendations by an expert group on the criminal law, to extend the search warrant powers available to the Garda pending consideration of the issues raised by the tribunal. I propose to address this issue by way of amending legislation. My intention is to propose provisions which will replace section 29 so as to define as closely as possible the exceptional circumstances in which warrants may be issued by members of the Garda Síochána. I also intend to designate a rank higher than superintendent to perform this function, place strict timescales on such warrants and introduce an effective element of oversight independent of the Garda Síochána on the operation of such warrants.

I will return to the wider implications of these Morris reports but first I will say a word about the Nally report. As I stated, there is a link between the subject matter of the Morris reports and the subject matter of the Nally report, namely, Detective Sergeant John White. On 22 March 2002, the Police Ombudsman for Northern Ireland, Mrs. Nuala O'Loan, an officer from outside the jurisdiction to whom Detective Sergeant White chose to make certain allegations, presented a report to the Minister for Foreign Affairs on the allegations in question. My predecessor then established a group under the former Secretary to the Government, Mr. Dermot Nally, including Mr. Joe Brosnan, former Secretary of the Department of Justice, Equality and Law Reform, and Mr. Eamon Barnes, former Director of Public Prosecutions, to examine matters arising from that report. The group's report came to hand in mid-2003.

This report has already been the subject of some debate in this House on two previous

4 o'clock

occasions, once in December 2003 and again in February 2004. On the latter occasion, I made a commitment to produce an edited version of the report once criminal proceedings against Detective Sergeant John White were disposed of. This commitment was given not on the basis that any public interest would be served in disseminating allegations which had been found to be baseless but in deference to the wishes of the families of the victims of the Omagh atrocity, an atrocity that marked one of the darkest days in the history of this island.

That commitment, however, was subject to the understanding that, even with the criminal proceedings being disposed of, I could not publish the report in full because of the security sensitivity of some of the information it contained. I indicated at that time that I would publish an edited version of the report in due course. The reason for this is that the subject matter of the report, to use the words of the group that prepared it,

deals with highly sensitive matters involving the security of the State and possible risk to the lives of individuals. It also describes Garda operational procedures and methods, public disclosure of which could adversely affect future operations.

I believe that I have given effect to my commitment by placing copies of a heavily edited version of the report in the Oireachtas Library and making copies available to all Deputies and Senators in advance of this debate. I also gave copies in confidence to the leaders of the two main Opposition parties. My inability to give a fuller account did not sit easily with me given the gravity of the allegations made. Consequently, I hope that this edited version will be seen as a legitimate balance between the public interest in full accountability and the exigencies of the security requirements of the State.

The main allegations made by Detective Sergeant John White against senior members of the Garda Síochána are a matter of public record, as are the principal findings of the Nally group. In essence, the Nally group concluded "that there is no foundation for the allegations made .... and that those allegations were a direct consequence of and were motivated solely by concerns arising from the difficulties in which he [Detective Sergeant White] found himself with his superiors in the Garda Síochána and with the criminal law".

In the House previously, I outlined the categories under which the Nally group characterised the allegations made but, in so far as Omagh is concerned, the main suggestion in the public domain was to the effect that the Garda failed to pass on to the RUC information which could have prevented the Omagh bombing. However, as can be seen from the edited version of the Nally report, no such allegation was ever made to the group. Rather, the core allegations about events

preceding the Omagh bombing were that a senior Garda officer would have been prepared, if a vehicle had in fact been stolen, to allow it to go through to protect an informant and that no intelligence was passed to the RUC about information, alleged to have been received on the eve of Omagh that the Real IRA, which had been trying to steal a vehicle in the Dublin area, had obtained one elsewhere, with place, vehicle type and destination unspecified.

These allegations, although very serious, are quite different from allegations claiming that the gardaí could actually have prevented the Omagh bombing. As I have already mentioned, the Nally group found that there is simply no basis whatsoever for these allegations and that they were motivated solely by base reasons, involving the dishonourable abuse of the grief of the Omagh victims' families.

In producing an edited version, I am conscious that there will be those who will question the transparency of the editing process and the validity of the product of such editing. I am, as I have indicated, in a difficult position in trying to respond to such concerns, as the only way to put them beyond doubt would be to detail what was edited out, which defeats the whole purpose of editing in the first place. Nevertheless, in an effort to allay any such concerns, my Department consulted all three members of the Nally group prior to placing the edited version in the Oireachtas Library. All three members of the group consider the edited version to be a fair account of both the allegations relating to the Omagh bombing and their findings on those allegations. As I have stated, I made copies available to the leaders of the Opposition parties.

The Barr report comprises 741 pages. It represents the fruits of approximately three and a half years of evidence-gathering and analysis, dealing at times with decisions that had to be made in seconds. In dealing with its findings, I urge Deputies to ensure that its conclusions are contextualised by reference to general circumstances of the so-called Abbeylara siege. The events at Abbeylara in April 2000 were grave and unique in the Irish police experience, difficult to contend with and a far cry from the crises for which the emergency response unit and the Garda Síochána were trained. These are not my words but those of Mr Justice Barr. Those words and that context were not well canvassed in public discourse on the matter and did a disservice to many of those who were involved. It is only fair to canvass them now in the context of this debate.

It is not our purpose here to second-guess Mr. Justice Barr's findings or the weight he chose to give to particular evidence and the analysis which led to his conclusions, some of which I have some difficulty with. Whatever one's views on the report, however, no Member of this House would wish to understate the difficulties faced by the



[Mr. McDowell.]

Garda Síochána in dealing with situations such as these. While lessons must be learnt and changes have been made, we have to recognise that the Garda Síochána, in dealing with people using or threatening to use firearms, must not hesitate in taking whatever action is necessary to protect the lives of its members and those of innocent people.

Mr. Justice Barr criticised Garda performance in the Abbeylara siege, particularly with regard to command structures and training in siege situations where a person armed with a gun may be affected by mental illness. He also identified a need for the availability of additional specialised personnel at the scene of such incidents and asked that consideration be given to the use of non-lethal options. He favoured consideration of the need for ongoing training for local area superintendents, all Garda negotiators and, indeed, Garda recruits. Central to that training should be basic instruction on mental illness and how a person so afflicted should be dealt with.

The Garda Commissioner appointed a high level group to look into the issues raised by the Barr report. The group has extracted from the report the matters outlined in the tribunal's report which impact on the policing or operational areas. Each issue identified has been considered and commented upon. Where further action has been identified as being required, recommendations are made on how the group considers the matter may best be progressed.

Since the tragic events of 20 April 2000, significant developments have taken place within the Garda Síochána in the context of the management of critical events. Most significant of these was the issuance of the on-scene commander manual of guidance. It is also fair to say that the handling of the similar type occurrence in recent times by the Garda Síochána has shown that the force has learnt lessons from Abbeylara and is putting some of those into practice.

I have, in accordance with the provisions of the Garda Síochána Act 2005, forwarded a copy of the report to the Chief Inspector of the Garda inspectorate so that Garda procedures and practices for dealing with incidents of the type which unfolded at Abbeylara might be reviewed. I understand from the Garda inspectorate that work on a report in this regard is well advanced.

Chapter 13 of the report deals with gun licensing law and related matters and suggests consideration of proposed improvements to our laws. The Criminal Justice Act 2006, which was signed into law on 16 July 2006, provides for significant amendments to the Firearms Acts 1925-2000. The vast majority of the recommendations proposed for gun licensing have been legislated for in the Criminal Justice Act 2006. Certain provisions of the Act require a ministerial order before commencement. For example, my Department and the Garda Síochána are working together in the drawing up of new application forms for firearm

certificates and authorisations, as well as appropriate guidelines. It is anticipated that all provisions will be commenced by mid-2007. The gun lobby wants a uniform approach across the country and many senior members of that lobby are dissatisfied with the patchy and inconsistent implementation of the law at present.

I will return later to issues of management arising from the Barr report which have something in common with those arising from the Morris report.

The Birmingham report offers a thorough independent analysis of the facts surrounding the false confession made by Dean Lyons based on the evidence of all relevant witnesses. It is the first report to be completed under the mechanism provided for under the Commission of Investigation Act 2004. Deputies will recall that mechanism was introduced by me on the grounds that the public and sometimes adversarial nature of tribunals of inquiry does not lend itself easily to timely and cost effective investigations. The commission of investigation mechanism contained several new features that were intended to achieve that goal without compromising or encroaching upon the proper conduct of an investigation. Mr. Birmingham's inquiry was completed in six months and cost approximately €1 million. These facts speak for themselves and without any implied criticism, the contrast between the cost and the length of the Birmingham inquiry with the Barr inquiry deserves reflection in this House. One took a long time and a lot of money and they were subjects of comparable complexity.

**Mr. J. O'Keeffe:** He came from a good stable of course. It shows what we can do when we are put to the test.

**Mr. McDowell:** He was well chosen. George Birmingham concludes that no deliberate attempt was made to undermine the rights of Dean Lyons. His view is that inappropriate leading questions were inadvertently asked of him by interviewing gardaí, a failure which in turn equipped him with the information to maintain a credible albeit false confession. He gives reasons for this conclusion, one of which is his further conclusion that one of the main Garda conduits to Dean Lyons of the ultimately damning information was the loudest voice in his defence at case conferences.

Another factor unearthed by the commission which helps illustrate the complexity of Dean Lyons's vulnerable personality was the fact that his guilty plea was not a fleeting admission made in an oppressive interview room in a weak moment that was retracted almost immediately. It is the case that he maintained his own guilt before the impugned confessional material came about and long afterwards, not only to gardaí but also to a wide variety of other persons, including his legal advisers and family members.

With the benefit of independent experts, the report concludes that Dean Lyons's confessions were attributable to prior existing vulnerability within his personality that were compounded by his heroin addiction. His most elaborate and extensive admissions were made after he had taken the methadone which had been prescribed for him. Furthermore his vulnerability was disguised by his relatively high verbal skill — in other words his difficulties would not have been immediately obvious to a stranger. The report criticises the failure to notify the DPP about the doubts that existed within the investigation team — doubts which the report concludes were raised at case conferences despite the denials of members of the management team.

The decision of the original investigation team, three months after its original recommendation to the DPP that the existing charge of murder against Dean Lyons should nonetheless proceed and that an additional charge should be laid in respect of the second fatality is described by the commission as difficult to understand and even harder to justify. This comment was made in light of the fact that at the time Assistant Commissioner James McHugh was in the process of conducting an analysis of the various admissions on behalf of the Commissioner — an analysis which ultimately contributed to the DPP's decision to drop the charges.

To date, no one has been brought to trial in respect of these brutal murders. This is a heavy burden for the families and friends of the deceased to bear and a matter of great regret to me.

It is my firm view that the three reports, the Morris reports, the Barr report and the Birmingham report, demand an analysis that transcends their own individual circumstances if full value is to be gained from them. It requires us to move from the particular to the more general and to distil the various criticisms into manageable and coherent themes. What do they tell us about the performance of the Garda Síochána in general? I believe they tell us quite a lot about what is wrong and about what needs to be done if the performance of the force is to be improved in a way that is needed.

It is fair to say that one theme in particular is a feature of three of the four reports — the Nally report being the exception — and this is the weakness of management at senior level in the Garda Síochána in not giving full leadership and actively managing in a manner that utilises the resources available to the Garda Síochána to best advantage. A recurring theme in the Morris reports is a need to ensure that management of the force is modernised and revamped in line with best international practice.

The Barr report identifies similar failures, albeit in a more specific context. It highlights the absence of a structured mechanism for managing scenes like Abbeylara, although it states that the

performance of particular officers must be considered in light of what Mr. Justice Barr describes as inhibiting factors, the main inhibiting factor being the lack of specific training for those who had leadership roles in Abbeylara and an absence of knowledge on their part in dealing with violent conduct motivated by mental illness.

While the terms of reference of a Commission of Investigation do not involve making recommendations for the future, it is clear from any reading of the Birmingham report that there are serious differences of opinion between senior gardaí and their more junior colleagues. The report criticises senior gardaí for failing to convey to the DPP the doubts of their more junior colleagues. In the commission's view, the Garda written records of some of the interviews with Dean Lyons were incomplete, potentially misleading and could have led to a miscarriage of justice. The decision of the original investigation team, three months after their original recommendation, to recommend to the DPP that the existing charge of murder against Dean Lyons should proceed and that an additional charge should be laid in respect of the second fatality, is described by the commission as difficult to understand and even harder to justify. This is a clear criticism of management.

These leadership failures are matters of the most profound seriousness. The fact that they are manifest in different ways in each of the reports must indicate something. As Mr. Justice Morris stated in his Ardara report:

the Tribunal feels that it is necessary to point out that no one should serve as a superintendent without having the training, the expertise, the commitment to duty and the front line experience that will enable them to make real judgments on matters relating to criminal investigation. Men and women who are chosen for the rank of superintendent should, under no circumstances, be overawed by the experience or connections of any detective, sergeant or inspector serving under them.

In order to maximise levels of performance in a sustainable way, it is evident that the brightest and best must operate at the senior levels within the force. The first and most obvious issue that arises is the issue of selection — or more particularly the question of promotion practices within the force.

New promotion regulations have now been agreed by Government. The new regulations will bring about significant modernisation of the system for promotion within the force. They formalise the requirement for promotion to be based on merit and for all competitions to be held in a manner which is: fair, impartial and objective; in line with best practice; consistent throughout, and; open, accountable and transparent. These principles, combined with the introduction of additional external expertise in selecting candi-

[Mr. McDowell.]

dates for promotion within the Garda Síochána will result in a system which reflects current best practice.

In January of this year I announced that the Government had approved the establishment of a professional standards unit in the Garda Síochána. This unit will have responsibilities for addressing performance, effectiveness and efficiency across all levels of policing activity. The establishment of this unit will enable the Garda Síochána to ensure that organisational efforts and initiatives are driven strategically and that value for money and international best practice in professional, ethical and human rights standards are maintained.

I recently established a four person advisory group to advise the Garda Commissioner on the issues of management and leadership development in the force and Senator Maurice Hayes has agreed to be its chairman. At the same time the newly established Garda Síochána Inspectorate, in keeping with its statutory role of providing independent advice on matters of policing, addressed in its first report the issue of the appropriate management structures at senior level. Both groups have set about their tasks with diligence and have produced reports that deal with the management and structures needed to facilitate optimum performance in the Garda organisation. These reports are seminal and timely documents at this juncture in the redevelopment of the Garda Síochána. There is an acceptance on the part of the Commissioner and senior officers of the need for change and the Garda Síochána Act reforms being implemented across the whole Garda organisation.

The Government and I accept the recommendations in these reports. It is crucial that the appropriate structures and systems are put in place at senior level to carry the changes through. The enactment of the Garda Bill, with valuable contributions from all sides of the House for which I pay thanks, has put the necessary framework in place to give effect to the recommendations in these reports. I fully agree that changes should have been made years ago, but they were not. They are happening now and it is my intention to make further changes.

The report of the Garda inspectorate focuses on the question of the appropriate management structure in order “to provide an immediate and necessary platform to support further change”. In the text I have circulated I have laid out a number of measures that are currently being implemented in the force. The appetite for change is strong in the force. I pay tribute to Commissioner Conroy who is a traditional member of the Garda Síochána, for his courage and determination in driving the process of reform. I pay tribute to all the senior Garda management for accepting the need for reform and for agreeing to facilitate it and to assist in this modernisation. I thank the represen-

tative association for its part in urging and participating in reform.

On the question of discipline within the force, Mr. Justice Morris laid very heavy emphasis on the need to restore a proper system of discipline which is workable. He made the frightening point that even minor infractions of discipline attracted all the incidence of a criminal trial for murder. This has been changed. New draft regulations have been drawn up, in consultation with the Garda Commissioner, to implement the recommendations of the Morris tribunal and I hope to have them in operation very soon.

The draft regulations to govern the reporting of corruption and malpractice, the whistleblowers’ charter, have been published and are now in the public domain and I hope to implement them very soon, having heard the feedback. Civilianisation is proceeding apace or even accelerating—

**Mr. J. O’Keeffe:** It is proceeding at a slow pace.

**Mr. McDowell:** Although time is limited today, I draw to the attention of the House that a veritable transformation is taking place in the Garda Síochána. It is not the same old force; it is a changing force in a changing Ireland. All the things that are happening are for the better. It is challenging to people who are loyal to an institution to see it changing under their eyes but I wish to thank each and every member of the force for their continued commitment.

I draw to the attention of the House that more than 7,000 people applied to join the Garda Reserve and more than 10,000 people recently applied to join the force. It must remain as a force in a good place in the hearts and minds of the people. The majority of gardaí do their work honestly and conscientiously and with a great spirit of public service. Like me, they are taken aback and shocked by some of the events that emerged in the Morris reports and by what happened at the time of the events dealt with in the Nally report. There has to be an end to wrongdoing and to any culture of cover-up and any culture of collusion which created a context for some of these activities. There has to be a different way for the Garda Síochána to carry out its functions in the future. No longer will misplaced and ill-judged loyalty to corrupt bullies be allowed to supplant the loyalty that all gardaí and all citizens owe to the Constitution and the law, to the people and to the Garda Síochána itself.

**Mr. J. O’Keeffe:** We are here to discuss the findings and conclusions of a number of important reports. I pay tribute to all those associated with the production of the Morris, Barr, Birmingham and Nally reports. Those who worked in producing those excellent reports have been of service to the State. While one might not agree with every expression or recommendation

in the reports, those involved made an honest effort in their work for which I am thankful.

It is important to bear in mind that these were high profile reports into high profile issues. When we speak about what must follow on from the reports, we must also bear in mind that there were individual cases where issues were not properly dealt with. Another one has been uncovered. It arises from the tragic death of a young County Offaly man, Shane Tuohey, five years ago which has been the subject of investigation by Philip Boucher Hayes of RTÉ. We cannot forget that such individual cases need to be considered and brought to a conclusion that can give closure to the families involved. I have tabled a question to the Minister which will seek information on the Garda investigation into that case. It will be interesting to establish whether the Minister finds it necessary to have some form of independent investigation. That is just one example of many instances in the past. Let us hope that in future we will have in place a process and institutional arrangements to ensure such questions will not have to be addressed again.

I strongly believe Ireland has benefited greatly from the Garda Síochána. It has been staffed by dedicated men and women and has a proud tradition going back to the foundation of the State. Ireland is rare in having an unarmed police force and we must be grateful to W.T. Cosgrave, Kevin O'Higgins and the other founders of the State for this.

Despite the focus on the problems that have emerged around the country and in different parts of the force, we must bear in mind that through the teething of the Free State and more recently during the Troubles, gardaí have acted valiantly to secure our State and protect its citizens. Unfortunately, there have been a number of incidents in recent years arising from the deplorable actions of a number of individuals. These have been well publicised and the good name of the force has been brought into considerable disrepute. Even more troubling was the evidence of indiscipline and elements of cover up of such indiscipline. This gave an indication of the development of a culture which was removed from the core mission of the Garda Síochána which is to serve the State and its citizens. Everyone in this House will want to see a refocusing and redirection arising from these reports which will ensure the core mission is established at the centre of the Garda's approach.

The revelations made by the Morris tribunal, and to some extent the other reports, have severely damaged the Garda Síochána and deeply affected public confidence in the organisation. Unfortunately, the alarming circumstance now exists where some members of the public second guess the motivation of Garda decisions, doubt the bona fides of individual members and question the honesty of the force. The revelations of Garda behaviour, particularly in Donegal, were

shocking in the extreme. Many of us could not believe there were gardaí who had the audacity to undermine the rule of law so subversively, to deliberately deprive innocent citizens of their rights to liberty, fair process and the presumption of innocence. However, others had seen some of that at first hand and were not too surprised. As it turned out, some individuals within An Garda Síochána were, in no uncertain terms, corrupt, unscrupulous and ruthless.

It is incumbent on us as legislators and on the Government to confront this decline in confidence, to address the root causes of it, and to implement changes and reforms that will truly turn around the Garda. This must be done not just in terms of public perception, but also the efficacy of the organisation as a force for law and order.

The Garda Síochána must be equipped to deal with the 21st century problems it now faces, such as international crime, drug trafficking, gun crime, gang warfare, antisocial behaviour, juvenile delinquency and violent crime. The Garda must prepare for the challenges it faces through reform. Refusal to reform, along with the failure of systems to prevent corruption, mismanagement, rising crime and falling detection rates, have been responsible for the decline in confidence in the Garda.

I am not convinced the current Minister for Justice, Equality and Law Reform acknowledges the extent of this problem. He sees criticisms from the Opposition as a reflection on his Ministerial record. He repeatedly tells us about more investment in the Garda. Everyone knows the Government can spend money, but it is the outcomes arising from expenditure that is the basis on which we must evaluate its performance. The Minister has enacted many bills and claims that things are really not as bad as Fine Gael has been saying, alleging that we are manipulating the figures. The figures are independently available to the Minister and everybody else. I do not accept the Minister's approach on these issues. I do not accept that investment equals results. I do not accept that law equals order. I simply do not have confidence that the Minister and his Government has the political will to deliver the kind of change the Garda Síochána must see.

Contrary to what the Minister for Justice, Equality and Law Reform has been saying, Fine Gael has not been cooking the numbers or making statements that cannot be backed up with evidence. When we make criticisms on law and order, we use figures published by the Central Statistics Office, the Department of Justice, Equality and Law Reform, and the Garda itself. The Minister is probably frustrated that these statistics belie the claims he makes about improved law and order. One does not even need to ask the Department for figures. A cursory discussion with any member of the public will reveal that things are worse than they ever have been.

[Mr. J. O’Keeffe.]

People do not feel safe in their homes and they feel the gardaí are no longer in control.

Fine Gael wants to see the Garda Síochána as the best police force in the world. We do not want it to be just good, nor adequate, but excellent and widely referred to as such around the globe. We would expect optimum results in the prevention and detection of crime from such a force.

What will Fine Gael do differently? What will the next Fine Gael-Labour Government do to remedy the problems with policing? We believe we need to implement change at two different levels. We see the need for change at the organisational level, specifically institutional change to an outdated structure to bring it into line with best international practice, thereby returning accountability and transparency to a force desperately in need of it. We also see the need for change at community level, where communities need to be policed by real, dedicated gardaí whose only concern is the welfare and safety of that community. This is the only way to restore full public confidence in our police force and to get the best from the Garda in the future.

The Minister made a rather inflammatory remark when he spoke of calls for the establishment of a police authority. Through the accountability of the office he holds and that of the Garda Commissioner, he sees Dáil Éireann as Ireland’s police authority. He sees that as the most appropriate mechanism for the democratic oversight for a modern police force and security service. I have long advocated the establishment of effective parliamentary oversight through a security and policing committee, which would be an advantage. As somebody who has been a Member of this House for a long time and who is a member of the Joint Committee on Justice, Defence and Women’s Rights, I know it is not possible, under present procedures, to have Oireachtas oversight.

Fine Gael believes the time is right to establish an independent Garda authority. We have listened to the views for and against and at this stage, the time is right for the establishment of such an independent Garda authority that would incorporate—

**Mr. Howlin:** An excellent move.

**Mr. J. O’Keeffe:** I am glad we have the support of our future partners in Government and I acknowledge Deputy Howlin’s interest in this issue for quite some time.

Such an independent Garda authority would incorporate the existing Garda inspectorate. Its function would be to drive the agenda for reform and ensure measures are implemented rather than put on the long finger. Obviously, any such body would have to have a clear remit and inject professionalism and modernism into a force that

has served the country well but which now needs to be updated.

Clearly, there is a need for an overarching body to take responsibility for implementing best international practice. This country is no different from other ones. We have seen the policing authority in Northern Ireland and those in other countries. I am convinced this is the way forward.

An organisation with 12,762 members which I hope is growing — it certainly will be under the next Government — is a large one. Taking the analogy of the corporate sector, apart from an executive board, one will see the need for executive and non-executive directors. The Garda Síochána could borrow extensively from the corporate and private sectors. In fact, all major corporate bodies in Ireland operate under systems such as that.

**Mr. McDowell:** How would the structure differ from the Health Service Executive?

**Mr. Howlin:** We would change it too and make it accountable.

**Mr. J. O’Keeffe:** That is the point.

The authority would be accountable to the House through the Minister. The same would apply to the Minister for Health and Children under the next Government because what has happened there is a travesty of democracy. That would not be an impediment to the establishment of an independent Garda authority.

**Mr. Howlin:** It is not to avoid accountability.

**Mr. J. O’Keeffe:** It can be provided for and will be provided for.

Like the private sector, such a body could monitor trends among competitors, modernise and even keep ahead of the pace. These ideas should govern the thinking of top Garda management. We need to constantly look at other police organisations comparing and contrasting and taking the good and benefiting from the experiences of similar jurisdictions around the world. That is why the authority would comprise civilians with extensive experience of change management and strategy in both public and private sector positions.

I see the independent Garda authority driving the agenda for root and branch reform in a number of areas. Garda rostering wastes a considerable amount of Garda resources each year. A reasonable question put to us is, why do most crimes take place when most gardaí are off duty? These are the types of questions ordinary citizens ask us and to which we do not seem to be able to give reasoned answers.

Fine Gael believes the authority will have to demand best international practice in all areas of management, including taking responsibility for recommending senior Garda appointments to

Government and opening Garda recruitment to external candidates. People like Kathleen O'Toole, to whom I give credit for her work to date, have shown there is a wealth of international policing experience. Irish private sector experience could be brought to bear on the problems and issues that face our police force. That issue needs to be looked at.

We also need to look at what happens in other countries and at the benefits produced. I will not go back over the simplistic, silly zero tolerance approach of the Minister's predecessor who sold a pup and a slogan to the public. However, I went to the trouble of looking at what happened in New York from the point of view of achieving reduction in crime. Commstat, which was introduced there, is genuinely worth looking at. That approach involved comparing and contrasting the performance of different precincts in New York City. That is the type of idea which should be looked at by a Garda authority and discussed with the Commissioner and top management to establish whether it, or a variation of it, could be used here. Let us not try to reinvent the wheel from the point of view of some of the reforms at which we are looking. Let us see what has worked elsewhere.

In that regard, there are undoubtedly huge discrepancies in Garda regional successes. On a number of occasions, we have highlighted the huge differences in detection rates throughout the country. In many ways, there should not be any great difference between the Garda divisions. A person robbed in Bantry should expect the thieves to be caught as much as the person robbed in Ballsbridge, Ballyjamesduff, Ballyhaunis or Belleek.

The authority would also have a role in regard to the Garda annual budget, would report to the Minister on progress on given policy areas, ensure inter-agency co-operation, maintain close ties with the Northern Ireland Policing Board, look at issues such as the retirement age for senior gardaí and make recommendations to Government on the numerical strength of the force rather than rely on ministerial pronouncements and false promises at election time. There would also need to be arrangements for accountability to the Minister for Justice, Equality and Law Reform, to keep him or her informed of the authority's meetings and decisions and, as has been mentioned, arrangements to ensure the Minister continues to be accountable to the Oireachtas.

The most important changes a new Garda authority would make would be to the organisational structure of the Garda Síochána. In this regard, the recent report of the Garda inspectorate was very useful. We will have to seriously address the fact that management of the Garda is top heavy with a large number of senior personnel responsible for top level implementation of policy and change management. An authority such as that which I describe has a major role in

producing the type of modern streamlining necessary.

Such an authority would have a huge role from the point of view of civilianisation which has been talked about for years but not delivered. There are two aspects to civilianisation, including the release into the front line of gardaí currently locked behind their desks. They would be replaced by civilians. There is also the point raised again recently by Kathleen O'Toole, the inspector, in regard to additional support for the Garda Síochána so it can do its job more effectively in the future with further civilian support. I see no great provision for the adoption of that approach by the Minister and the Government. Given that this Government has been in power for so long, one must question why civilianisation has not been implemented so far.

I have highlighted ridiculous situations but the one which really caught my fancy was the Garda press office which comprises 14 gardaí and one clerical civilian. From the point of view of press and public relations, it would not strike me that training in Templemore was an absolutely necessary ingredient.

The other issue about which the public always wants to talk is more contact between gardaí and the public not only at checkpoints but in their communities and on the streets in our villages and throughout our cities. This leads on to the issue of community policing on which there have been many reports. However, they have not been implemented to any great degree. One of the relevant issues is the need for contact between people and the Garda. This contact would have significant benefit from the point of view of intelligence and information being made available to gardaí.

Another issue is the importance of Garda courtesy when dealing with the public. Yesterday morning as I was coming into the House a young female garda greeted me brightly and cheerfully with a "Good morning Jim, lovely day". This is the kind of approach we would like to see from force members. We like to see they are prepared to make contact with people in a vital and friendly way and that they do not treat everybody as a possible suspect for a crime. Obviously, gardaí must deal with tough eggs from time to time and that particular approach might not always be appropriate.

Courtesy is particularly relevant at checkpoints. I am all for checkpoints, the enforcement of the law and random breath tests etc., but there must be interaction with people. The approach used should always be to treat people in as courteous a way as possible. In general, we want to see the Garda Síochána relate more to people in the community. We want to see real community and neighbourhood policing where gardaí meet the people and do not just cruise around in police cars. I understand the need to use modern technology and equipment, including cars, but as a

[Mr. J. O’Keeffe.]

wise man once said to me, he never made a friend through the window of a car.

The core of policing is solid and continued training and this is an issue of significant concern to me. The continued training of gardaí has not been adequately resourced. I have highlighted various issues from time to time, such as driving, the use of firearms etc. We must obviously develop the Garda college in Templemore to its maximum extent, but we must also provide improved Garda training through additional facilities throughout the country. Templemore will remain the base of Garda training operations, but new and innovative centres should also be established to train gardaí in specific areas such as urban crowd control, traffic management, human rights, sexual offences, firearms training, legal training and specialised training in other areas.

Third-level education is another issue that should be considered. Army and navy cadets attend third level colleges and we should look at the idea of young gardaí mixing with other young people in an academic environment.

**Mr. McDowell:** Approximately 54% of garda recruits have a third level qualification on entry to Templemore.

**Mr. J. O’Keeffe:** They are the new recruits and I applaud that. However, the majority of gardaí did not have that opportunity. They should have the kind of opportunity that is made available to officers in other services. We should also consider modules of shared training with the PSNI. We must be open to innovative ideas for the future.

I welcome the publication last week of draft regulations for a whistleblowers’ charter, which is one step along the road of Garda reform.

**Mr. Howlin:** That is six years after the Government voted down our Bill on that matter.

**Mr. J. O’Keeffe:** Better late than never.

**Mr. McDowell:** I was not here then.

**Mr. Howlin:** The Minister was somewhere.

**Mr. J. O’Keeffe:** One of the problems I have with the Minister is that we face an appalling delay in getting anything done. He mentioned the establishment of the ombudsman commission in his opening remarks. Last February members of the ombudsman commission were formally appointed by the President, but where is it and what is it doing?

**Mr. Howlin:** Next year.

**Mr. J. O’Keeffe:** Nothing is happening. It will all happen in the future.

**Mr. Howlin:** They are all fighting about getting money for their staff.

**Mr. J. O’Keeffe:** The issue is about getting something done. Making ministerial announcements that certain things will happen does not mean they will happen. They are not happening and the ombudsman commission is a prime example.

We talk about what the Garda Síochána can do and about what we expect from them. My approach is simple — provide the best, expect the best and there is a fair chance we will get the best. The Garda is entitled to expect something in return from the political side. The least it should expect is an honest approach from the Government. The Government, and this Minister in particular, has been less than honest in the way he has dealt with issues relating to the Garda, for example, the issue of numbers in the Garda. There is an effort to conjure up bodies where they do not exist and to suggest that promises made before the last election by both Fianna Fáil and the Progressive Democrats and in the programme for Government four years ago have been met.

The current *Garda Review* landed on my desk yesterday and its leading article states bluntly that the Garda disputes the Government assertion that its commitment of An Agreed Programme for Government to recruit an additional 2,000 members of the Garda Síochána has been met. It goes on to say the Government has failed to deliver this promise and will be unable to honour its pledge before the next general election.

**Mr. McDowell:** They have been recruited.

**Mr. J. O’Keeffe:** We are not talking about recruits. The promise was to produce gardaí, but that has not been done.

**Mr. McDowell:** It was to recruit them. The Deputy should read the text again.

**Mr. J. O’Keeffe:** The Garda Síochána is entitled to an honest reaction from the Minister. We have a ludicrous situation where the Taoiseach is now talking about even more numbers. We do not even have 13,000 gardaí, not to mind 14,000. I know there is an election round the corner and he will try the same old game and con the people again on the matter.

**Mr. McDowell:** That is what the Deputy is getting ready to do also.

**Mr. J. O’Keeffe:** The same expectation of an honest approach arises with regard to equipment. Every time I raise the matter with the Minister, the response is always about the significant billions of euro being spent. However, one wonders what is the reality. For example, driver training for gardaí is increasingly important as they

put their lives on the line and must also have regard for the general public. However, we have a situation where thousands of gardaí are expected to drive garda vehicles without having done the official driving course. What is worse, in response to a parliamentary question in February I discovered the number who had received training was 2,013, but by last week when I received a reply to a follow-on question, the number had only increased to 2,281. We are falling behind in this regard.

The same arises in other areas. We expect some gardaí to carry firearms on our behalf. Thank God, we have an unarmed force, but we require an armed back-up. Upwards of 3,500 members of the Garda are expected to hold firearms certificates and to be able to use those firearms on our behalf, yet there is no specialist, dedicated training range available to them as the two that were available are out of commission. It is not fair to the Garda that it should be left in a situation where promises of increased numbers, equipment or training facilities are not delivered. There is no point talking about what will happen in 2008. What is important is what happens now. Let us all learn from these reports. Let us encourage the changes that need to take place in the Garda Síochána but let us stand four square behind gardaí and give them the numbers, facilities, equipment and training to ensure the Garda is the best police force in the world and one of which we can all be proud.

**Mr. Howlin:** I am glad to have the opportunity yet again to debate these matters, if “debate” is the appropriate word. It is not a debate but rather, as the Order Paper states, “Statements on the implications for governance, accountability, discipline and training within An Garda Síochána arising from the findings and conclusions contained in a number of reports and the actions taken by the Government in response to these matters of serious public concern”. That is an understatement with regard to matters of profound importance for the basic nature of the State and how it is policed, which is one of the most important civic functions that is entrusted to us, as the people’s assembly, to organise.

The reports are not listed on the Order Paper for the record, although they are listed in the Minister’s speech. They cover a wide area of separate and very different issues and matters of concern, and certainly could not be responded to in any detailed or individual way in the time available or given the nature of the debate. Nor could a coherent analysis of each be provided in a mere 30 minutes and I do not intend to attempt to do so. Any one of the reports would take hours of analysis given that each has taken, at a minimum, months and in some cases years to compile. I will, however, mention these ground-breaking and profoundly important public documents which

require a concerted and ongoing response from this House and the Executive.

We often have regard if a clamour about a matter grips public consciousness. First, there is an inquiry, which is followed by the result. We then have a three-day wonder at the consequences of the result of the inquiry but then business moves on to the next issue. That cannot be the result in these matters.

My involvement in the Donegal investigations is in the public domain. I welcome the ongoing investigations of Mr. Justice Morris and the impact his reports to date have had and continue to have on public policy. It has been a long time coming, but at last some measures of relief and vindication are being given to citizens of this State who were subjected to unimaginable anguish and distress, and, more than that, were abused by the State and its agent, the Garda Síochána. The scale of the abuse of power outlined by Mr. Justice Morris beggars belief. It is both frightening and shocking that it could have continued over such a protracted period of time and that so many individual gardaí of all ranks could have been involved or immersed in it. We must consider profoundly how that happened and ensure not only that it cannot happen again but that it is not happening again now.

I said on the last occasion that Morris reports were debated here in Dáil Éireann, the people’s assembly, that we owe it to all the good, decent people of Donegal who were caught up in this horror story to listen carefully and respectfully to the story of their ordeal, but we must also respond appropriately. Half measures or incremental responses will not wash. As I set out six years ago, we must consider the path-finding work of the Patten Commission in Northern Ireland to find how we can operate better. The core issue remains the establishment of a new, accountable management authority for the Garda Síochána. I welcome the remarks of my colleague, the Fine Gael spokesman, on that matter earlier in the debate. As with virtually everything else in the two policy documents and two Bills produced by me and Deputy Rabbitte six years ago, my Garda Síochána Authority Bill and his Whistleblowers Protection Bill — at that stage we asked for a Garda ombudsman, a Garda authority and local policing committees — all the reforms that were rejected out of hand six months ago are by increment being implemented now and are being wrapped around the current Administration as if it was its idea.

Somebody described the Good Friday Agreement as Sunningdale for slow learners. I welcome the recognition that fundamental reforms are required but the core issue remains the establishment of a new accountable management authority for the Garda Síochána. This authority must be independent of the Department of Justice, Equality and Law Reform, must approve an agreed policing plan for the country and must



[Mr. Howlin.]

agree with senior Garda management on the level of resources needed to implement this agreed work plan.

Two weeks after the publication of the three most recent Morris reports, the Garda Commissioner made a preliminary response. He stated that discipline in the force was working well and that the problems outlined in regard to Garda management had been addressed. The problem with this response is that it runs counter to the clear and profoundly worrying conclusion of Mr. Justice Morris that the gardaí serving in Donegal cannot be said to be “unrepresentative or an aberration from the generality”.

Some have talked about a few rotten apples in the barrel or a few letting down the many. The inescapable reality is of a monumental failure in control and authority in one of the most important institutions in the State. We — the Minister and Members of the House — must ensure that no citizen is ever again subjected to an abuse of power on the scale set out in the reports currently before this House.

Where are we now? Can this House agree with Garda Commissioner Conroy that discipline in the force is working well and that the problems outlined in regard to Garda management have been addressed? This morning on RTE radio, Philip Boucher-Hayes raised a disturbing case, which concerns the death of Mr. Shane Tuohey of Rahan, County Offaly, on 2 February 2002. The circumstances surrounding the investigation of this man’s death by the Garda Síochána raise serious questions. Shane was a 23 year old man, described by a spokesperson for the Garda Commissioner as “a person of outstanding character and highly thought of in his area”.

Several Members of this House were contacted by Shane’s father, Mr. Eamon Tuohey, and tabled parliamentary questions in regard to the investigation into his son’s death.

*5 o’clock* The most recent parliamentary question was tabled by me on 12 October 2006. I received the following reply from the Minister for Justice, Equality and Law Reform:

I am informed by the Garda authorities that the death of the person referred to is under review by a senior Garda officer. It is expected that the investigation file will be completed shortly. As the Deputies will appreciate it would be inappropriate for me to comment further before completion of the review.

In a written reply to RTE, a spokesman for the Garda Commissioner said that a superintendent from outside the Garda district had been appointed to carry out a second investigation on 3 November 2005. A summary of the conclusions of the second investigation was set out in the spokesman’s letter to RTE. The letter in question was dated——

**Mr. J. O’Keeffe:** It was dated 22 November.

**Mr. Howlin:** ——22 November. It is clear that the second investigation was concluded and the details had been given to the Garda Commissioner, at least. However, the Minister for Justice, Equality and Law Reform told me three weeks ago that the investigation was ongoing.

**Mr. McDowell:** The Deputy has the dates wrong, 27 November is the date on which the result is announced.

**Mr. Howlin:** The date on which the letter was written to RTE by the spokesman for the Commissioner was 22 November.

**Mr. McDowell:** When the Deputy asked me about it in October, I said it was about to be completed fairly soon.

**Mr. Howlin:** I want to know when the result of the investigation was made known to the Minister. Does he have it now?

**Mr. McDowell:** Yes.

**Mr. Howlin:** When did the Minister intend to inform the House of that?

**Mr. McDowell:** I got it in the past couple of days.

**Mr. Howlin:** I ask the Minister to tell me when the investigation was concluded. Will he put the report into the public domain? The reply that paraphrased the findings of the second investigation was issued to RTE, rather than to any Member of this House who had tabled a parliamentary question — so much for the parliamentary oversight facility that the Minister had such regard for in his earlier contribution. It is clear that an investigative journalist has much more access to information than a mere Member of this House. It does not seem that the Minister has a policy of contacting interested Deputies as soon as relevant information comes to hand. We do not receive letters telling us that “subsequent to your parliamentary question, that investigation has been concluded and as soon as it has been considered it will be made available to you”. It seems that an investigative journalist has much more oversight capacity than a Member of this House. That has to change if the Minister’s words about parliamentary oversight are to have any meaning.

The second investigation found that no evidence was available to substantiate the allegation that Shane Tuohey was assaulted immediately prior to his death. It apparently concluded that there was no evidence to substantiate the allegation that the Garda investigated the death of Shane Tuohey in such a manner as not to establish the full facts. It also found there was no evi-

dence to justify the arrest of anybody in relation to Shane Tuohey's death. The Commissioner's spokesman accepted that some aspects of the first investigation could have been dealt with more efficiently. It is accepted, in essence, that the searches were not carried out in accordance with normal procedures and guidelines. The scene was not preserved from the time the body was removed from the river, even though it was obvious at the time that Shane Tuohey did not enter the water at that point. The scene should have been preserved in accordance with standard procedures until the findings of the post mortem had been established.

In the first investigation, no reference was made to the fact that a number of CCTV cameras were in operation in Clara during the night and morning of the disappearance of Shane Tuohey. The second investigation established that there was at least one sighting of Shane Tuohey before his disappearance. However, the recollection of the gardaí involved in the first investigation, who were familiar with the CCTV system in operation at the time, was that no information of evidential value was available. A more professional investigation would have referred to the CCTV footage, which should have been available even if it did not have any evidential value. I understand that nine CCTV cameras were in operation on the night in question. The investigative reporter I mentioned has found that at least one of them has gone missing.

No response has been made in respect of some important and disquieting matters. I refer, for example, to the handling of the witness statements of the three men who were present at the time of the alleged assault on Shane Tuohey, which appear to contradict one another. Concerns have also been expressed about the circumstances surrounding the taking and use of a statement from a person identified as "Geraldine". This unsigned statement purports to detail a relationship between Geraldine and Shane Tuohey. It claims to describe Shane's mental health and physical condition on the night of his death. At Shane's inquest, Geraldine refuted everything in the statement — she said she was not sober when the statement was taken. Mr. Boucher-Hayes spoke to members of Geraldine's family, who accept, as she does, that she is a chronic alcoholic.

A third issue is the manner in which the Garda treated Shane's disappearance as a case of suspected suicide from early in the investigation, despite hearing allegations of assault against him. When an alleged assailant was identified to the Garda, a statement was not taken from him until six months after the recovery of Shane Tuohey's body. Other matters which also need careful examination include the availability of CCTV footage.

It is simply not acceptable that an internal review by the Garda Síochána is currently the

only mechanism that is available to provide for oversight of these matters. We cannot remain in limbo until the Garda Ombudsman Commission is brought into operation and starts to receive complaints on some date next year. The Minister has been telling the House for a year or more that the Garda Ombudsman Commission will come on stream soon, but we need something to address the matters which are agitating the public now. I refer to good, decent and law-abiding citizens who want their questions answered — they simply want the full truth to be laid before them. The House has finally accepted that it cannot be done by means of internal inquiry, which is why it established the Garda Ombudsman Commission in the first instance. I want the Minister to tell the House whether an interim solution can be made available. We may need to examine the possibility of acceptance by the Garda Ombudsman Commission of cases from now, even if they cannot be investigated subsequently. I have asked for that to happen.

Many other cases could be raised in this House, but I want to mention just one more case. Three weeks ago, on 7 November 2006, parliamentary questions were tabled by Deputies Broughan and Sargent about the status of two members of the Garda who had been acquitted in Dublin Circuit Court on 23 October 2006 of charges of perjury and forging documents. Certain papers had been deemed inadmissible during their trial. The main reason for the declaration of inadmissibility seems to have been that there was a break in the chain of evidence. The matters in question centred on the trial of Mr. Colm Murphy for his alleged role in the Omagh bombings. During Mr. Murphy's trial, Mr. Justice Barr, who was the presiding judge in the three-judge court, described two Garda witnesses as "discredited". He said that their conduct was "outrageous" and that they had been involved in "persistent lying under oath". Mr. Murphy's subsequent appeal to the Court of Criminal Appeal relied strongly on the argument that the Special Criminal Court did not take proper account of the fact that one of the teams of interviewing gardaí had fabricated notes and lied in the witness box.

The Court of Criminal Appeal quashed the conviction and ordered a retrial. Members of this House wanted to know what was happening to those individual gardaí who were the subject of unprecedented damning commentary in court by a senior judge. The gardaí were acquitted by virtue of the fact that the chain of evidence was broken. In his Dáil reply on 7 November 2006, the Minister for Justice, Equality and Law Reform quoted regulation 38 of the Garda Síochána (Discipline) Regulations 1989 in his statement:

Regulation 39 of these regulations provides that where a member of the Garda Síochána has either been convicted or acquitted of an

[Mr. Howlin.]

offence, then proceedings under the discipline regulations for an alleged breach of discipline shall not be commenced or, if already commenced, shall not be continued if the breach of discipline is in substance the same as the offence for which he has been convicted or acquitted. In respect of one of the persons referred to, who is still a serving member of the Garda Síochána, as the alleged breach of discipline and the criminal charges of which he was acquitted were in substance the same, I am informed by the Garda authorities that disciplinary proceedings were discontinued in accordance with regulation 38 of the disciplinary regulations. I am further informed that the second person acquitted last month of the charges preferred against him was medically discharged from the Garda Síochána on 18 September 2006. As this person is no longer a member of the Garda Síochána, disciplinary proceedings were discontinued.

Can this be satisfactory?

**Mr. McDowell:** That is why I am changing the regulations.

**Mr. Howlin:** One of the main findings of the early reports of the Morris tribunal is that disciplinary action within the Garda Síochána takes on the character of a criminal trial with a criminal level of proof required. This is hopelessly inadequate. If the normal code of work practice is breached in any other working environment, then the offender can be disciplined or turfed out.

**Mr. McDowell:** Exactly.

**Mr. Howlin:** The Minister said in reply that there are ongoing discussions with the Garda Conciliation Council concerning new regulations. When will these ongoing discussions come to a conclusion? When can we have regulations that are appropriate to today? It is a long time since the original Morris tribunal was established. It is a long time since its first report. However, changing things seems worse than trying to turn a tanker, so the *status quo* continues today. We are now in a hopelessly inadequate situation, where proper disciplinary procedures that would be available in any normal circumstances are not available for the Garda Síochána, pending the termination of discussions with the Garda Conciliation Council.

**Mr. McDowell:** The Deputy should check the Garda Síochána Act 2005. I am obliged to consult with the council.

**Mr. Howlin:** The Minister is obliged to consult with the council, but he is also obliged to have an outcome to the process. If he thinks that the

outcome of these matters is satisfactory, we will draw our own conclusions.

**Mr. McDowell:** That is why I am changing the regulations which the Deputy never changed when he was in government.

**Mr. Howlin:** I was never Minister for Justice, Equality and Law Reform.

**Mr. McDowell:** No, but the Deputy was in Cabinet and he had collective responsibility.

**Mr. Howlin:** The truth is that the Minister cannot take any criticism at all.

**Mr. McDowell:** He did nothing when he was in government. This is gross hypocrisy.

**Mr. J. O’Keeffe:** The Minister would not talk at all this morning.

**Mr. Howlin:** In my contribution today, I deliberately decided not to go through the gross negligence of the then Minister for Justice, Equality and Law Reform and his Attorney General on the foundation of these matters. I want to look to the future and not to the past, but I also want to look at today. I expect that a Minister who wallows in his own self-importance would accept what I am saying as valid, that he might say when he wants to bring these matters to a conclusion, and that he have seizure of the importance of the matters that I am raising, rather than say in a childish way that we did nothing ten years ago. His party and Fianna Fáil are in power for nearly ten years. He should take responsibility and understand the disquiet of the public about the failures in proper accountability within the Garda Síochána.

We are bringing about reform and it is coming painfully slowly. We have another degree of reform to achieve, notably the establishment—

**Mr. McDowell:** The Deputy wanted to delay parts of the Garda Síochána Act 2005 until these reports—

**An Leas-Cheann Comhairle:** Interruptions are not in order.

**Mr. McDowell:** The Deputy demanded that I delay passing those Acts until these reports—

**An Leas-Cheann Comhairle:** Interruptions are not in order.

**Mr. Howlin:** I am to be shouted down by a man who does not seek to make an intervention using the procedures of the House, which I would willingly accept.

**Mr. McDowell:** The Deputy is not being shouted down, he is being corrected.

**Mr. Howlin:** I want him to answer the questions that I posed, but I want to engage constructively in this debate, as I have done from this side of the House. I did not drag up his failings on these matters, which are many and varied, because I want to build a transparent and accountable future for policing. That is the desire of the vast bulk of citizens in this State, as well as the bulk of decent, honourable, hard working members of the Garda Síochána who are dedicated to serving the State. They deserve better than a self-serving Minister whose ego is so fragile that he cannot bear a moment's criticism in this House.

When this debate began, we dragged a reluctant Government to accept the establishment of the Morris tribunal. It was voted down by one vote the first time it was put before the House, when the Minister for Justice, Equality and Law Reform quoted the advice of then Attorney General. We now need to measure up to the requirements of the Morris and Barr reports and all the other reports before us, to ensure that we have a first class police service worthy of the people of Ireland. All of us, whether in Government or in the Opposition, have to play our part as best we can. The people of Ireland demand and require nothing less.

**Mr. Connolly:** I propose to share time with Deputies Ó Snodaigh and Cuffe.

The Garda Síochána is about to experience the most radical change since the formation of the force. The Garda unions recently accepted the most recent national wage agreement, Towards 2016, with 69% of its members in favour. That sounds very positive and most people would be happy with that level of acceptance. No matter what is put in front of some people, they will always vote against it because they feel more can be obtained. It would be great if the majority actually voted on this agreement, but these figures mask the fact that only 31.2% of the 10,000 members of the Garda Síochána cast their ballots. Almost 7,000 gardaí did not think it worthwhile to cast their vote on a national wage agreement. We have to ask why that is the case. Of the 3,000 who voted, 1,000 rejected the deal. I suggest there is quite a large number of unhappy campers in the Garda force at present, about 8,000. This dark fact is the most eloquent statement as regards the demoralisation that pervades the force and must give the Minister serious cause for thought. There are serious issues here that must be dealt with. This fact did not just impinge on me in terms of their acceptance of this particular agreement.

I have no doubt a slumbering giant lurks beneath the surface here in terms of what would appear to be a routine acceptance of Towards 2016. I believe the Minister will disturb this at his peril. A minority of gardaí signed up to the agreement a week ago in the name of the entire force. Why would they not? They have a cost of living increase to which they are well entitled.

Neither the Minister nor I had to sign up for anything like this. We did not have to sign up to a longer working term or whatever. That was not put in front of us in this House, yet it was for the gardaí. They were, in effect, blackmailed into accepting what they agreed to. It was made clear to the gardaí that a number of conditions and demands were attaching. One of these was total acceptance and compliance with the Garda Síochána Act, with which the rank and file gardaí have absolutely no difficulty. Gardaí believe the Minister has had his victory in relation to the Garda Reserve and that their noses have been rubbed in that regard. It was made clear to the force that gardaí must accept the newly introduced Garda reserve as one of the ingredients for benchmarking. In other words the Minister is buying the co-operation of gardaí by including this condition in the benchmarking process. This was on the basis that the Garda Reserve cannot possibly work without the co-operation of the full-time force.

The Minister was also buying the goodwill of gardaí as regards taking the novice force on board, helping to train the new members and looking after and encouraging them. This is a very poor start and relations have got off on a bad foot. This is a poor way to negotiate, to put a price on the head of the Garda Reserve. If an argument cannot stand on its own merits it should not be included. It was linked into a pay deal and that is the wrong way to go forward if the Minister wants the Garda Reserve to be accepted. It is not the way to do business. There is an element of bribery involved and the gardaí had no option. It will leave a bitter taste in the mouths of gardaí for quite a long time. There will be bitterness between the Garda Reserve and the full-time force. Why did only 31% of these people think it worth their while to vote? Why did a further 33% of those who voted reject the deal? There is a good deal of discontent and it will show its face somewhere along the line.

The whole idea of a reserve force has been rubbished by one of America's top police officers, the Dublin-born Mr. John Timoney, the former New York police commissioner. Perhaps he is getting it wrong, too. Mr. Timoney, who turned crime around in New York in the mid-1990s, said a reserve force would not work, because the Garda could not rely on volunteers. This is a man who has been there, done that and has a successful track record. This man should be listened to. I would listen to what he has to say. He says Ireland needs full-time gardaí, rather than part-timers, and pointed to the example of New York, with its population of 8 million, having 40,000 full-time police officers and 10,000 full-time civilian workers. On the other hand, all of Ireland, with half the population of New York has a mere 12,000 full-time gardaí. The figures speak for themselves.

[Mr. Connolly.]

Meanwhile our under-funded, numerically challenged and poorly equipped full-time gardaí are performing exceptionally well within their limited resources. Gardaí have been promised new equipment and patrol cars for several years. In fairness the equipment is beginning to materialise, but very slowly. The force's transport fleet manager, Mr. Noel Hanlon, the former ambulance manufacturer, is reputed to have received a tranche of money to purchase new cars, but is said to have returned it, unspent. I want to know whether he returned the money and if he is on a bonus for purchasing particular equipment. Garda stations should not be forced to wait for new cars while crime continues to rise, which just leads to demoralisation within the force. There appears to be plenty of money for capital projects such as buildings but there seems to be a problem once planning permission has been obtained. The force is still awaiting equipment after ten years of promises. They have been promised stab-proof vests, and the long-awaited TETRA radio digitalised system. This has been a major issue for gardaí for a very long time. We have all heard that criminals know as much about what is happening within the Garda Síochána as the gardaí. Gardaí have been reduced to using their own mobile phones if they want to contact their stations. These are issues which should be dealt with and are causing a great deal of demoralisation within the force.

All these items have been sought for years as part of the Garda modernisation programme. Chief Inspector Kathleen O'Toole has been talking about the civilianisation of the force — recruiting civilians for positions in finance, human resources and IT. Ordinary gardaí want the civilianisation of the force. Instead of the man or woman in the street who has worked their way up through the system to end up in finance or human resources, they want civilians to do this type of white collar work, and will co-operate in this regard. There is a willingness within the Garda that should be tapped into. The issue of co-operation with the new Garda Reserve was very badly handled and was pushed on gardaí, with no room for negotiation. If something is pushed on people they will be defeated. It was a David and Goliath-type exercise and David obviously won in this instance. It would be much better for the Minister to listen to gardaí and try to offer them something other than a threat of taking away a wage increase to which he, I and everyone else are entitled. Basically, the proposal states that civilians could perform non-police duties. Such a suggestion would receive widespread acceptance among gardaí. The recruitment of civilians to full-time important management and support positions alongside sworn officers would be welcomed. This change was also suggested by the Garda inspectorate and by the advisory group on Garda management and

leadership development, chaired by Senator Maurice Hayes. It proposed one of the most radical changes to the Garda Síochána since its foundation in 1922, with civilians in key senior positions including the senior command staff.

Civilian staffing currently stands at about 12% whereas in similar modern forces the norm is around 25%. That is the way forward. We need to be in a position where gardaí are not behind desks or doing tasks for which they are ill-suited. Their role is to police the community and that is where they want to be. I hope the Minister will take some of my comments on board.

**Mr. Cuffe:** Ireland's police force, An Garda Síochána, was established on the foundation of the Irish Free State in 1922 as the guardians of the peace. The force has proudly served the people for the best part of a century. In recent years, however, An Garda Síochána has experienced a number of extremely damaging incidents, including the corrupt and dishonest policing in County Donegal, the shooting of John Carthy at Abbeylara and the handling of the "Reclaim the Streets" demonstration in 2004. In order for the police force to do its job to the best of its ability it must enjoy the full confidence of the people it serves. Currently this cannot be said of An Garda Síochána, and this debate is long overdue.

The important findings of the Morris and Barr tribunals have never been debated in this House, despite the fact the first report of the Morris tribunal was published almost two and a half years ago. It is extremely telling that the majority of the Morris tribunal's findings and those of the Barr tribunal were published during Dáil recesses.

It is important to remind ourselves that for every corrupt garda, every Sergeant John White, there are many gardaí who uphold the honour and dignity upon which An Garda Síochána was founded.

When meeting gardaí who are appalled at the behaviour of some of their colleagues and who do not wish to be associated with such appalling and corrupt behaviour, one gets a flavour of the decent, honest to goodness gardaí that exist. However, to afford such gardaí the opportunity to go about their work in a fair and transparent manner, it is vital to implement a most thorough reform of the force without delay.

I wish to discuss the Morris tribunal briefly. Mr. Justice Frederick Morris stated:

The Tribunal has been staggered by the amount of indiscipline and insubordination it has found in the Garda force. There is a small, but disproportionately influential, core of mischief-making members who will not obey orders, who will not follow procedures, who will not tell the truth and who have no respect for their officers.

This is a staggering statement from a judge in this State. These revelations of widespread corrup-

tion, flagrant abuse of powers, intimidation of witnesses and the framing of entirely innocent people in County Donegal have shocked all Members to the core and have caused the most serious damage to the name and reputation of the Garda Síochána.

One of the most disturbing aspects of Mr. Justice Morris's findings is that this corruption and misconduct is not exclusive to the Donegal area. To regain its position as a respected and trusted protector of the peace, the Garda Síochána must root out the small but disproportionately influential core of mischief-making members who have damaged the reputation of the force to such detrimental effect.

It is important to note the work of the Morris tribunal is far from complete and that evidence is still being heard regarding the interrogation of suspects in Garda custody and the shocking revelations continue to flow on a drip-feed basis. The first report of the Morris tribunal was published in the summer of 2004. Despite its damning content, previously the Government has not found it necessary to bring its findings before the House. The Minister for Justice, Equality and Law Reform anticipated the outcry that would accompany the third, fourth and fifth reports of the Morris tribunal, as well as the Government's absolute failure to act on the previous reports' recommendations and took the opportunity to announce a number of reforming actions regarding Garda discipline when these reports were being published.

While some aspects of these measures are welcome, the Green Party believes they do not go far enough. For instance, I refer to the need for a Garda authority. One of the key concerns voiced by Mr. Justice Morris pertained to the issue of effective communication between the Department of Justice, Equality and Law Reform and Garda headquarters. While the Garda Síochána Act 2005 made the Garda Commissioner directly accountable to the Minister, the new arrangement risks over-centralising and politicising the Garda. Ultimately, this will undermine its independence. To date, one of the most glaring omissions from the Minister's raft of reforms concerns the establishment of an independent Garda authority. I understand the Minister has stated that he considers both himself and the Government to be acting as a Garda authority. However, this does not go far enough.

I wish to turn to the Barr tribunal. Following the tragic events at Abbeylara in 2000, the Barr tribunal found that the lead negotiator made 14 mistakes during the siege and that he failed to make real efforts to achieve resolution during the armed stand-off. However, the Barr tribunal report also stated that the lead negotiator was hampered and limited by a lack of experience and resources. The recommendations made by Mr. Justice Barr must be carried through immediately. This would mean an urgent review of

Garda command structures, the equipping of the emergency response unit with stun guns and other less lethal options and the establishment of a formal working relationship between the Garda and State psychologists. Members were reminded of this matter by another recent siege.

In the context of the use of the emergency response unit in sieges, Garda training must be improved, particularly to deal with situations in which mental illness may be a factor. Local Garda superintendents must also take up refresher courses — as scene commanders — for at least one week per year, to give them the specific expertise required for such volatile and difficult situations. However, Members have not yet seen enough real action taken by either the Minister or the Garda Commissioner on foot of these recommendations. I am concerned the tragedy of John Carthy's death could be easily repeated.

On a more fundamental level, human rights must be placed at the heart of policing in Ireland, as the Irish Council for Civil Liberties, ICCL, has clearly stated. The Green Party sees great merit in the action points put forward by the ICCL in response to the Morris tribunal's conclusions. The reforms simply do not go far enough to address the inadequacies identified in the five Morris reports and the ICCL has identified six action points for change arising from that tribunal's findings. I refer to Garda management and human rights-proofing, civic oversight, the need for a Garda authority and Garda accountability, a fresh approach to Garda recruitment and training, the legal power of superintendents to issue a search warrant and the handling of Garda informants and covert policing. The Green Party believes these action points provide a useful blueprint with which to place human rights at the heart of policing in Ireland.

It is interesting to examine the inclusion of human rights issues in Garda training in Templemore and to consider the results of surveys undertaken there. The surveys indicated that new recruits are open to the theme of human rights providing the backbone for education in the policing sphere. However, they also discovered — as one went further up the ranks — a certain unwillingness to take on board the central issue of putting human rights at the core of Garda training. This is a matter for concern and promotion methods within the Garda Síochána must be reviewed.

It is telling that the senior cohort of Garda officers are from a specific demographic and seniority appears to be based more on years within the force than is the case in other police forces. Senior police officers from the United Kingdom or the United States who appear on television seem to be at least ten years younger than their Irish counterparts. While I do not wish to be ageist in this regard, promotion should be emphasised more on the basis of merit than on years served in the force. This fundamental issue

[Mr. Cuffe.]

must be addressed carefully and without delay. Moreover, the best and brightest must be brought in from outside the force. The obstacles to recruiting externally should be carefully considered, particularly at a senior level within the force. I wish to see the Minister make greater efforts to bring in senior officers from New York, Boston or London. As Ireland becomes a more multicultural State, people from minorities must be included and must be placed at the heart of policing in order that they can identify problems before they arise in such areas.

This debate is useful and the Minister has begun to acknowledge that radical reforms are necessary. However, I do not believe they are moving fast enough. A much faster pace of reform is required, which learns from the best practices in other jurisdictions.

**Aengus Ó Snodaigh:** While I am glad to have an opportunity to speak in this debate, I have a problem in that Members should have dealt separately with each Morris report, as well as the other reports. The House should have taken the necessary time to deal with the reports, rather than doing so in a squashed-up fashion over a few hours. The reports are sufficiently important for a full debate or a full examination. I hope this will not be the end of the matter.

In the past, the Minister has shown his willingness to take on board some of Mr. Justice Morris's observations. I hope, in the near future, Members will see more of the recommendations made by Mr. Justice Morris and others in respect of the Garda Síochána, being taken on board. When we read the reports laid before us, and the media reports of further grave abuses, and we objectively consider how much has changed in terms of accountability, discipline and training, one matter is certain, that both the Garda Síochána and the Minister have not been responding quickly enough to the concerns raised, not only by Mr. Justice Morris but over many decades, about abuse of power by members of the Garda Síochána. If the legacy of the exposed corruption and the abuse were to be investigated thoroughly, independently and honestly, it could ultimately restore confidence in the Garda and provide a solid foundation for future progress. I commend Mr. Justice Morris and Mr. Justice Barr for their work to date and I hope other investigations will be as thorough as theirs.

Many gardaí are dedicated to their job and joined the police force to ensure the safety of society. They have been rightly appalled by the revelations, but they could not have been blind to what has been going on in their Garda stations and divisions. Many more within the Garda Síochána joined just to do a job which is fair enough, but some of them have been involved in cutting corners. Others are corrupt. A combination of those who are corrupt and those who

are cutting corners to get results is what has brought the Garda Síochána to the point where its reputation is in tatters and it has lost the confidence of the public. In some people's eyes the Garda Síochána is akin to a corrupt police force in a banana republic or the Ceaucescu regime. One of the clearest proposals from the Morris report was to ensure that those who are appalled or who are aware of wrongdoing within the Garda Síochána have the opportunity to expose it without fear of being sidelined, bullied or harassed. That is one of the key recommendations so that in future no Garda can turn around and say he or she could not say anything or that he or she could not uphold the law and deal with this. Mr. Justice Morris's recommendation was that a body be set up within Garda headquarters to which on a confidential basis difficulties and possible irregularities could be reported. He was being pleasant in his wording. The ICCL had it down as the drawing up of a whistleblower's charter and something along that line needs to be done quickly to ensure the restoration of confidence in the Garda Síochána is begun.

Mr. Justice Morris was clear when reporting his findings that corruption and abuse is not just a problem of a few bad apples in Donegal — the fact that we are dealing with a number of reports shows that is so. Rather, he said, it arises from systematic failures throughout the force and throughout the State. Logically, those shown to be have been corrupt and abusive in Donegal learnt the tricks of their self-interested and abusive trade in previous postings among other corrupt officers, and after operating in Donegal they went on to practise elsewhere. There is a need for a trawl of the cases of these officers who have been found wanting, abusive and corrupt. This needs to be looked at again because not everybody who was wrongfully convicted or abused is as strong as the McBrearty's and accepted their lot. Some people have managed to have the strength to continually fight to expose what was done to them. Not everybody is as strong as them and often there has been continued harassment and intimidation of those who have had the gall to raise questions about the Garda Síochána and its members.

Given that all top ranking positions are dependent on the Minister's favour, it is no wonder the Garda Síochána has refused to recognise and rectify the scale of abuse. The Minister has not dealt with that aspect of a trawl and the fact that many of those who have been exposed by the Morris report have been promoted within the Garda Síochána. We all have been dismayed at the absence of successful criminal prosecutions thus far on foot of the Morris reports, not to mention the lack of clear disciplinary messages being sent in the form of dismissal.

How does the Garda Síochána restore confidence after the Morris report? We need to look, for instance, at yesterday's revelations that a

senior garda at Letterkenny Garda station who was responsible for the investigation into Mr. Richie Barron's death in 1996 was appointed to the Garda Reserve interview board. That beggars belief. That garda in question is former superintendent John Fitzgerald. Mr. Justice Morris found that "the investigation was corrupt in its leadership" and that a number of named officers, Fitzgerald included, "share in various degrees the burden of fault for this matter", and yet he was appointed to pass on his tricks to a voluntary group, the Garda Reserve. A question that needs to be answered is whether we are to continue in future the damage former superintendent Fitzgerald has caused.

There are many more recent incidents adding to this legacy of corruption, cover-up and abuse, including suspicious deaths in custody, the planting and disappearance of evidence and cases of failure to act on information. All of this requires independent investigation to ensure all the gardaí involved are held to account and from which real disciplinary and criminal proceedings must follow. I will give a few examples, some of which have been covered in magazines and in the newspapers in recent months and some of which go back further and have not had the same type of coverage they deserved.

Brian Rossiter's case has been rehearsed here on a number of occasions. A 14 year old child, he was arrested and taken into custody in Clonmel. The following morning he was found unconscious. He died three days later having never regained consciousness. Two significant witnesses claim to have witnessed serious Garda violence against Brian.

Deputy McDowell was the Minister at the time, yet there were no inquiries into the death of the child. Under much duress the Minister finally assented to establish an inquiry into the death of Brian for whom the Garda had responsibility almost two years after an inquiry was first rightly demanded of him. However, the promised consultation on the terms of reference for the inquiry did not occur. Its terms of reference precluded the examination of the failure of the Minister or the Garda authority to properly investigate the death initially. The inquiry was established under the Dublin Police Act 1924 rather than the Commissions of Investigation Act 2004. The inquiry has no powers to compel witnesses, including the gardaí on duty the night young Brian was killed, to give evidence. Where is the accountability in this?

Terence Wheelock, aged 21, died as a result of injuries sustained in Garda custody in June 2005. The gardaí allege he hung himself in his cell. This is strongly contested by the family. Suspiciously, the cell in which he died was immediately renovated and the gardaí refused to allow the family's solicitor access to Terence's clothes. The family is still awaiting justice in this case. Where is the accountability in this?

**An Leas-Cheann Comhairle:** The Deputy should conclude.

**Aengus Ó Snodaigh:** On the question of discipline, there is a long established practice whereby gardaí engage in serious harassment of people who have been brave enough to raise questions and Terence Wheelock's family has suffered quite a period of intimidation and harassment when they mobilised on this.

There are quite a number of other cases. I could continue for another half-hour and more. There are Garda stations in Dublin which are known for the brutality they mete out to those who are arrested and they need to be looked at.

We have put much faith in the new Garda Inspectorate and Garda Ombudsman Commission. I hope those two bodies will produce results of which we can be proud but if they are anything like the Garda Complaints Board, we will be left wanting. We need to continuously review and ensure the Garda is accountable to this House.

**Mr. Andrews:** If Deputy Ó Snodaigh did continue for another half an hour, he probably would not get to mention some of the vast waste of Garda resources expended on investigating subversive organisations along the Border, including smuggling and money laundering.

**Aengus Ó Snodaigh:** If the State had dealt with its own cases it might have got the courage to deal with the outstanding matter of occupation.

**Mr. Andrews:** I have no personal malice towards Deputy Ó Snodaigh, but one cannot help remarking on the towering hypocrisy of that kind of contribution—

**Aengus Ó Snodaigh:** There is no hypocrisy involved at all.

**Mr. Andrews:** —that does not touch for one minute on the kind of waste of resources that some of his associates have visited upon the Garda Síochána.

**Aengus Ó Snodaigh:** If this State had the courage to deal with the national territory, then one might not have needed the Garda Síochána to deal with it.

**Mr. Andrews:** They are now trying to get out of prison having murdered members of the Garda Síochána.

**Aengus Ó Snodaigh:** Members of the Garda Síochána murdered other people in this State.

**Mr. Andrews:** I would love to hear the rest of the 30-minute speech in which Deputy Ó Snodaigh was going to mention all these other cases of injustice.



**Aengus Ó Snodaigh:** I can keep going if the Deputy wishes.

**Mr. Andrews:** I do not think it is within the Deputy's gift to do that.

**Aengus Ó Snodaigh:** I will do it on another occasion.

**Mr. Andrews:** I feel it is important to make those points.

I wish to take this opportunity to reflect on the various reports that have been published. The Government's response to the reports, which is essentially what we are here to discuss, has been proportionate and timely. While mismanagement is the core issue, there are other issues involved. To a certain extent, some of the problems have been exaggerated for political reasons, which is unfortunate. In many respects, there is a tendency to exaggerate, for political ends, the failures of public bodies and public servants. In so far as that happens, it is regrettable.

The first question is whether the kind of corrupt behaviour that Mr. Justice Morris identified in Donegal is endemic in the Garda Síochána. In my view it is not endemic in the force. So far, I have heard five Opposition speakers but not one of them has mentioned any of the positive matters to which Mr. Justice Morris referred. He referred to the bravery of some witnesses who came before the tribunal to give evidence which is clearly damaging to them — from ordinary rank and file gardaí to Chief Superintendent Peter Fitzgerald, whose bravery Judge Morris picked out.

It is worth remembering there were several factors in Donegal that distinguished that area from other parts of the country. This is worth reflecting on when we pose the question as to whether we think the problem is endemic, greater than what is being portrayed and if it goes to the core of the Garda Síochána. There are historical issues regarding Donegal, which include its closeness to the Border and the problems of dealing with subversives and explosives. Those issues may have caused the Donegal Garda division to develop in a different manner to other parts of the country. We should bear that in mind.

**Aengus Ó Snodaigh:** It was the same excuse for Louth, Monaghan, Cavan and Sligo, but they did not have it.

**Mr. Andrews:** If the Deputy was listening to the beginning of my contribution, one of the points to which I referred was Donegal's isolation from the rest of the Twenty-Six Counties. We should recall exactly what Mr. Justice Morris said about complicity in the upper ranks. He found there was "gross negligence falling short of actual complicity". That is the phrase he used. This goes back to my original point that we are talking

about major problems of mismanagement. In all the reams of evidence from 450 days of hearings, Mr. Justice Morris did not find evidence of actual complicity in the Donegal division's senior management.

Other issues concerned informants who seem to have been kept as the personal property of certain individuals who used them as launch-pads for their own careers. Much has been done about that. The establishment of the Garda Ombudsman Commission is a proportionate response to the issues of Garda discipline and inquiries into misconduct in the force. I do not wish to go into the methods of investigation but suffice it to say they will be appropriate for different levels of behaviour. They will also try to address the over-legalistic approach that has characterised most investigations within the Garda Síochána in recent times.

A report by Mr. Barry Vaughan of the Institute of Public Administration made a cogent argument about the Garda Complaints Board, comparing the board's results with those of the Police Ombudsman of Northern Ireland. Mr. Vaughan pointed out that 11% of complaints made to the Garda Complaints Board in 2004 were substantiated. In 2005, 10% of matters referred to the DPP by the Police Ombudsman of Northern Ireland led to a prosecution. This pattern can be found in many police forces around the world. We are therefore looking for an ombudsman commission on the basis of an unsound assumption — that an external body will be more effective in bringing prosecutions. According to those statistics, it would seem the Garda Complaints Board was doing a good job in certain circumstances. We must deal with that reality when we are dealing with the problems identified by Mr. Justice Morris.

I also wish to refer to the issue of promotion. I have spoken to many gardaí about the duality within the force between plain-clothes and uniformed members. A major morale problem is created within the force when it becomes obvious that plain-clothes gardaí are more inclined to be promoted than their uniformed colleagues. Obviously, an old-boys' club existed for much too long, so the Government's response in establishing a promotions board is proportionate and well thought out. There will be two civilians on the board who will bring balance and will break up what has been an unfortunate pattern over the last few years. I hope the policy principle behind the promotions board will be one of merit as well as reflecting public policy as set out by the Government and this House.

We want better community policing and we want people working in that sector to be promoted and have a specific career path. At every residents' meeting I have attended, the constant refrain is "We want to know who our community police person is. We want to see them on the street". I hope such sentiments will be reflected

in the type of promotions that are made. I will cite one example of the problem as I see it. In one station, which I will not name, the member in charge sought other members to become involved in community policing. Over a number of weeks, however, he failed to find one applicant. The problem seems to be that so many gardaí — let us call them the blue light brigade — want to go around in a squad car and be involved in detection work. Maybe they watch too many detective programmes on television, but they do not want to get involved in the nitty-gritty or nuts and bolts of community policing, which everyone is seeking.

I have already heard criticism of the Nally report. Naturally, the fact it has been edited down is unfortunate but there seems to be very little we can do about it. Some of the criticism is based on the fact the individuals who carried out the investigation turned a blind eye to some of the alleged facts. To suggest these people are incapable of an independent inquiry, however, demeans them. They have served Government Ministers of every political hue over the years and have been promoted within their own organisations on the basis of their independence. I reject that criticism and strongly support the content of that report.

It is a good day for the victims of the Omagh bombing who will be pleased to see this report being published.

The Morris report recommended that section 29 of the Offences Against the State Act be changed so a Garda superintendent could not issue a search warrant under that section to a member of the force. It is recommended that it should be approved by a judge of the District or Circuit Court. This is sensible and the right solution to that problem. Clearly this area was abused in the case of Donegal. The power should be retained by a superintendent in exceptional circumstances where it can be shown that it was not physically possible, for whatever reason of urgency, to prepare paperwork for a grounding application to a judge.

Duty to account is an interesting issue and there are already practical differences in Garda stations throughout the country. The 2005 Act at section 39 imposes a clear duty on every member of the force, when required to do so by a member of higher rank, to account for his or her action or inaction while on duty. I have spoken to higher ranking gardaí in my area to discuss how this is practically implemented and there is no doubt it is making a difference in Garda stations throughout the country. It helps avoid the problems seen in Donegal around revealing a truth adverse to a colleague that Mr. Justice Morris identified in his investigation. This is a crucial development and a proportionate response by the Government to the problems identified.

Many have argued in this House today and elsewhere that there should be a police authority or policing board similar to that in Northern Ireland but I have never heard a strong argument in support of such a proposal. I strongly believe in the authority of this House and I do not believe its powers should be emasculated. It was suggested that at some stage in the future the Minister might be a corrupt individual and that it would be more appropriate for the commissioner to report to a policing board which is less likely to be corrupt. This argument would denude all Ministers of all powers for fear that some later occupant of that office might have corrupt leanings.

Too many powers are being removed from this House causing too many occasions when a Minister can answer that he or she cannot respond to a query and must refer the questioner to some agency or executive. I reject the idea of a policing board and suggest we keep power in this House and stand up for the democratic institution we put so much effort into gaining entry to. To remove powers makes no sense.

The next module of the Morris report will be interesting, especially regarding the higher ranks of the Garda Síochána. One of the issues that will arise is bugging in interview rooms and I will quote from the testimony of Detective Sergeant White in this regard:

Officers and members, including myself, believed that we were entitled to use covert recording equipment in the struggle against crimes of murder and other very serious crimes. It was not a case of being entitled to do so by law but on the assumption that the equipment would not harm any innocent person and that the persons being listened to were either persons who had committed a very serious criminal act or were murderers. It was quite clear this system could not have operated for so many years without the knowledge and approval of the most senior authority within An Garda Síochána. This system of covert recording was being used as a tool by detectives in an effort to solve crime and, while it could not be regarded by any member of An Garda Síochána as being lawful, it was not regarded by those aware of its existence as being morally wrong.

This quotation contains the nub of the wrong mindedness that existed for too long in Donegal.

This is a corruption of the procedural basis of criminal justice in Ireland, it is a denial of a person's right to silence, a denial of due process, a denial of solicitor-client confidentiality in some cases and it leads to corrupt convictions in many ways. Detective Sergeant White would have convinced himself that what he was doing was morally correct at all times but outside the law. Once a guardian of the peace becomes judge and jury the system will, inevitably, collapse.

[Mr. Andrews.]

We tend to forget in this debate that our police force is unarmed and we must bear in mind the dangerous characters that live in society. These people are not only subversives but also function in drugs gangs and will willingly discharge weapons as an occupational hazard. Even the louts out drinking and taking drugs will use knives against members of the force. Our uniformed police put themselves in harms way as a matter of duty.

The Garda is uniquely based on the principle of morale and we, as politicians, have a duty to morale as much as possible while holding the Garda to account for the misdeeds of individual members. We should remember this throughout this debate.

**Ms O. Mitchell:** I wish to share time with Deputy Tom Hayes and I welcome the opportunity to speak on this issue. The revelations of recent years, culminating in the Morris report, struck horror in the hearts of people who had great respect for the Garda through the years and who had been well served by the Garda. The Garda is, after all, what stands between us and anarchy and it is frightening for people to see such a systems failure, along with corruption, at the heart of what we regarded as a force above corruption.

A complete change is needed to deal with the issues that have been highlighted and to equip the Garda to address the changing face of Ireland, the type of crime evident today, rising crime levels and the nature of crime. Mindless crime still exists but very sophisticated crime has grown. Cold, calculated crime and violent, brutish behaviour are incomprehensible to people and a different kind of force is needed to deal with them.

I want to talk about traffic management.

**Mr. McDowell:** The Deputy is a long way from that issue.

**Ms O. Mitchell:** I am, but not as long as some people have been. Traffic management relates to the role of the Garda, the number of gardaí on the streets and the demands made on them in all areas. The Minister will be aware of the drain on Garda crime fighting resources caused by traffic management.

I am raising this issue in the context of what was seen in Bray last week, our first experience of total gridlock. It has been forecast some time and we may have thought we had experienced gridlock until we saw what occurred last Wednesday and realised it is something that takes hours to undo. This kind of incident will occur with increasing frequency in coming years. Huge investment is being made in public transport, which will make a significant difference, but the payback for such investment is seven to ten years

away. Meanwhile traffic volumes will grow if the economy continues to grow, which I hope it does.

Not only will traffic grow but the big dig on the M50 will cause huge disruption as it has just commenced and will continue for at least five years. Metros are being announced by the day along with various Luas lines. When all of these projects are under way, or when even one of them is under way, phenomenal disruption will be caused and it will be essential that the very best quality and volume of traffic management is available to us.

Last week's incident was caused by a broken pipe but even smaller factors, such as a broken traffic light, a puncture or a traffic cone that falls into a traffic lane, can cause chaos. There can be a ripple effect across the city bringing an entire section to a halt. It takes hours to undo this. This problem will persist. To cut a long story short, an Operation Freeflow type regime is necessary throughout the year. Perhaps this is too much to ask of the Garda Síochána because it has much more important work to do. Nevertheless, a mobile, rapid reaction force on constant patrol is needed to regulate and control traffic while the "big dig", as it is known, takes place.

The Minister indicated the traffic corps has approximately 700 gardaí but only one fifth of this number are on duty at any time. In addition, there are only 48 mobile gardaí on motorbikes. I do not know how many of the 160 recent recruits are on duty in Dublin at any one time. It will become increasingly clear that even this investment will be insufficient as the big dig progresses.

I ask the Minister to examine a number of ideas. While I do not propose to be prescriptive, I will outline some ideas in the hope of generating discussion on how we will manage traffic in years ahead. Is it possible to provide support for the traffic corps which would enable it to provide high visibility patrols on motorways and key junctions and, crucially, in the vicinity of major works? In this context, will the Minister consider establishing an elite corps within the Garda Reserve that would receive special training in traffic management which would allow its members to become involved in regulating and directing traffic? I am conscious that not everyone has the specific skills required to manage traffic and that errors can cause monumental problems.

Will the Minister consider allowing security officers to undertake certain traffic regulation functions? As he will be aware, security staff are being licensed and must receive special training in a range of FETAC validated modules. Could this training include a module on traffic management? I do not suggest that security staff be allowed to direct traffic willy-nilly. Could those of them who are employed by shopping centres, hospitals, industrial estates and other private facilities to manage car parks and direct traffic on site be allowed to direct traffic on public roads in

the vicinity of their workplace? Many of those who have been tempted to do so, having seen traffic from their facility causing a problem on a public road, have been warned by traffic management gardaí that they will be charged with causing an obstruction if they direct traffic on a public highway. It is regrettable the private sector is not allowed to solve this problem.

I live near Dundrum town centre, which is constantly on the knife edge of chaos. This is particularly the case as Christmas approaches. Given that the centre employs highly qualified staff to manage its 3,500 car park spaces and five entrances, why are five gardaí being deployed to the centre to manage traffic under Operation Freeflow when they may be required elsewhere? The shopping centre is prepared to pay for its staff to do this job under the direction of gardaí. The Garda needs all the help it can get because crime is increasing and gardaí are required on the streets to detect crime, control the drugs problem, deal with crime gangs and carry out the many other functions for which they receive specific and expensive training, much of which is not necessary for the performance of traffic duties. The Garda Síochána will require assistance to continue its vital work. As the Minister will be aware, traffic management places a significant drain on Garda resources.

In recent years, I have sounded like a broken record in predicting traffic mayhem in Dublin because we have been on the cusp of mayhem for many years. No one living in the commuter belt would accuse me of exaggerating the problem because while traffic in the city centre is managed relatively well, those living on either side of the M50 are experiencing hell. The city will also experience hell when the dig for the metro commences and the Garda will require significant assistance to manage the problem.

To give an example, in the first month of the works on the M50—

**An Leas-Cheann Comhairle:** The Deputy has five minutes left.

**Ms O. Mitchell:** I will conclude with a story because it is instructive.

**Mr. McDowell:** The wait will have been worth it.

**Ms O. Mitchell:** The M50 upgrade started in August during good weather when many people were on holidays and the level of commuting was much reduced. In the first month of the works, 100 road traffic accidents occurred on the stretch of road between the N4 and Ballymount. Every one of these accidents caused a major traffic jam because the cars involved could not be moved to the hard shoulder and insufficient resources were available to the Garda Síochána to allow additional gardaí to be deployed.

The normal traffic patrol on the M50 cannot cope with the volume of traffic on the road. If a patrol is located at an interchange at the N7 and a disaster takes place at Ballymount, it cannot get to the scene. In addition, gardaí do not have towing equipment. The problem deteriorated as the weather worsened and nights grew longer. The upgrade commenced only recently and the problem will get even worse. I ask the Minister to consider the examine the issues I have raised.

**Mr. Hayes:** I am pleased to have an opportunity to say a few words on an important subject. Since the foundation of the State, the body of men and women known as the Garda Síochána has protected the State and its citizens through difficult times. The force has undergone a major transition since it was established by W. T. Cosgrave and his Government following the foundation of the State. Since then, it has had to contend with the Troubles and more recent changes. Almost every day, members of the force must investigate horrific murders, often committed in the most terrible circumstances. I admire gardaí for pursuing those involved and bringing cases to a conclusion in circumstances that are frequently difficult for all involved.

The changing face of Ireland is also bringing the drugs problem to the fore. While I know little about drugs, they are one of the greatest scourges affecting urban areas and small towns and villages. No one has grasped the nettle and addressed the problem. In the smallest villages in my constituency I listen to teachers, publicans, gardaí and others relate tales about drugs. It is frightening to hear what young people at college are mixing and drinking when they go out at night.

The Garda Síochána must be given the additional resources required to tackle the drugs problem. Additional funding, preferably in the budget, will be a good investment in future generations.

During the recent debate on drink driving the Minister replied to a question I asked about introducing drug tests for drivers. Some countries, notably Australia, have introduced such tests. Driving on country roads in my constituency I often see people drive cars at high speeds. A test is needed to determine whether such drivers have taken drugs. I wanted to mention the development of the Garda training college in Templemore in the northern part of my constituency but I am pressed for time.

Public trust in the Garda must be built upon. When I was young, we respected the gardaí who advised us and told us what to do. There are good people in the Garda Síochána in stations across the country protecting and advising people in their communities. There is trust but a certain section of the Garda Síochána does not have that great a relationship with the public. The Department, the public and the Garda must work to

[Mr. Hayes.]

build trust. The public and the Garda must feel they are all together on crime, road safety and burglaries.

Rural Garda stations once housed a garda who knew everyone in the community. Just as the local politician knew everyone's politics, the garda knew who the real rogues were. Government policy should be to preserve those rural stations because a Garda presence in the community helps to build up the trust between the Garda Síochána and the people.

**Mr. Ardagh:** I am delighted to have the opportunity to contribute to this important debate. Earlier, I was caught in gridlock in Bray and I was wondering if the Dáil was gridlocked on something other than police discipline and management. I was delighted, however, to hear there will be a large investment in public transport and that we will get a good payback in seven to ten years. It is a long-term process.

I listened to the Tánaiste, in his capacity as Minister for Justice, Equality and Law Reform, speak about the desirability of a policing and security committee separate from the Oireachtas Committee on Justice, Equality, Defence and Women's Rights. As he said this, I looked at the pile of reports on my desk that included two years of accounts and reports from the Garda, two strategy statements from the force, a report on the Garda Ombudsman Commission and a report on the Garda Inspectorate. Over the past year, as Chairman of the Oireachtas Committee on Justice, Equality, Defence and Women's Rights, I have been saying to myself that I was neglecting my duty by not bringing these reports to the committee for discussion to hear the advice of the likes of Deputy Jim O'Keeffe. We would also like to hear from the Commissioner and other senior gardaí about what is happening. Time constraints, however, mean we have been unable to do the job we should be doing. The Tánaiste stated that the Dáil is the police authority of this State. We must find a way to do the job a policing authority should do by bringing the Garda in to account for future strategy, past actions and present structures. That way we can ensure we are happy with the force. The establishment of a separate policing and security committee would be a good idea and I would like to see it established sooner rather than later.

Much of the thinking on accountability and a police authority comes from Northern Ireland, which has a different system to ours. The Garda is universally accepted and looks after not just policing matters but the security of the State. There are many areas where State security cannot be compromised by an open approach and these areas must remain confidential. Having gone through a number of the reports of Mr. Justice Barron, however, I believe the crime and security branch has a legacy of secrecy and information

does not come out of it. There is probably a need to examine that section of the Garda Síochána to bring it into line with best practice.

Policing should be based on the consent of the public to being policed by their peers. People who live in our communities go into Templemore to accept the onerous task of being a garda knowing that they enjoy the backing of the community to perform their duties and uphold the law. That is important. Different communities, however, give differing amounts of consent. In communities affected by poverty, deprivation and crime, there is less respect for gardaí. The easiest way to address that is by getting rid of the crime and improving the standards of living of those in such areas. In my constituency, however, there are young people who feel they are being harassed by the gardaí. The new management system and changes in disciplinary procedures will improve this situation and the co-operation between these young people and the police will get better and things will change.

I always think of a Garda station as being like a school, where the principal of the school sets the ethos. The other teachers take their lead from the principal and the pupils behave in a disciplined and respectful way if the proper ethos exists. The same applies to Garda stations. There are a number of Garda stations in my area: Terenure, Crumlin, Sundrive Road, Kilmainham, Kevin Street and Ballyfermot. I am aware of some disquieting stories about some Garda stations where a young fellow up from Templemore is met by the old hands who tell him to forget everything he has learned in Templemore. I had hoped this culture was a thing of the past but it will take time to have the management and people in place who can bring modern human resource methods to the management of personnel.

Like any employees, gardaí must be managed, controlled and motivated. They must be encouraged and thanked for doing a good job. They must have the respect both of the people they serve and those who are above them. There is a need from a micro-management point of view for each Garda station to be a good example of a great Garda station and one which would earn four stars in comparison to some other station.

I congratulate the Minister for introducing the Garda Reserve in a way that has gained the confidence of all gardaí. Some questions are still outstanding but I am confident they are small questions compared to those posed when the Garda Reserve was first mooted. I hope the Garda Representative Association will come on board with respect to the Garda Reserve. Those who have applied and have been successfully inducted into the reserve are our own people from the communities they serve. They are not weirdos or Hitlerites but just ordinary people who want to contribute to the public good and who want to serve the people in a meaningful way which will

improve life for all. I refer to the communities of the elderly in my constituency and in all other constituencies, rural and urban. People want to see gardaí on the roads. The Garda Reserve is as strong a force as any other part of the Garda Síochána for providing security to those people. The Minister has grabbed this issue by the scruff of the neck and it is operating very well. It will help improve the overall management of individual Garda units.

The reports of the Morris tribunal make for awful reading. The Barr report highlighted weaknesses in Garda management and George Birmingham investigated the Dean Lyons case. The publication of these reports does not enhance the Garda Síochána except that it will allow for the acknowledgement that improvements are needed and can be made. Many of these improvements have already been set in train by the Minister, particularly the recommendations of Mr. Justice Morris concerning Garda discipline and accountability. The Minister has put in law the need for gardaí to account for their actions.

It is hoped to upgrade the Garda standard to make the force comparable to a similar sized commercial enterprise such as IDA Ireland, Enterprise Ireland or the Bank of Ireland. Leading edge management techniques must be applied in the Garda Síochána. The civilianisation of the force to include top notch management people who are competent and able and who have at heart the good of the country and a wish to do a good job, is very important. The action being taken by the Tánaiste with regard to management, the inspectorate and the Garda Ombudsman Commission, will bring about a different Garda force which will be more effective. It will be a force of which we can be even prouder in the future.

**Mr. Kenny:** I wish to share time with Deputy Perry.

I compliment the Acting Chairman on the production of his award-winning book which I hope is in the best sellers' list. He is the most substantial Acting Chairman we have had in the Chair for some time.

My contribution to this debate will be brief. Every man and woman who puts on the uniform of the Garda Síochána must understand they serve their country and the public to the highest levels of integrity, commitment and public service. I know the Minister shares that view and he speaks to young recruits and trainees in that fashion.

In a discussion of the Nally report and related matters, it must be remembered that the families of the 31 victims of the Omagh bomb in August 1998 must be central to all our thoughts. We can never forget the trauma and desperation of these innocent families and they are entitled to know

the truths about the events that led to the brutal murder of their loved ones.

I have spoken on a previous occasion in this House about the Nally report to which I was given brief access by the Minister in 2004. While I fully recognise the competence and integrity of the members of the Nally group, I expressed some reservations previously about the nature of the task they were asked to undertake. The House will recall that the Nally investigation and report had its origins in a report which was prepared for the Police Ombudsman for Northern Ireland, Ms Nuala O'Loan, into various allegations made by Detective Sergeant John White. Some time later, I met with Ms O'Loan to discuss this matter and she informed me that she regarded those allegations so seriously that she travelled down to Dublin on the train to inform the then Minister for Justice, Deputy O'Donoghue. The Nally group was then asked to examine the subject matter of her report. While the report deals in some detail with that aspect of the original allegations, I am concerned that numbers of individuals who should have been interviewed by the group as part of their inquiry, were not contacted. For example, the investigators in the Police Ombudsman for Northern Ireland's office were never contacted by the Nally group nor were the PSNI investigators into the Omagh bombing. Given the high level of co-operation that exists and existed then between the RUC-PSNI and the Garda Síochána, such contacts should have been made as these people might have been able to help with the inquiry.

Of far more concern to me and I have referred to it obliquely in the House before, is the failure of the group to interview the Garda informant, Mr. Paddy Dixon, who was a central figure in the allegations made. Mr. Dixon was part of the Garda operation aimed at infiltrating the Real IRA. Despite the fact he was protected by Government and under the witness protection programme at the time the Nally group was conducting its inquiries, the group never interviewed him based on legal advice. I found it incredible that a person being protected by the State at a high cost to the taxpayer could not have been contacted and given sufficient assurances that he could co-operate with the work of an inquiry into allegations to which he was centrally connected.

Mr. Dixon made contact with me more than a year ago. I met him on a dark street and had to ask him if he was armed. He replied he was not. I spoke to him at some length about his life and his involvement in certain activities. He made it perfectly clear he wished to have his story told. He wanted to have his side of life fully expressed in terms of his innocence and the work he was involved in. Subsequent to that meeting I informed a member of the Nally group that Mr. Dixon had contacted me and I had met with him. I also contacted the Taoiseach privately on this matter.

[Mr. Kenny.]

I do not know whether the Nally group or the Government have made contact with Mr. Dixon since, or whether he has made contact with them. If I was in a position to speak to a central witness in this important matter concerning the Omagh bombing and its surrounds, I would have thought the Government would have been able to do so too. It is critical for the families of the Omagh victims, the Garda and others who were the subject of John White allegations to reach a point where we can be absolutely sure the allegations have been thoroughly, conclusively and comprehensively examined. Ensuring such co-operation from everyone might bring final closure to an inquiry which is of such fundamental importance to the way we do our business in this State, to the persons working for the State, and ultimately in respect of the families of those who were so tragically and unfortunately bereaved at that time.

**Mr. Perry:** I am delighted to speak on this important issue. Kathleen O'Toole recommends sweeping changes to Garda structures. The Garda inspectorate will investigate how the force is structured and will make recommendations to the Government. The executive committee, chaired by the Garda Commissioner, will include two sworn officers, deputy commissioners, a civilian deputy commissioner and a civilian legal adviser. A newly created team of existing assistant commissioners shall be given more operational power.

Two reports have recommended the civilianisation and reform of the Garda and that is to be welcomed. The Government has been in office for nine and a half years, and despite the recent inquiries which have adversely impacted on the perception of the Garda, it is important we take Kathleen O'Toole's report on board. Her report was beneficial and she felt she had to introduce an internal report. I have no doubt her recommendations will have a huge impact, but they need to be acted upon.

One of the recommendations is to put more gardaí on the beat. When one considers the anti-social behaviour that is taking pace in every city and town, it is clear we need more gardaí on the beat. The Garda's shift system is split in three. Arising from this, there can be instances where there are very few gardaí on the ground. There has been a lack of investment in Garda resources by the State, ranging from Garda patrol cars to e-mail access and mobile phones. The PULSE system has failed to deliver. It is a disappointing return when one considers the €8 billion budget that has been put into the force.

We must address the lack of gardaí on the ground. I have often felt that gardaí who retire represent a huge loss of talent. Many of them have a lot of experience and could have continued to work on a renewed contract. Garda sergeants must retire at 57 and that is a huge loss

too. We are now introducing gardaí on a voluntary basis, but it is a shame when one sees the talented gardaí in their 50s who are being lost to the force. I have spoken to gardaí who, while wishing to avail of their redundancy payments, could be re-employed on a day shift basis. The uptake on that could be significant, and those gardaí would work during the day and not on the typical Garda shift system. We see contracts in the public service being extended to 65, and up to 70 in certain cases. It is a shame Garda sergeant contracts could not be extended too.

I compliment Senator Maurice Hayes on the fine report he produced. Kathleen O'Toole has also come up with clear recommendations within a short period of time. Her recommendations are in the area of subsidiarity where power is given to assistant commissioners who will have responsibilities in their own region and be empowered to act decisively. When one looks at the massive increase in the population, regrettably the huge expectation of quality of service is not being delivered. People are disillusioned with detection rates.

Businesses are making huge investments to install basic security systems. They are investing thousands of euro in security but there is no capital write-off on such equipment. We have seen in recent weeks that crime is now affecting businesses in small towns and villages. Businesses with high cash flows, be they petrol stations or supermarkets, are being targeted.

I sincerely hope the implementation of these recommendations will lead to more gardaí on the ground. This is not currently in evidence. There is no facility for Garda overtime which is needed in certain cases. We all have to deal with anti-social behaviour and the incidence of theft. Many rural Garda stations have been closed, although I noticed that some of these are now being reactivated in Sligo. I attended a meeting last week involving Sligo Corporation and the chief superintendent. While I must commend the effectiveness of the Garda's explanations, they have difficulties in terms of back up and funding. The provision of security cameras for Sligo was announced by two Ministers for Justice, Equality and Law Reform but it has not yet been delivered.

The RAPID programme was introduced by the Department of Community, Rural and Gaeltacht Affairs and cameras are very much needed in estates. There has been a lack of funding and the deficit which will have to be paid by the corporation is huge. We talk about embracing new technology but this has not happened. We should look at the type of technology private companies install in their businesses, including closed circuit television cameras.

There are large numbers of people on the busy thoroughfares of Sligo city at 2 a.m. A commitment was given to provide the technology to monitor them but nothing has happened. I hope

there will be a positive response given it has been announced on numerous occasions.

I refer to the new Garda station for Sligo. The facilities for over 100 gardaí are totally inadequate. The new Garda station has been put on the long finger by the Tánaiste. Commitments can be made and we can talk about all these reports but are there more gardaí on the streets and is there greater detection of crime?

There is a regional Garda station in my home town of Ballymote. It is so bad that no prisoner can be detained in it. It is a 19th century building operating in the 21st century. This regional Garda station covers the best part of south Sligo. The facilities are totally inadequate. A new site has been bought and I sincerely hope the contract will be signed and that work will commence on this much needed facility.

The civilianisation and reform of the Garda Síochána would be very welcome. However, actions speak louder than words. We call for the immediate allocation of funding for these much needed developments.

**Mr. O'Connor:** I wish to be associated with the remarks of Deputy Kenny. The Chairman of the Joint Committee on Social and Family Affairs is well known. I am a big fan of Deputy Penrose's work and I wish him well with his publication. I might get him to sign a copy for me.

I speak not only as a Dublin based Deputy but as a member of the Joint Committee on Justice, Equality, Defence and Women's Rights. I was at the launch of the final report of the Independent Commission of Inquiry into the Bombing of Kay's Tavern in Dundalk this evening. Those of us who were at it were really struck by the achievement of the sub-committee. It made some very profound recommendations over which I will not go now because we will have an opportunity to do so during another debate. I take the opportunity to congratulate my colleagues, under the chairmanship of Deputy Ardagh, on that report. Every Member of the Oireachtas will want to read the report and I suspect they will be hugely affected by and concerned about it.

I listened very carefully to the Tánaiste's fine speech on this issue. It is very important we support him. Members are entitled to make political points with which I have no problem. I am glad Deputy Perry mentioned every street in Sligo so if I mention Tallaght a few times, I will not get into trouble.

**Mr. Durkan:** I was wondering how long it would take before Deputy O'Connor mentioned it.

**Mr. O'Connor:** I often say I come from a bygone era when we had a different view of the gardaí. Thank God I was never in trouble with the gardaí, although I can never understand why. I used to see the local garda on the street on his

bicycle threatening to stop us playing football or whatever. I fully agree with what was said about the need for the public to trust and have confidence in gardaí and to see them as often as possible. I often say young people should not just see a garda when they are in trouble because then it is too late. It is important we understand the Garda Síochána upholds the law and, generally speaking, does much great work which we should applaud. However, we should also understand there are problems.

Last night when going home to Tallaght, funnily enough, I was stopped by a road block at which gardaí from the traffic corps were carrying out mandatory breath-testing. I mention it because I was never breathalysed before. The garda told me there was not even a hint of alcohol in my system which sort of sums up my sad life. It was a cold winter's night and those gardaí were doing their job in a very effective and friendly way. That is what the public needs to see. However, when there is trouble, we expect the gardaí to respond. Members of the public, particularly those who will not be in trouble with the Garda or break the law, want gardaí to carry out that type of service. The perception must be of an honest, hardworking and effective Garda force which does its job. We should applaud that work where we can.

I refer to one aspect of the Tánaiste's speech and I will be parochial. The Tánaiste spoke about the commission of investigation into the Dean Lyons case. The late Dean Lyons was a constituent of mine and I met him on a number of occasions. I know his family very well and I spoke to his mother recently. The case caused much upset not only in my constituency and in Tallaght where he lived but in many communities throughout the country. We should remind ourselves that a horrendous crime remains unsolved. There are many rumours as to who carried it out and there is much talk and speculation about charges being brought and so on. However, it remains on the record as an unsolved case.

Like many colleagues, when I get involved in cases such as that of the late Dean Lyons, one is affected by them. We do our job without fear or favour but when events such as the Dean Lyons case occur, one is affected by them. I think about the late Dean Lyons and I believe all of us who came in contact with him ask whether we could have done anything else, spoken to him more or met him more often. There are still many unanswered questions in regard to his case and the investigation.

The Tánaiste was very honest in his approach today. It is an unsolved case and there are many questions. I do not know how the Tánaiste can create a situation where closure will be achieved. I speak for many in my community when I say this case still upsets and affects people. I have no doubt the families of those two ladies in Grange-gorman are also deeply affected by it. Each time



[Mr. O'Connor.]

we discuss the case and raise it in the public domain, I am sure it causes even more hurt and upset. The Tánaiste would have much support if he could find a mechanism to resolve some of these issues.

This is an important debate and many of us will have different views. As I said, we will all have political points to make to which I will contribute. I look forward to the debate tomorrow.

Debate adjourned.

### Private Members' Business.

#### Noise Bill 2006: Second Stage (Resumed).

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

**Mr. Mulcahy:** I wish to share my time with Deputies Martin Brady, Nolan, Wilkinson and O'Connor.

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

**Mr. Mulcahy:** Noise is a serious problem in modern, urban society. I have been involved with this issue for a number of years, particularly in my role as a city councillor and Lord Mayor. I commend the Green Party on the introduction of this sensible, imaginative legislation, which while not perfect, is badly needed.

I read with interest the contribution of the Minister of State, Deputy Batt O'Keeffe, in which he pointed out the legislative provisions on noise. That is all well and good, but for a number of years the main problem has been enforcement. Local authorities have not taken any interest in noise pollution and that is the reason this Bill is so welcome. It is a first stab at making local authorities responsible for enforcement, which is what it is all about.

Some parts of the Bill are too weak. Section 3 suggests a local authority "may" act if it receives a complaint. This should be a requirement and should read "shall".

**Mr. Cuffe:** "Shall" might involve a charge on the Exchequer.

**Mr. Mulcahy:** The Bill should also make other actions mandatory. I strongly support a proactive role for local authorities on noise control enforcement day and night. When I was Lord Mayor of Dublin in 2001-02, I visited London with an official from Dublin City Council to examine how Westminster City Council operates in this area. The Westminster council has noise patrols that operate 24 hours a day and citizens can call these patrols to deal with the issue of noise.

I compliment the Government on acknowledging this is a good Bill and on accepting it for its Second Stage Reading. This demonstrates the Government is open to good ideas, unlike other parties. Some of these have put forward bad ideas to the Government and expected them to be adopted. The Government has an open mind on good ideas, as has been proven by its support for further reading of this legislation.

I strongly believe in the Green agenda and I hope this is the beginning of a deeper relationship between Fianna Fáil and the Green Party for the future.

**Mr. Cuffe:** We do not want the Deputy to commit to us yet.

**Acting Chairman:** Let us leave Deputy Mulcahy in possession.

**Mr. Mulcahy:** Much of the Bill is welcome, but it needs amendment on Committee Stage. I am not satisfied that night-time noise pollution is fully covered or that the earlier legislation is properly incorporated in the Bill. On many occasions in the past I have raised the matter of legislation on noise pollution with the Minister for the Environment, Heritage and Local Government and perhaps he will confirm that later tonight.

I congratulate the Green Party on the introduction of the Bill and I congratulate the Government on being open-minded and sensible enough to welcome it and to try to make it a better Bill. This bodes well for Fianna Fáil-Green Party co-operation in the future.

**Mr. O'Dowd:** Tell that to the farmers.

**Mr. M. Brady:** I welcome the opportunity to address the House on this Bill and to outline the Government's policy in this area. Environmental noise has many sources, from large scale activity such as industrial installations, traffic on urban roads and major construction sites to more local sources such as security alarms, social activity and general neighbourhood noise.

I received a complaint in my constituency last week from a person with a neighbour who raises hens and cocks. The cocks start crowing about 10 p.m. each night and continue until 6 a.m. The daughter of the person who complained is a nurse who must go to work at 7 o'clock each morning having been unable to sleep all night with the noise. This is just one example of noise pollution.

Let me give another example. In Dublin where I am based some people make their living from driving refrigerated articulated trucks. These people live on housing estates and have no place to park their trucks when they drive from Cork, or wherever, apart from outside their houses in their housing estate. They leave the refrigeration unit turned on all night because the containers

contain perishable goods and the resulting noise keeps their elderly neighbours and others awake all night. Sometimes gardaí or local authorities are called to deal with the issue, but they have no powers to deal with it and do not want to know in most cases.

The other side of the coin is that the truck drivers in question need to make a living. Local authorities are provided with significant funding by the Department of the Environment, Heritage and Local Government and therefore, there is an onus on them to make provision for truck drivers to park their trucks in special compounds. This is something that must be considered.

House alarms are also a cause of noise pollution and I am glad to see the Bill makes provisions in this regard. House alarms in housing estates might be ringing for 24 hours, but nobody, not even the next door neighbour takes any notice. All the alarm does is upset everybody in the area.

We all know environmental noise is a symptom of our active and busy lifestyle. We have something of a catch-22 situation. We all need some quiet time to rest and recharge our batteries, but the pace of family life and social activity makes this difficult to achieve. Often, social activities are likely to commence after midnight. For example, one may live next door to a house that is rented, which is common in Dublin. Someone in that house may come home from the pub, get a carry-out from the off-licence and decide to have a barbecue at that late hour. That will go on till 6 a.m. although the next door neighbour may have to get up and go to work in the morning despite not being able to sleep because of the disturbance. When that neighbour manages to get to work, he or she is flaked out.

I congratulate the Green Party on this Bill. We are green on this side of the House also and know what is involved with regard to noise pollution.

**Mr. McHugh:** Deputy Brady is not that green.

**Acting Chairman:** Deputy Brady without interruption.

**Mr. M. Brady:** We support the Green Party on this Bill. It does not just say a particular road or railway should not be built because this will upset people. This Bill is positive and we support it.

The Bill will give local authorities significant powers to address the environmental issue of noise pollution. However, they will tell us they do not have the resources. The Minister for the Environment, Heritage and Local Government has indicated there is no problem with funding. Local authorities have received more funding than ever before from the Minister and could not even fully spend their funds last year. The finger must point at them and we must ask what they are doing on the issue. Managers of local authorities should be called before the Joint Commit-

tee on the Environment and Local Government to establish what they are doing, what they intend to do and the procedures they have in place to deal with noise pollution, which is an issue of concern to many.

I apologise for going over my time and thank the Chair for the opportunity to contribute. Again, I congratulate the Green Party. We have no problem with this Bill.

**Mr. Boyle:** I am sure the Deputy will have some problems with us.

**Mr. M. Brady:** We are pragmatic and will support the Green Party all the way in this regard. It is an important issue for the community. I thank the Green Party for bringing it to our attention. We will support the Green Party in this regard, as it will support the Government.

**Mr. Nolan:** I commend the Green Party on bringing forward the Bill. Listening to previous speakers, the debate is almost developing into a love-in between Fianna Fáil and the Green Party.

**Mr. Cuffe:** That is what we are worried about.

**Mr. Nolan:** However, much will change before May. This is the second time I have commended the Green Party in the House on bringing forward particular Bills.

Everybody recognises that noise pollution affects an increasing proportion of the population in a society where the economy is expanding at such a rapid rate. We must change our laws to cope with the changes in our society. Industrial business transport activities are no longer confined to traditional business hours, leading to increased levels of noise during the day and night, and, therefore, the increased likelihood of incidents of noise nuisance.

Previous speakers referred to the nuisance of security alarms in housing estates and car alarms going off at all hours of the night. House alarms are a particular nuisance at weekends when householders are away. Often, this may happen on public holiday weekends when houses are unattended for up to four days at a time. I know of cases where families have gone on holidays for two weeks having left nobody to deal with alarms, which has caused serious problems. All of this causes stress, particularly for families with young children or babies trying to sleep.

It is difficult to structure legislation to cover all aspects of noise pollution. There is change in a number of areas with which we must deal. Existing legislation covers many aspects and the local authorities have the power to deal with noise nuisances, but problems remain. For example, cars with modified exhaust systems are increasingly used by young men who think this is a way of showing off. Anybody who travels in Dublin will see certain types of motorbikes on the roads

[Mr. Nolan.]

which produce noise when starting off that is far in excess of what is socially acceptable. I have questioned gardaí in this regard but they claim it is difficult to monitor or to bring charges against individuals.

Existing Irish law deals with the challenge posed by the increasingly busy economy of the 24-hour society, and provides a series of safeguards which address noise pollution. However, I do not know how comprehensively, effectively or efficiently our laws deal with the problem. While all areas of noise pollution are legislated for, the provisions in place maintain a balance between the rights of the individual to the peaceful enjoyment of his or her property and the rights of others to carry out their normal activities.

Deputy Martin Brady referred to people carrying out their lawful business, in particular drivers of trucks with refrigeration units. Apart from the fact such drivers must sometimes park in residential areas where the refrigeration unit will remain in operation through the night, another problem I have heard of relates to truck drivers who must leave early in the mornings. When they start their trucks, they must let them run for four or five minutes at full tilt in order to build up the pressure so the brakes become effective. This causes difficulties in some housing estates.

The building regulations cover many aspects of the construction industry. However, problems arise where there is much construction and where housing estates are partially completed but builders are still coming to work at 7 a.m. and creating disturbance. While local authorities can and in the vast majority of cases do include regulations and conditions on planning permissions, many local authorities do not have the manpower or resources to police these aspects.

The building regulations published by the Department of the Environment, Heritage and Local Government detail legal requirements to be met in regard to sound insulation between separating walls and floors in houses and apartments. This is not working in all cases. Anecdotal evidence suggests that householders can on an ongoing basis hear what is happening in their neighbours' homes in terms of noise from television, radio and stereos.

I commend the Green Party on bringing forward the Bill. Anything that improves quality of life in this country is to be recommended and is supported by my party.

**Mr. Wilkinson:** I am delighted to contribute on the Bill. While I might not always agree with the Green Party, it is to be commended on opening up the debate. There is no doubt that noise is becoming an enormous problem. In the ordinary home — Members often call to houses on their rounds — there will be a television operating in one room, which is not turned off as one enters. There could be two televisions operating at the

same time and a radio operating in another room also. Generally, noise levels are well above what we were used to when we grew up. When one considers the way houses are built now compared to the old way, there is no problem hearing from one end of the house what is happening at the other end. However, I accept these are minor complaints.

As a rural dweller, I often receive complaints from people who have come to live in the country for the first time and who are not used to rural noises, particularly modern machinery, which can be hard on those who are not used to it. I often wonder how people operated such machines in the past without ear protection, which is now a major requirement and one to be welcomed. That point brings me to a famous event of the recent past, the Army deafness claims, which resulted from soldiers being exposed to too much noise. We know of the massive damage done. There are also the cases of those who worked in factories without protection. Dust was a big issue but so was noise, which can be at high levels even in modern factories. Thankfully, this is now recognised and the various protections in place help to deal with the problem.

Much reference is made to vandalism in our streets but there is also the problem of noise levels after hours in our streets, towns and villages, which is simply out of order. While we tend to hone in on damage done, people are often awake for many hours after the pubs and chip shops close. This is of great concern where there are sick people or young children, and I hear of it regularly in my home area. Car exhausts are another cause of great concern. When some cars pass, one would imagine they are doing 100 mph, but they are making more noise than their speed would suggest. I cannot understand why this is not being stopped. I know it is easy to say the gardaí have enough to do — maybe it is not that easy — but I remember a time when excessive noise was a very big crime for which one could easily be picked up and summonsed. Those who create excessive noise should certainly be stopped. It is absolutely ridiculous that young lads are making so much noise in our towns at night. The speed of cars is an issue, but the noise of cars is often a far greater issue.

The use of jet skis recently became an issue on the River Blackwater, in my part of the country. I assure the House that the noise made by jet skis can be unbelievable. The damage done by jet skis to nesting wildlife etc. can be substantial. Those who were involved have ceased to engage in such activity, thankfully. One could hear the high whine that their machines were making for miles around. I do not doubt that jet skis have done significant damage to nesting birds etc.

While I welcome the Green Party motion, the Government feels that this issue is fairly well addressed. This issue should be debated, however, as it is relevant to our modern country,

with its booming economy and increased levels of mechanisation in the home and the workplace. I commend the Green Party on raising this matter. A great deal of noise is quite often produced in this House. That noise often generates much more heat than light. I do not doubt that the noise levels in the House would be much higher if it were not for the absolute impartiality of the Ceann Comhairle and the Leas-Cheann Comhairle. I thank the Chair for allowing me to say a few words.

**Acting Chairman:** It is not as a result of favouritism that I will allow Deputy O'Connor to speak for seven minutes.

**Mr. O'Connor:** I might have to sing for the last two minutes. The continued presence in the Chair of Deputy Penrose reminds me of Deputy Kenny's remarks earlier about Deputy Penrose being an author. I am aware that the Green Party is bringing out a book — I cannot wait to read it — and I wish Deputy Boyle well in that regard. I will read his book.

I was going to say that there is almost nothing to say because everything nice that can be said about the Green Party has been said this evening. I was not going to be nice because a copy of the Green Party newsletter, which is printed on recycled paper, was dropped into my letter box the other day and Deputies Gormley, Boyle and Cuffe were posing in the newsletter with their party's nice candidate in Dublin South-West. Can Deputies imagine that the candidate in question had a go at me in the newsletter?

**Mr. O'Dowd:** Poor Charlie. I hope he does not cry.

**Mr. O'Connor:** I was not going to be nice, but I have decided to be calm because we are so close to Christmas. I am sure I will have plenty of further opportunities to cross swords with my Green Party colleagues over the next 200 days. I look forward to doing that. In fairness, the work of Deputy Cuffe, in particular, shines through in this Bill, about which other Deputies have spoken. The Green Party has struck a nerve on this occasion. We all understand the point being made by the Green Party. No Deputy will disagree with the sentiments being expressed in this legislation. Problems of this nature are encountered in every community.

As someone who was reared in Dublin in a bygone era, as I mentioned earlier, I know this problem did not start in recent years. I remember how troublesome neighbours who made noise were dealt with when I was a child in the inner city, in the Stephen Street and George's Street area, as well as in Crumlin, where I was reared. I cannot remember things from yesterday, but I can remember the problems caused by all kinds of noise on the street many years ago. When tele-

vision was introduced in the area, my parents complained about the noise for the first couple of weeks, until we got a television in our house. Such problems have been experienced in all our communities.

Somebody said earlier that I did not mention Tallaght much during my speech on the Garda Síochána. I am always sensitive about the danger of talking too much about Tallaght during debates on negative matters. I represent the third largest population centre in the country. The Acting Chairman is familiar with some of the urban places in my constituency, such as Tallaght, Firhouse, Templeogue and Greenhills, as well as rural communities like Brittas and Bohernabreena. I attend eight advice clinics every week and not a week goes by when this issue does not arise. I checked that with my office today and I am not as famous for my meetings as some of my colleagues — I am looking at Deputy Gilmore, in particular — but I am as available as possible.

My full-time office receives many calls every week about this matter. I know from my work and from checking with my secretary that problems caused by people who act as bad neighbours arise quite often. That is the crux of the matter, in simple terms — people refuse to toe the line and to act as good neighbours. As Deputy Wilkinson said, noise can be caused by loud music, motorbikes and barking dogs. I am quite fond of dogs in my own way — I always had a dog when I was young — but I emphasise that people should be aware of the sensitivity of their neighbours to dogs.

This Bill lists all the sources of noise with which people have difficulties. Particular reference has been made to intruder alarms. I have received many calls recently from people in new communities in the Tallaght region in this regard. When people move into such areas, they are suddenly confronted with noise pollution. I do not want to make a political point, but it appears that the economy is doing well, which means that many people are working and therefore are not at home during the day. Those of us who try to meet people when we spend days on walkabouts — I know we do not talk about canvassing, but we can talk about walkabouts — are aware that it is difficult to do so when people are out working. It is really infuriating for people when one of their neighbours goes to work at 8 a.m. and leaves the alarm bellowing for the day. Such behaviour can cause many problems.

While I am talking about the need for people to act as good neighbours, I would like to refer to an initiative in Tallaght with which I was involved several years ago. I was the founding chairman of the Tallaght Mediation Bureau, which was established to mediate between neighbours, to encourage people not to feel obliged to have recourse to the legal system and to ensure that people do not have to call the Garda to deal with all sorts of neighbourhood problems. The bureau, in which

[Mr. O'Connor.]

I am no longer involved because, like all other Deputies, I cannot be everywhere, has dealt with many cases over the years. It has attempted to mediate between neighbours who were in disagreement about simple things like making too much noise. We should not have such confusion in respect of problems of this nature, which have been ongoing for generations. I repeat that the need to act as a good neighbour is the central aspect of this issue, about which we should be sensitive.

In fairness to this Bill, it attempts to address such issues. It hits a nerve on an issue with which none of us could disagree. When I spoke to the Minister, Deputy Roche, yesterday, he was clear about that point. When good political ideas are brought to the Chamber, it is good that they can be embraced by everybody in the interests of the common good. A great deal of good will come from that.

**Acting Chairman:** The Deputy has one minute remaining.

**Mr. Gormley:** He should give us a song.

**Mr. O'Connor:** No, I will not sing.

**Mr. Gormley:** The Deputy said he would sing.

**Mr. Cuffe:** He should sing "The Sound of Silence".

**Mr. O'Connor:** I will sing again if I am asked. I hope the Deputies will not tell Deputy Finian McGrath that I said that. Deputies spoke about the response of local authorities to problems of this nature. South Dublin County Council acts in as responsible a manner as possible when this issue arises. When I contacted the council today, I was told that it receives many complaints about noise. The council processes such complaints on a regular basis. It is important that we understand an issue that is raised by the Bill, which is that we should have recourse to the law and local authorities only in cases of noise that is causing a real problem. That is why I mentioned the need for neighbours to interact ethically. We should try to put in place circumstances in which the problems which arise are solved in a straightforward manner. If such problems cannot be solved easily, they should be dealt with by the relevant local authority or by the law. I look forward to supporting this Bill. I thank the Acting Chairman for his courtesy.

**Mr. Gilmore:** I wish to share time with Deputies Naughten, Gormley and Eamon Ryan.

**Acting Chairman:** Is that agreed? Agreed.

**Mr. Gilmore:** The Labour Party supports the Bill. I compliment my constituency colleague,

Deputy Cuffe, for bringing it before the House. It is not the first time this has been debated here. I recall a number of occasions during debates on planning and environmental protection Bills when amendments were proposed to provide for some form of regulation of noise pollution. My most recent efforts were on Committee Stage of the Planning and Development (Strategic Infrastructure) Bill 2006, when I proposed an amendment which would have brought noise under planning control. In response to that amendment, I recall the Minister for the Environment, Heritage and Local Government promised he would bring forward regulations on noise pollution. I have not seen them yet and I would be interested to see what progress has been made on that commitment.

We need to parse the different forms of noise pollution that arise. I compliment the Green Party and Deputy Cuffe for the comprehensive range of noise addressed in the Bill. However, different solutions are required for different types of noise. For example, noise arising from a motorway requires a particular response, such as the provision of double glazing for households that are affected by its construction. The way in which noise is examined must also be considered. When motorway schemes are examined, the only issue is the decibel level above which noise may not go, which I believe is 98 decibels. The problem with that limited examination is that a household can suffer a monotonous hum of traffic which constitutes noise pollution, but in this case the decibel level does not rise. The occasional vehicle with a faulty exhaust passing by late at night can also create a noise problem that is not encompassed by the overall decibel level.

Refrigeration units at the rear of shopping centres, industrial plant and so on represent situations where noise can become a problem for local communities. These areas should be dealt with under planning legislation or environmental protection legislation. Noise in agricultural activity needs to be addressed, such as noise that comes from some forms of agricultural machinery, or from simulated shot-gun blasts used to frighten away birds in tillage areas. Noise from construction activity must also be addressed. The constant hammering, drilling and even rock blasting should be dealt with by planning control. We regularly hear of places of entertainment that produce excessive noise which should also be dealt with in a different way. All these types of noise can be dealt with by regulation, by legislation and by the type of rule regime that we normally examine when we enact Bills.

However, I am not sure I warm to the solution proposed in the Bill by the Green Party to the problems created by noise from private sources, such as activated burglar alarms, excessive partying, loud music in apartment blocks and so on. There is something Orwellian about noise control officers being sent out by the local authority to

check whether a party is too loud and too late. I am inclined to agree with the approach suggested by Deputy O'Connor. These are neighbourhood problems and they require a new legislative approach providing a framework whereby good neighbourliness, common sense and respect for others are encouraged, and if somebody decides to take advantage of his or her own community, he or she is appropriately penalised.

These problems are not confined to noise. One neighbour will not want the kids playing football on the lawn and wants a sign put up preventing it, while other neighbours want the opposite and world war three will break out if the sign goes up. A problem can arise between neighbours over a boundary wall, or the trees growing in the back garden that extend into someone else's vegetable plot. A problem can arise over rows between children on the street. Some neighbour might be inappropriately storing waste, which is occurring quite often given the charging regime currently in operation.

Good neighbourhood practices need to be developed and there is a role in this for local government. Local government can put in place the kind of mediation approach that Deputy O'Connor mentioned. It may have to put in place something analogous to the small claims courts, although not formally within the court system. If somebody was seriously aggrieved by another person who was constantly playing loud music or leaving on the burglar alarm, there should be a way in which that person can seek restitution. If someone loses a day's work because he or she has been kept awake all night by some inappropriate activity on the part of his or her neighbours, there should be a means by which that person can seek to have the day's pay restored by the offending party.

We do not need an approach whereby a noise control officer comes out from the local authority and brings people to court. We need an approach whereby the aggrieved party can have some form of restitution made. I came across a case in which somebody was doing exams on a Monday and because of noise in the area over the weekend, the person had to check into a hotel to study for the exams. In such a situation, there should be some means whereby the person can get the offending party to pay the hotel bill.

**Mr. Naughten:** I thank my colleagues for the opportunity to raise an issue regarding this Bill. I welcome the Bill and I am glad the Government is accepting it in principle.

I want to focus on the Road Traffic Act 2002.

Deputy Gilmore and I contributed to the debate on Committee Stage on this legislation with the then Minister of State with responsibility for road safety, Deputy Molloy. We managed to have included during that debate, in section 13 of the Road Traffic Act 2002, a provision specifically to deal with noise generated by souped up

engines without proper silencers, which cause major problems in many communities throughout the country. The legislation dealt with the protection of the environment and persons and animals, where their health might be damaged or lead to distress or discomfort, specifically regarding emissions or excessive noise from vehicles. This provision has been on the Statute Book since 2002. I recently raised the issue with the Minister for Transport, asking him whether he would enact the powers under section 13 of the Road Traffic Act. He told me he had no intention at this time of enacting those provisions.

While An Garda Síochána uses article 29 of the Road Traffic Regulations 1963, the scale of prosecutions in this regard is not what it should be. In many communities enormous distress is being caused by noise. I ask the Minister to discuss the matter with the Minister for Transport to ensure that the provisions under section 13 are enacted to address the blight that is being imposed on many communities.

**Mr. Gormley:** It is hard to understand Fianna Fáil at times. It seems to be playing a game of good cop, bad cop. There are times when it dismisses the Green Party out of hand but tonight we are being love bombed.

**Mr. B. Smith:** The Deputy is still not happy.

**Mr. Gormley:** However, by their fruits shall you know them. I hope that instead of just talking about how good this legislation is, the Government will act upon it. I hope it will not languish on Committee Stage. If it needs to be amended then the Government should amend it accordingly and push it through. It will certainly have the full support of the House on that one.

Other Deputies have said the Bill needs to be amended and it does, perhaps, need to be fleshed out. One area I have discussed with my colleague, Deputy Cuffe, who drafted the legislation, was helicopter noise.

**Mr. O'Dowd:** Willie O'Dea.

**Mr. Gormley:** This is becoming an increasing facet of life. It seems to be the mode of transport of choice for the wealthy. I was going to suggest that one would see them if one went to the Galway Races, but I do not want to be nasty to Fianna Fáil on love Fianna Fáil and love the Green Party night. However, there is a very big issue involved here. In my constituency, and colleagues will recognise this, there is a problem with helicopter noise. Ringsend, Sandymount and right along the coast seems to be a flight path for helicopters and this has been raised with me on quite a number of occasions. We must look at that.

In London one of my Green Party counterparts, Mr. Darren Johnson, produced a report in

[Mr. Gormley.]

March 2006 and the Environment Committee of the London Assembly issued a document in October entitled *London in a Spin — A Review of Helicopter Noise*. We need to do something similar here. In this document a number of recommendations are set out on how to deal with and control helicopter noise. It includes the following suggestions: That the Department of Transport review the impact of helicopter noise and enact policies to mitigate it; establish a website to inform the public about helicopter routes, as well as outline procedures for filing complaints; make complaint procedures clear and deal with them efficiently; create a London helicopter consultative committee in order to address concerns about helicopter noise; make the Civil Aviation Authority responsible for the environmental impact of helicopter noise; charge for additional services required by helicopters; and restrict the use of helicopters for advertising and media purposes.

All of this makes sense. I can give another example from the United States where Van Nuys Airport has put forward the idea of a comprehensive helicopter noise control plan that identifies first flight airport, FFA, recommended flight routes. What is required is that we set the heights for helicopters. In Dublin, for example, they have been given *carte blanche* and are flying far too low, which actually increases the noise. This is an aspect that might be addressed in another section of the legislation. Certainly, if Fianna Fáil is happy to accept the legislation, we shall be happy to amend it on Committee Stage.

**Mr. Eamon Ryan:** I spoke to someone recently who made the wise point that good motives can sometimes bring about unintended consequences. The example given was that the valid reaction at the turn of the 19th century to the housing problems in Dublin — the chronic illnesses that arose from the slums — was to spread the city out in order to get people enjoying space and fresh air. There were valid health reasons. Cholera and typhoid are not that distant in the folk memory of Dublin — neither, I am sure, are they distant memories in Cork, Galway and other cities.

One of the consequences is that we have sprawled so far out that it is no longer working in transport terms. We need to bring our cities back in, to start creating urban living spaces that work well. That is not to return to the 17th or 18th centuries and some of the chronic housing conditions that existed in those times. To a certain extent, however, some of the new developments are heading in that direction, such is the lack of quality. If we are to create healthy, compact, high density urban spaces which are positive places to live in, then we need to get two or three things right. We need to have proper light. We do not want flats or apartments with no south facing windows, such as are being built in this city at

present. These are not high quality of life places in which to live. We need clean air. We cannot have the situation where when one opens a window there is a smell of toxic fumes. Perhaps one of the most important goals, however, is to create urban centres which are quiet.

This may be done in clever ways in terms of not facing buildings onto a road or exposing them to noise, which makes life intolerable and where the windows cannot be opened. That may seem to be a small thing, but actually it is crucial. Politicians more than anybody know that in walking around streets in urban neighbourhoods the biggest environmental threat is noise. As a politician one notices the difference between a quiet and a noisy street. We need good quality design to get people back into high quality sustainable urban communities. That means considering noise, having proper monitoring and all the type of enforcement measures that are set out in this Bill.

Everyone here has talked about the experience of noise as a problem. For those in the apartments being built in this city at the moment, the single biggest noise issue is that everything that is going on in the flat next door may be heard because there is no sound proofing. Changing that reality and improving that design quality would do more than anything else to improve the quality of life for a great many people in this city. It is that type of clever environmental thinking that should be brought into our buildings, transport and housing policies, which create cities that work and become leading world centres rather than places where the quality of life is poor.

I commend my colleague, Deputy Cuffe, on bringing forward this legislation and the parties opposite, on accepting it, in a broad sense. If we are serious about creating good urban spaces where local environments are looked after, we should pursue this Bill with great haste before another 1,000 apartments are built where noise from the next door neighbour and the road outside may be heard.

**Mr. Connolly:** I am sharing time with Deputies McHugh, Catherine Murphy and Ó Snodaigh.

I want to support this Bill, which I believe is long overdue. It is one we welcome, seeking as it does to put order on an already fragmented situation as regards noise control. Increased urbanisation, industrialisation and high density traffic have resulted in escalating noise levels leading to noise pollution. Noise pollution is the intrusion of unwanted uncontrollable and unpredictable sounds into the lives of individuals, affecting sensitivities. Unwanted sounds or noises can be traced back to Old Testament references to loud music and barking dogs. Indeed last night in the House, our colleague, Deputy Finian McGrath, brought in a device to control biting, whatever about barking, dogs.

Even in ancient Rome, residents complained about noisy delivery wagons on the cobbled streets. Hence, this is not a new problem. The industrial revolution, the growth of cities and rising demand for transport have all contributed to making the world even more noisy. As the modern world is so dependent on, and enchanted with, noise-producing and noise-related technology, such as cars, trains, aircraft, helicopters, motorcycles, jet skis and amplified music in car stereo systems, the increase in the ambient noise level continues to accelerate.

Unfortunately, noise pollution, unlike air, water, land or soil pollution has not been taken seriously. A display of bravado towards noise levels may be seen on building sites and other workplaces. As has been seen in the past regarding Army deafness claims, people do not wear protective gear and the issue is not treated with any degree of seriousness.

Many other issues arise in this regard. It has been stated that the average age for capacity reduction in hearing has fallen from 70 plus to 60 plus in the past 20 years. Many factors affect us subconsciously. Studies have shown that exposure to 75 decibels, a relatively low level of noise equivalent to the average washing machine, for more than eight hours can have an impact on hearing loss. Tinnitus, the permanent ringing sensation in one's ears can be caused by noise from an exploding firework. Hence, many noise levels exist and awareness must be raised in this regard. I compliment the Green Party on introducing this Bill.

**Mr. McHugh:** I welcome the Noise Bill 2006 and thank the Green Party for introducing it. Excessive noise is the bane of many people's lives and is a secret pest for many people. I was amazed by recent statements by the Minister for the Environment, Heritage and Local Government to the effect that he has no plans to introduce new measures in respect of noise control. The Minister's statement indicates clearly that he has no comprehension of the inadequacy of the present measures and that he has no knowledge of the nuisance excessive noise can be for many people.

One of the greatest nuisances in this respect is probably the transmission of noise from one residential unit to another. The invasion of one's privacy is a serious problem. However, the continual invasion of one's privacy can be an intolerable problem. How many instances have come before the courts regarding music blaring at completely unacceptable levels? The courts appear to be the only remedy. However, a control system should be put in place in which they are not the first port of call because the courts can be overwhelming for many people, particularly the elderly, who are often the victims of excessive noise in adjoining residences.

A case can be made for the appointment of noise control officers, who would be the first people to be consulted in the event of complaints of excessive noise. When the Minister expressed his confidence that the *status quo* regarding noise control was acceptable, he failed clearly to understand the trauma that excessive noise creates for many people. At times, it even leads to ill health on the victim's part. When considering the problem of noise transfer from one residence to another, one must also have regard to the building regulations. One must question whether the present regulations regarding noise reduction, or their policing, are adequate.

Perhaps the Minister for the Environment, Heritage and Local Government should take some time out. Perhaps he decided to accept this Bill on this Stage on mature reflection. If the Minister opts to give local authority officials direct responsibility for noise control, he should ensure that adequate funding is made available to the local authority to carry out this additional duty. In the past, myriad tasks and duties have been transferred to local authorities without additional funding. Moreover, there are embargoes on staff recruitment and the hands of the local authority are tied in this respect. Consequently, the entire process in which different Ministers at different times have engaged regarding the transfer of functions to local authorities has been an absolute waste of time. It has been nothing but a public relations exercise in which a Minister can claim to have passed particular legislation or to have put regulations in place, which must be implemented by the local authorities. However, it is not possible for the latter to do so and it is still the responsibility of the Minister for the Environment, Heritage and Local Government. The sooner he accepts this, the better for everyone.

**Ms C. Murphy:** I support this Bill and, in the time available to me, wish to focus on a number of aspects of the Bill, as well as some matters that are not covered by it. As society becomes more highly organised, more standards must be set on issues such as noise pollution. While higher density housing has merit from the perspective of having a critical population mass to make public transport more economic, essentially higher densities signify a change in the housing mix. Although duplexes, triplexes and apartments are now a fact of life, they have resulted in noise being a more significant problem than heretofore. People live in closer proximity and the question of whether it is tolerable to live in an apartment often can depend on the kind of floor covering used in the apartment above. Sound-proofing, which is often inadequate, must be considered in the context of building regulations.

People with children frequently do not wish to live in apartments and people living in apartments may not wish to live beside children. This



[Ms C. Murphy.]

begins to dictate the social mix of people, which is not always in the interest of urban areas. This also concerns public spaces beside apartment blocks, in which one should be able to enjoy some tranquillity. One should not lose the community element of having a green space such as one would have were one to live in a housing estate.

In Germany, which has a strong urban profile, one is not allowed to use a washing machine or dishwasher later than the early evening. While I am unsure whether Members would wish to go so far, this is an issue for some people who live in apartments. This Bill is concerned with anticipating problems that will be created and recognising current needs, rather than waiting until they begin to build up a head of steam. Hence, this initiative is welcome.

One size does not fit all and there is a world of difference between how one should legislate for apartment block dwellers and those who live in cottages on mountain sides. Undoubtedly, there is a difference.

I wish to raise the issue of daytime noise. Although most people work by day and sleep by night, shift work means the environment is changing. For example, I live close to both Intel and Hewlett-Packard and not only do the plants operate 24 hours a day, seven days a week, they work for 365 days a year. That is true in many cases. The environment is changing and issues such as barking dogs or ringing alarms become real nuisances. The right to own a dog or have a house alarm must be balanced with the responsibility to ensure that neither becomes a serious nuisance either by day or by night. This issue can become a serious problem by day. While people may accept that a practice is unacceptable by night, often it is also unacceptable during the daytime.

I wish to raise an issue that is not covered by the Bill and which was a subject of recent legislation. I refer to an issue raised by Deputy Gormley, namely, aircraft noise. The recent legislation was confined to commercial aircraft and was an EU requirement. To those who live below aircraft noise, it makes little difference who owns the aircraft — whether it is commercial, a hobby or whatever, it still makes the same noise. Indeed, some light aircraft are even noisier as they are not fitted with noise abatement measures. It is akin to having a lawn mower pass over one's house on a constant basis.

I live under the flight path of a local airfield and the noise can become intolerable. Last summer, I met people who told me they were thinking of moving because they were unable to use their back gardens or hold a conversation with the window open. I receive complaints from a wide area in this regard and it requires legislation. The problem is not limited to one airfield as the flight paths for Casement Aerodrome and Dublin Airport also cross the area in question. Moreover,

a €3,000 noise abatement system would resolve some of these problems.

The kind of complaints I get are also from people living beside building sites in an area where there is much building activity. For example, stone-crushing machines, which are environmentally friendly in getting rid of waste, are fairly difficult to live beside for six or eight weeks. Such work, together with 24-hour shopping, are matters which one cannot ignore in a modern environment and which need to be legislated for. I wanted to touch on them because they are the kind of complaints I receive on noise pollution.

**Aengus Ó Snodaigh:** Tréaslaím leis An Comhaontas Glas as an Bille seo a chur os ár gcomhair, agus fáiltím roimhe, mar dá ndéarfainn go raibh muid ag plé Bille um thorann, cheapfadh a lán daoine go raibh mé ag magadh. Thuigfeadh daoine ar gá dóibh cur suas le torann de shíor cén gá atá lena leithéid de Bhille, agus tá sé tábhachtach go bhfuil an Rialtas tar éis glacadh leis. Tá súil agam nach dtarlóidh an rud a tharla le Billí eile. Nuair atá an Dara Céim críochnaithe acu, suíonn siad ansin go deo. Tá súil agam go bhfuil an Rialtas sásta cur leis an Bhille seo agus é a chur isteach sa choiste, agus go dtiocfaidh sé ar ais ionas go mbeidh muid in ann déileál leis ina iomláine chun saol níos fearr a thabhairt dóibh siúd atá ag fulaingt mar gheall ar thorann leanúnach lasmuigh dá dtithe.

The types of noise pollution have been mentioned by others. Noise pollution affects people's quality of life. If their quality of life is affected, often their health is affected. This is especially true among those, such as shift workers mentioned earlier, who sleep during the day. We cannot change society and the level of noise during the daytime will probably be greater, but people living next to a building site are entitled to some notice when there is to be two or three weeks of pile-driving so those who must sleep during the day can make alternative arrangements. People accept that pile-driving or the breaking of builders' rubble must occur, but they should be entitled to know when it will happen and when their sleep will be disturbed. In my area there is a CIE running yard where they need to keep trains running at night to check they work properly. Some of this work occurs within 100 yd. of houses and the people living there often hear the trains outside the yard, which means there are no noise abatement measures being taken.

There needs to be a change in attitudes within society, involving a return to how it was previously, where people take due consideration of their neighbours and understand that noise affects people. The building standards need to be improved to increase house insulation, which reduces noise between apartments or houses. That can also be economically beneficial because then one need not heat the home as much. If one

increases building standards on insulation between houses and between apartments, there is a cost factor and a benefit.

While common courtesy remains, for example one does not run a washing machine on a dividing wall all night and all day, there is a significant level of noise pollution which did not exist 20 years ago. In any pub in this city there is background music and late at night music blares so much that one is forced to go elsewhere. In shopping centres, with lifts and the like, noise levels are constant.

If one is lucky enough to retreat to a country hideaway, one hears the tranquility. We should be able to experience such tranquility in this city, in other cities and in rural towns. We should not have to put up with constant noise, whether from the street or from neighbours.

In particular, I was glad the issue of car and house alarms is addressed in the Bill. However, my one concern on the issue of house alarms is that there is a danger in providing for a centralised list in the local authority. Maybe the centralised list should be with the Garda. It would be more secure. That is only a small matter. If this Bill is referred to committee, we can ensure it is strengthened and can be applied properly, and that issues such as alarms, somebody who runs a small car business outside their house revving up cars morning, noon and night, or dogs barking can be addressed.

The Bill is a small step that can be taken by this House to ensure people's quality of life is enhanced rather than reduced, as at present, time and again because of constant noise. People are suffering sleep deprivation because of this constant noise and, as I stated, that can affect people's health. If it does so, it will cost the State more money. Therefore, there are benefits for the State and for householders in taking the practical steps I and others mentioned. I wish this Bill well and I hope we will see it complete all Stages in this House quite quickly.

**Minister of State at the Department of the Environment, Heritage and Local Government**

**(Mr. N. Ahern):** From what I heard, the debate has been useful and has provided a good basis for further debate on Committee Stage. Last night and tonight, there seems to have been a fair level of consensus that while there are rules and regulations, there is need for further movement in this regard.

I accept we all get complaints about interference with quality of life and people's peace, quiet and enjoyment. It is difficult to come up with a suggestion that will solve all problems. There can be some remedy for persistent and constant noise but it is difficult to deal with occasional noise. There has been a good degree of consensus on what needs to be done.

It is important to state there is much legislation in place and the existing provisions have been

effective to a certain extent over the years in resolving many, but not all, the noise issues for individuals and local authorities. The Minister of State, Deputy Batt O'Keeffe, outlined the existing provisions — the 1994 noise regulations, section 107 of the Environmental Protection Agency Act 1992 and the new regulations introduced earlier this year by the Minister, Deputy Roche. The latter regulations will also help to prevent and alleviate environmental noise which has been a natural result of our increasingly busy society and economy over the past number of years. The regulations have the potential to improve the situation for many people and should be recognised as a significant step forward in combatting the accumulation of noise from the day to day use of major infrastructure and other sources.

No doubt as the economy has advanced, there is a greater effort to get road works and the like done at night. That is fine in theory in that it helps to keep traffic moving, but it can be a nuisance to people who live nearby. We must always think of the particular problem caused to the individual.

The initiative taken earlier this year is a bold departure in environmental protection. It is, hopefully, probably only a first step in an EU environmental noise code which will develop over the coming period.

Last night Deputy Healy raised the issue of a local authority tenant in his constituency who is affected by noise being made by a neighbouring tenant. Certainly, nobody should have to put up with that. That person's local authority should be able to deal comprehensively with the matter, if not under noise legislation then certainly under legislation on housing and antisocial behaviour. Yesterday, on behalf of the Government, the Minister of State, Deputy Batt O'Keeffe, outlined that the proposed provisions in the Bill are a bit premature, pending further consideration of the underlying issues and taking into account the existing legislation. At the same time, however, we recognise that, as with all areas of environmental protection, we cannot stand still on noise pollution and must continually strive to keep pace with ever-changing pressures. What might have been acceptable to people ten or 20 years ago is no longer so. The pressures of modern life mean there is extra noise, which is an important quality of life issue for everybody, particularly in urban areas.

The Government is not opposing this reading of the Noise Bill, as tabled by the Green Party. I look forward to further debate on the issues on Committee Stage. I do not mean that people from rural areas do not understand the issue, but people from urban areas will be more familiar with it, whether it concerns a barking dog or a central heating boiler.

**Mr. Cuffe:** The dog would not eat the Minister of State.

**Mr. N. Ahern:** There is no doubt that some people have far better hearing than others.

**Mr. Cuffe:** Pardon?

**Mr. N. Ahern:** The new Dublin Port tunnel runs through part of my constituency. One person, who I hope is not in the Gallery, frequently came to my clinic complaining he heard something going on at night.

**Mr. Sargent:** Was it the Taoiseach?

**Mr. N. Ahern:** I constantly told him I had not received that complaint from anyone else, nor had I heard of any such work going on. Two weeks later, however, it was confirmed that such a machine was being operated that night. While the person was not nearest to it by any means, there is no doubt that on at least two or three occasions he was right. Either he is a very poor sleeper or his sense of hearing is far greater than mine. Noise affects people to varying degrees. It is also conditional on what the background noise is, as one is relative to the other.

The Government is accepting this Bill, although we have a lot of similar legislation on the Statute Book already. We note there is a consensus on the need for further examination of the legislation. While the proposed Bill is not perfect, we are prepared to examine it and tease it out on Committee Stage. We are coming from the same perspective of wishing to take steps to improve the quality of life for people affected by noise. I look forward to working on the Bill on Committee Stage.

**Mr. Gogarty:** I wish to share time with Deputies Sargent and Cuffe.

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

**Mr. Gogarty:** I am grateful to the Minister of State for allowing this Bill to proceed to Committee Stage. While every party has its own opinion on legislation and will endeavour to change it at every opportunity, the new spirit of multilateralism and co-operation is refreshing and welcome. I hope it is not just the Christmas spirit but will continue in the run up to the election and beyond. It is a positive approach when more Opposition Bills are examined on their merits, discussed on Committee Stage and amended if necessary. I will not get carried away, although this is a rare occasion, but an rud is annamh is iontach, ceapaim.

There are two aerodromes in my constituency of Dublin mid-west — Baldonnell which is under the auspices of the Minister for Defence, and Weston aerodrome which is now under the aus-

pices of Mr. Jim Mansfield. Both are stalwarts within the Fianna Fáil organisation who have contributed in their own way towards that party. I have raised the issues of aerodromes previously by way of parliamentary questions and the Adjournment Debate. The Irish Aviation Authority has the wherewithal to deal with noise emanating from aerodromes, but in practice local authorities are supposed to monitor such noise and pass details to the IAA. However, every time I have asked the local authority about Weston aerodrome, it states that it is a matter for the IAA. I also asked the Minister to make a judgment on this matter and he said it was for the IAA to decide. The IAA, meanwhile, says it is a matter for the local authority. The buck is being passed through this interaction.

The Bill is important as it would establish a one-stop-shop allowing noise issues to be dealt with through a single agency with real power. Noise officers will be linked to local authorities so people will be able to get assistance easily. I hope this point will be taken on board on Committee Stage.

From my own selfish constituency point of view I would like to see the issue of aerodromes being dealt with. My constituents do not like having to live with such noise when no one can ascertain what the levels are or deal with the problem.

A more universal problem arises when neighbours cause noise. Recently, a constituent complained to me about noisy neighbours. It was not blaring music but they were shouting and generally behaving loudly. At the moment there is no mechanism for dealing with such a difficulty. One would want to have money to burn to take a court case and obtain an order against such a nuisance. The fact that the particular individuals happen to be from outside Ireland does not help because there are communication problems. The embarrassment of having to deal directly with noisy neighbours would be overcome by having a one-stop-shop with a noise control officer who could take the necessary action. In such circumstances, people would have confidence that the complaints process would be followed through confidentially.

The Bill provides for a warning system in addition to fixed penalties and fines. Its enactment would mean that if noisy people did not quieten down — whether the nuisance was caused by household noise, car alarms or helicopters — they would be dealt with appropriately. At the moment, there is no such mechanism unless one wants to take a private case. Local authorities are suffering from a lack of resources to deal with such issues effectively. If a single statutory body was dealing with noise issues, people could sleep better, thus avoiding the harmful effects of stress caused by unwanted noise.

**Mr. Sargent:** Tá áthas orm go bhfuil an Rialtas ag glacadh leis an mBille um Thorann 2006. Cea-

paim go bhfuil sé an-tábhachtach go leanaimid ar aghaidh mar sin. Gabhaim mo bhúochas leis an Teachta Cuffe, an t-urlabhraí chomhshaoil sa Chomhaontas Ghlas, a chuir an Bille os comhair na Dála. The thrust of the Bill is important and has been recognised as such, which indicates that we are in touch with the fate of many of our constituents who are coming to us to express their concerns about noise. Fundamentally, we all agree on the idea of a one-stop-shop with a noise control officer — oifigeach smachtú torann, más maith leat. Hopefully, we will be able to act on that without further delay. Naturally, amendments will be tabled on Committee Stage where we will welcome further discussion of the issues involved.

The Government should reflect on the fact that noise is not an isolated issue. The increased fear of crime in rural and urban communities means that more people are installing burglar alarms. More people are also getting dogs even though they may not be in a position to look after them since they are not at home all day. There is a knock-on effect because society is suffering from other Government policies. Then there is the issue of flexible working hours which means some people try to sleep during the day, which was not as common in the past. In my constituency there are many cases of construction works infringing the permission that was given. In the Castlelands Pinewood area of Balbriggan people are being kept awake at night despite a requirement that building work stop at 6 p.m.

Reference is made in the Bill to private aircraft, helicopters and so on and others have raised this issue also. I represent a constituency that has seen the exponential expansion of Dublin Airport, at the expense of other airports that could do with some of that business. People living in the vicinity have found noise from engine testing, take off and landing has increased along with the noise associated with the airport's expansion whereby runways have been lengthened and another is planned.

It is interesting to read over the debate in this House surrounding the Environmental Protection Agency Act 1992. Deputy Mary Harney, Minister of State at the Department of the Environment at the time, deemed there was no need for further control of airport and aircraft related noise because not many flights took place at night, bar the occasional charter flight. Times have changed; a European directive of 4 December 1989 requires control of airport noise yet 17 years later no action has been taken. Far from being farsighted in accepting this Bill, the Government has been found wanting on the issue to date and must take action to catch up.

My constituency colleague, Deputy Seán Ryan and former Green Party Deputy, Roger Garland, tried to have an amendment added to the Environmental Protection Agency Act on this issue and were told it was not necessary. It is

necessary now and I suggest to the Minister of State that the legislation be re-examined so that people can have the quality of life they have come to expect.

We must take account of the damage done by aircraft noise currently. Some 11,710 pupils live in the vicinity of Dublin Airport, I can supply a list of the schools if necessary, and international studies show that exposure to aircraft noise impairs reading ability, long-term memory and speech perception. A study in New York from 1997 showed that aircraft noise creates poor listeners who do not read as well as children in quiet schools. A study of noise from aircraft in Munich showed it caused increased neuroendocrine and cardiovascular activity and reduced reading ability in children living near airports. Another New York study showed higher blood pressure in such children while a study from Los Angeles showed a reduced ability to solve cognitive problems. These are all real costs felt by society as a result of a lack of regulation on aircraft noise. I suggest to the Minister of State that this legislation is badly needed along with regulation.

**Mr. Cuffe:** I thank Deputies on all sides of the House for the constructive discussion of this Bill and the support they have shown for it. We have had a good debate and the Green Party is flattered and a little taken aback at the approach Fianna Fáil has adopted to it. We are not used to such support and may be a little coy in our response as they say one should beware of Greeks bearing gifts. However, I am sure in this case the support is meant well and we accept and welcome it.

It is important to point out that Ireland is changing quite rapidly. When I was a child growing up in one of the few rural areas of south Dublin, the loudest noises were the milking parlour half a mile away, the local farmer's crow scarer and the cattle announcing themselves to the world on a summer's morning. However, the world has changed and Ireland is fast becoming an urban nation. The kind of issues mentioned this evening including jet skis, boy racers, intruder alarms and helicopters are the down-side of modern Ireland and we need a more rigorous system of control over unwanted noise.

More than ever before people are living in towns and cities and just as ancient Greece introduced laws and regulations to control the activities of people we need a system to update our legislation, much of which dates from 30 to 40 years ago and simply cannot be applied to life in today's dense urban settings.

I am the first to admit that this Bill is not perfect, but it is a first stab at addressing this problem in an integrated way. Deputy John Gormley spoke of helicopter noise and this should be included in the Bill. I had a debate during the week with a person who felt the levels of fines included are not high enough and I am open to

[Mr. Cuffe.]

discussion on that matter. More clarity is required on definitions as the sound of jingle bells over the next month, music to a retailer's ears, might be an appalling case of noise pollution to those living next door. One man's noise is another man's pleasant tune and such matters can be teased out on Committee Stage.

I accept that most issues surrounding noise can be dealt with simply by being a good neighbour but this is not what we are targeting in the Bill. We are trying to deal with what happens when things go wrong and a noise control officer should only be called upon to address a situation as a last resort. We welcome the fact that nine times out of ten, people can settle such issues simply by talking to one another. As Deputy O'Connor pointed out, conciliation and mediation are always welcome and respect is integral to making such solutions work. The point is, Ireland has changed and this Bill is a timely response. Many people are engaged in shift work and neighbours from hell exist so we must be prepared to deal with them.

Other changes are also necessary. Legislation on the Irish Aviation Authority must be reformed to include noise issues and building regulations must be improved and enforced so that noise in one apartment is not transmitted down three floors to make someone else's life a misery. Proper enforcement is needed as, despite containing detailed conditions on hours of work, planning permissions are not enforced. I know of cases in Stillorgan where people's lives are becoming a living hell due to noise from a disco in a pub nearby; licensing legislation must be used to control what goes on in such venues late at night. The Road Traffic Act can be used in certain instances but that legislation dates from the early 1960s and surely revision is required.

The point of this Bill is to establish a one stop shop — we want a person in charge on whose desk the buck stops. We seek simple measures such as having a car towed when its alarm goes off at 3 a.m. without stopping. When the alarm on a building goes off for an entire bank holiday weekend something must be done about it. This is what we are seeking in this Bill.

I thank Jane Fitzgerald for the work she did in researching this Bill and wish to point out that the increase in noise, from construction and other sources, is a down side to a booming economy. New roads are bringing their own problems in this regard and even the new DART carriages are causing issues relating to squeaking brakes. These difficulties can be tackled but a legislative framework is required to do so.

I thank Deputies for their contributions to the debate. I hope the Bill will be referred to committee.

Question put and agreed to.

## Noise Bill 2006: Referral to Select Committee.

**Mr. Cuffe:** I move:

That the Bill be referred to the Select Committee on Environment and Local Government in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

## Adjournment Debate.

### Hospital Services.

**Mr. P. Breen:** I thank the Ceann Comhairle for allowing me to raise this important issue, namely, the Teamwork report for the north east and whether it will be applicable to services in the mid-west, specifically Ennis General Hospital, and the future of 24-hour accident and emergency services.

The report to which I refer is entitled Improving Safety and Achieving Better Standards — An Action Plan for Health Services in the North East, which was produced last August by Teamwork Management Services on behalf of the Health Service Executive. I agree with a recent statement by my party colleague, Deputy Twomey, that there is a major gap between proposals made in the report and the experience of those on the front line trenches of the health service.

The report recommends the development of one regional hospital for the north east and changes in care at local level. The proposals include changing the status of five acute hospitals in the area to local hospitals which would perform a wide range of day surgery and outpatient procedures. While we all recognise that centres of excellence must be based at major hospitals and some services are not suitable for county hospitals, a growing body of evidence in the United Kingdom indicates that the trend towards developing super-regional hospitals and downgrading acute hospitals to local hospitals is an inappropriate model.

One of the reasons for this conclusion is the emergence of hospital superbugs and life-threatening illnesses such as MRSA, which are spread much more easily in large hospitals with high volumes of patient turnover. This trend also discriminates against people living in remote areas with poor transport infrastructure, which greatly reduces the chances of having timely and appropriate treatment. In this context, I refer to people in villages in west Clare such as Carrigaholt, Cross and Kilbaha, who are more than one hour's journey by car from Ennis General Hospital and face considerable disadvantage when compared to their counterparts in urban areas.

It is a pity the Government does not recognise this problem. The Minister believes the issue relates solely to Ennis General Hospital, but I am extremely disappointed at the news that Galway will not receive a neurosurgical unit. The review of neurosurgical services has advised against establishing such a unit in Galway. People in the west have died from head injuries due to the lack of speedy access to a neurosurgical unit. The units in Dublin and Cork are too far away for people in counties Clare, Galway and other counties in the west to access them quickly. Health services in the west are the poor relation of those in the east and when one considers the outcome of the Comhairle na n-Ospidéal review of neurosurgical services, those in the south are also in dire need of improvement.

I raise the Teamwork report because of concerns raised over how its conclusions might apply to Ennis General Hospital. These concerns have been passed on to me by members of the Ennis General Hospital development committee who have done trojan work on behalf of the hospital in recent years. The committee is concerned that accident and emergency services at the hospital could be cut in line with proposed changes at Monaghan and Cavan hospitals and other hospitals in the north east, with the result that the hospital will essentially become a nurse led clinic.

We have had these arguments in County Clare before. When Kilrush Community Hospital was closed in the early 1970s we were assured that the moving of maternity services and other hospital functions to Ennis General Hospital would enhance overall health services for the county. Maternity services have long since decamped to Limerick and the threat of a reduction in current accident and emergency and acute services is ever present.

It has been reported to me that a HSE official informed a delegation from Monaghan, in the presence of the Minister for Health and Children, Deputy Harney, and the Minister of State at the Department of Health and Children, Deputy Brian Lenihan, that the conclusions of the Teamwork report would be applied to the rest of the country. Neither Minister has contradicted this statement. In addition, I have been informed that the value for money audit of hospital and health services in the mid-west, due to be completed before the end of the year, will oppose retention of the consultant led accident and emergency service at Ennis General Hospital.

Not only are our services under threat but our speedy access to centres of excellence is denied. When a patient in the Clare area suffers serious head injuries which necessitate removal to the Cork neurosurgical unit, no helipad is available at Ennis General Hospital to facilitate transportation. The Minister and the Taoiseach have sent conflicting signals on their intentions for Ennis. The Taoiseach has disowned the Hanly report conclusions without indicating what would

replace them, while the Minister chooses her words carefully. For example, she recently stated:

There is no question of downgrading. We want to make sure that wherever patients are treated they get appropriate care and that their lives are not being put at risk or in danger by being taken to the wrong hospital.

The point is that Ennis will only become the “wrong” hospital if it is stripped of its accident and emergency and acute services. The Minister in her statement seems to be endorsing the centralisation of all critical services to Limerick.

There have been other incidents which have rung alarm bells in County Clare. Last May the HSE, after delaying for six months, responded to the Ennis General Hospital development committee with an assurance on the future of accident and emergency services. Within hours of that letter arriving, it was withdrawn and replaced by another with the all-important assurances on accident and emergency services removed.

I would appreciate tonight a clear commitment on the part of the Minister on the future of accident and emergency and acute services in Ennis General Hospital.

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I will be taking the matter on behalf of my colleague, the Minister for Health and Children.

The Deputy's motion tonight refers to the Teamwork report on the acute hospital services in the north east and its relevance to the mid-west. Accordingly I would like to address the Teamwork report first.

The HSE commissioned Teamwork Management Services to undertake a review of hospital services in the north east and to provide an action plan for achieving the best possible acute care for patients in the region. The report, *Improving Safety and Achieving Better Standards — An Action Plan for Health Services in the North-East*, was presented to the board of the Health Service Executive in June 2006.

The report concludes that the present system, where five local hospitals in the north east deliver acute care to relatively small populations, is exposing patients to increased risks and creating additional professional risks for staff. This does not serve patients well, is not sustainable and must change. The report highlights the need to develop a high quality, responsive emergency and planned service, in line with international standards, by developing local services within existing hospitals and other local centres supported by a new regional hospital to be provided in the region.

The HSE has established a steering group and a project group to oversee the implementation of the recommendations of the report with a view to improving safety and standards across the acute hospital network in the north-east region.

[Mr. T. O'Malley.]

With regard to the mid-west region, the Health Service Executive has initiated an independent review of acute hospital services in the region. The aim is to determine the optimum configuration of acute hospital services in the mid-west. The HSE is currently in the process of selecting an external consultancy to undertake the review, with a view to work commencing early in 2007.

The configuration of acute hospital services is a complex and difficult issue. Government policy is to build up health services in all regions of the country to provide safe, high-quality services that achieve the best possible outcomes for patients. Quality care and patient safety come first. No matter what county or region they come from, all patients should receive the same standard of quality assured care. This will mean that those services that can be safely delivered locally are delivered locally and the more complex services that require specialist input are concentrated at regional centres, or in national centres of excellence. Every report that has been produced in the past number of years has highlighted this requirement.

### Health Service Charges.

**Ms C. Murphy:** I attended a meeting in St. Raphael's in Celbridge on Sunday. St. Raphael's is run by the St. John of God Brothers and the meeting was called to explain the new HSE long-stay charges. While the Health Act 2005 provided for charges, the context was the illegal charging of elderly people in nursing homes. I looked at the speech made by Minister of State, Deputy Seán Power, at the time and it focused heavily on the elderly. Indeed, the explanatory memorandum states that such weekly rate shall not exceed 80% of the maximum of the weekly rate of old age non-contributory pension within the meaning of the Social Welfare Acts.

We heard on Sunday of two categories of charges. Where a nurse is employed on a 24-hour basis, the charge is €120, and where the nurse is rostered for less than 24 hours the charge is €90. While I am focusing on St. Raphael's which cares for those with an intellectual disability, the charges also apply to those in community residences with a physical disability.

Many of those in the €90 category are occupied during the day with jobs in a sheltered environment on the campus. Some are in receipt of a social welfare payment of €168.50 per week but they will now be allowed to keep only €55. Many of these residents enjoy a trip to the cinema, bowling or selecting and buying their own clothes. This has a direct impact on them because €55 will not be enough.

A further category of people attached to St. Raphael's are in capital assisted houses with a house parent. This programme is paid for by the

Department of the Environment, Heritage and Local Government, while the house parent is paid for by the HSE. They live within the surrounding community. This group will not have anything deducted from their welfare payment — an equity issue. Some of those who live in St. Raphael's are on the housing waiting list and aspire to living in a house within the community. That option, however, is not available to them. Not only are their housing aspirations not being met, but they are having their independence curtailed.

A young man described to me how he takes his brother out each weekend. Their parents are dead and he has very limited means himself, so he is concerned that he not will be able to continue to do this. He is also concerned about how his brother's needs will be met in terms of clothing, shoes and incidentals. The mother of a girl who requires 24-hour care talked to me about the extra costs of replacing clothes because her daughter has behavioural problems. Many of those who were at the meeting on Sunday were elderly and, while the scheme allows for exceptional needs, many do not wish to ask for such help.

It is not at all clear if the annual allocation to St. Raphael's will be cut by the amount collected; indeed, the administration will be an additional burden. One man on Sunday expressed the view that the net result may be that administration will wipe out the earnings from the charges.

St. Raphael's, unlike private nursing homes, relies to a great extent on fund-raising by the parents and friends of the institution. On Sunday as the relatives of residents were arriving to hear about the new charges, tickets were being sold for another fund-raiser to keep the show on the road. Without this support the State would have to fully fund other services and it is short-sighted that the same people are being hit twice. The expert group had the opinion of three different barristers and came to the conclusion that unless the law was changed the charges would have to be imposed. This is a particularly vulnerable group in society, who are in effect paying the price for illegal charging of those in nursing homes.

Not everyone is born with an equal chance in life. Some people, through accident or illness, lose part or all of their independence. These charges are mean. They go nowhere near covering the cost of the care provided, but that is not the point. I ask that a commitment be given to reconsider this issue with a view to introducing legislation to right a wrong.

**Mr. T. O'Malley:** I am taking the matter on behalf of my colleague, the Minister for Health and Children.

The charging for long-stay care under the Health (Amendment) Act 2005 is being implemented by way of the Health (Charges for In-Patient Services) Regulations 2005. These

regulations were signed on 14 June 2005 and reinstated charges for in-patient services and provided for the levying of a charge in respect of the maintenance of persons in receipt of in-patient services. The regulations were prepared following extensive consultation with the HSE and others. Section 53 of the Health Act 1970, as amended by the Health (Amendment) Act 2005, provides, *inter alia*, for the levying of a charge where in-patient services have been provided for a period of not less than 30 days or for periods aggregating not less than 30 days within the previous 12 months.

The regulations, in keeping with section 53 of the Health Act 1970, as amended, have provided for two different classes of persons on whom charges can be levied. Class 1 refers to people in receipt of in-patient services on premises where nursing care is provided on a 24-hour basis on those premises. In this case, a weekly charge can be levied of €120, or the weekly income of that person less €35 or 80% of the weekly income of that person, whichever is the least. Class 2 refers to people in receipt of in-patient services on premises where nursing care is not provided on a 24-hour basis on those premises. In this situation, a weekly charge can be levied of €90, or the weekly income of that person less €55 or 60% of the weekly income of that person, whichever is the least. In this regard, charging of patients in long-term care commenced on 14 July 2005, which was after the expiration of 30 days after the regulations were signed. These regulations provide for the maximum charge to be levied on either class of person. The actual charge will vary from person to person depending on individual circumstances and under the legislation, the Health Service Executive can waive or reduce the charges to avoid undue financial hardship.

Following the enactment of the Health Amendment Act 2005 and the Health (Charges for In-Patient Services) Regulations 2005, the HSE established an expert group to deal with this complex area and to develop a set of national guidelines to deal with the provisions of the legislation. This expert group developed a comprehensive set of guidelines in line with best practice, having considered legal opinion and its implications in relation to complex cases.

Legal opinion received by the HSE advised that the legislation and the regulations apply to all persons who are provided with inpatient services either by the HSE or by an agency or service provider on behalf of the HSE where (a) those persons are residing in a long stay institution or (b) those persons with an intellectual, physical or mental disability are residing on community type residences where nursing or medical care is provided.

When drafting the guidelines, the expert group considered section 4(b)(4) of the Health (Amendment) Act 2005 which provides that the HSE may reduce or waive a charge imposed on a

person if it is of the opinion that having regard to the financial circumstances of that person it is necessary to do so in order to avoid undue hardship for that person.

This was particularly relevant in the case of community hostels where the residents live largely independent lifestyles, assisted by appropriate supports, with the objective of realising their maximum potential to integrate with the local community.

In light of the above and in consideration of the additional expenses incurred as a result of this independent lifestyle, the criteria for assessment for residents in community hostels include an allowance up to a maximum of €90 per week towards socialisation and care plan expenses. This allowance relates to the additional expenses incurred as a result of greater independence and integration into the community.

When calculating the charge, the HSE also makes an allowance up to a maximum of €60 per week, for any contribution that the resident makes to the weekly running costs of the community hostel. In addition to these allowances, there are also other allowances listed in the national guidelines which can be factored into the assessment for a charge, if applicable. These include dependent child, life assurance, medical insurance, rent or mortgage allowances, loans or repayments, maintenance payments, travel costs, rehabilitative employment allowance and other outgoings.

### Job Losses.

**Mr. M. Smith:** Is mian liom buíochas a ghabháil as ucht seans a bheith agam an t-ábhar seo a chur ós comhair na Dála — na postanna a bheidh cailte i gceann tamaill bhig i mo bhaile fhéin, Ros Cré.

Alexander plc has a reputation of being the UK's number one producer of a range of uniforms and work wear, including medical, hospitality and catering clothing. As a leading supplier of work clothing dedicated to innovative garment design with top quality work clothes at the best prices and the highest level of service and support, the workers involved in a subsidiary in Roscrea could have expected that their employment was secure.

Corporate Apparel, based in my home town of Roscrea, was bought out by Alexander plc in 2002. It was previously owned by Edward and Chris Condren and before that by Mara work wear. They supplied companies such as Linen Supply Company, Celtic Linen, which are laundry companies and have contracts with Dublin Bus, Bord Gáis, Aer Rianta and major hospitals as well as a number of local suppliers.

Given the publicity about the success of this international company and the profitability associated with its activities, the announcement of the closure of the Roscrea plant came out of



[Mr. M. Smith.]

the blue for workers. It was a thunderbolt for workers on Tuesday last, coming just a few weeks before Christmas. There was no complete statement and no explanation. This is an extremely harsh way of doing business with loyal workers. Many of the employees have worked with the former owners and their service was continued. They have family, financial and other commitments. They deserve to be treated more fairly. I ask that Alexander plc be contacted and that the maximum redundancy payments be made available to the displaced employees, and that the company be asked to support the IDA, Shannon Development and Roscrea Chamber of Commerce in the transitional period in order to source alternative employment. Retraining of the redundant employees is another essential factor in the preparation for alternative employment. I ask the Minister of State to ensure FÁS does the needful in providing the necessary courses.

I was very sorry to learn today that certain political parties, themselves bereft of any positive solution for these workers, are trying to make political capital out of the difficulties these people are facing so unexpectedly. What is needed is not that kind of wasteful exercise but a positive approach to keep and secure new jobs for the people concerned. Neither is it necessary to nail down Roscrea town as a black spot and as a consequence make it more difficult to attract new investment in industry and service employment.

Roscrea is a thriving, energetic and welcoming town. It has major infrastructural advantages in terms of industrial sites which are fully serviced and it is only one and a half hours from sea and air ports. Its people have a tremendous work ethic and record and there is no history of striking or stoppages. It is a heritage town that prides itself on its architectural heritage and monuments and other strengths.

I ask the Minister of State to use his good offices in conjunction with IDA Ireland, Shannon Development, FÁS and other agencies, to see that new jobs are created, that priority is given to those people who tonight face a daunting task as a consequence of their jobs being terminated and that proper and generous redundancy payments are made available.

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Aherne):** I thank Deputy Michael Smith for raising this matter. I concur with him in expressing my concern for the workers who have lost their jobs and for their families, as well as for the people in the local community and the surrounding area. This is very stressful news for those who will lose their jobs. I wish to assure the people concerned that the State agencies will provide every assistance they can and the priority will be to find alternative employment for those involved at the earliest opportunity.

The role of FÁS, the industrial training agency, will be of particular importance in providing assistance to the workers concerned. I understand the agency only heard about the forthcoming closure this morning. It will make arrangements to contact the company and offer its full range of services to the staff who are to lose their jobs.

The Department has not yet received a redundancy notification from the company. However, I understand from media reports that the clothing manufacturer will close its factory, with the loss of 32 jobs, by the end of February 2007. I also understand from this source that the closure is due to rising costs and the company will offer positions in Dublin to a number of staff if they wish to relocate there.

The development agencies, under the aegis of the Department of Enterprise, Trade and Employment, will instigate a strong response to these job losses. The strategy of IDA Ireland for Roscrea and the surrounding area involves the promotion of new foreign direct investment in innovation-driven, high value and high skills sectors. It also involves working with its existing company base to expand their presence in Ireland by the addition of increased strategic functions. The decision by Taro Pharmaceutical Ireland to invest over €8 million in its plant in Roscrea will result in significant additional employment for the town.

IDA Ireland recognises the need to achieve high value employment in Roscrea and is committed to marketing the area as part of its national goal of achieving balanced regional development. The attractiveness of Roscrea for inward and indigenous investment has to be seen within a regional context, with the national spatial strategy providing a framework for the achievement of this goal. The agency is committed to the development of north Tipperary and is actively promoting the county for foreign direct investment, as part of the mid-west region.

Responsibility for the provision of industrial property solutions within the mid-west region lies with Shannon Development, and IDA Ireland works closely with Shannon Development in the promotion and marketing of these tailored property solutions. Shannon Development, in association with the local authorities, is spearheading the drive to bring high Internet access to the region. Roscrea, as well as other towns in the area, have been scheduled as priority towns for phase two of the broadband roll-out programme.

Shannon Development will shortly commence the development of a site in Roscrea with a view to the development of a business park that is appropriate to the needs of the area.

*9 o'clock* It is envisaged that, because of its location, the park will be attractive to office, logistics and industrial enterprises. The main strategy will be to capitalise on Roscrea's excellent central location for foreign direct investment or indigenous industry, or indeed for

companies that might wish to relocate to the less congested Shannon region. Shannon Development is currently evaluating the tenders for the business park project that it has received. There were 473 people on the live register in Roscrea in October 2005, and the most recent data available, which is for October 2006, shows that this figure has fallen to 430, a drop of more than 9%.

I am confident that the State development agencies will strengthen their marketing and promotion efforts and will make every effort to secure alternative employment for those affected by the closure of the company. This will be done in partnership with other key players to maximise the flow of potential investors for Roscrea and to convert these into investment and job opportunities. I believe the policies being pursued in Roscrea, together with the Government's ongoing commitment to regional development, will bear fruit in terms of job creation for the area.

### **Traffic Management.**

**Mr. Costello:** I am raising the issue of traffic management around our two major international stadia, namely, Croke Park and Lansdowne Road. Traffic is a nightmare at the best of times, but it is an additional nightmare everywhere in the north inner city whenever there is a football match, concert, or other event in Croke Park. Planning permission was granted for the development of Croke Park 12 years ago on the understanding that a *cordon sanitaire* would be introduced. It was also understood that park and ride facilities would be provided on the city's perimeter and that public transport would be the major form of transport to Croke Park. However, nothing whatsoever has been done to relieve the hard pressed and beleaguered residents in the communities surrounding Croke Park and further afield. If anything, the circumstances have worsened. The construction of Croke Park has now been completed and the stadium has a capacity of 82,000.

As well as Gaelic football and hurling matches in the spring, summer and autumn, Croke Park hosts Australian Rules football and a number of concerts in the summer. Moreover, during the redevelopment of Lansdowne Road, Croke Park will host numerous international rugby and soccer matches for the next number of years. These games will start in February 2007 and will almost certainly attract capacity crowds. Floodlights are currently being installed and even more sporting events will be held in Croke Park. Croke Park is also a major conference centre attracting large numbers of people and vehicles throughout the year.

Despite this intense activity and use, planning conditions did not require the GAA to provide even one parking space in Croke Park or elsewhere for the visiting public. The long-awaited pilot park and ride scheme was to start in August

2006. However, nothing happened and the GAA has informed Dublin City Council that it is not financially feasible for it to contribute to the provision of park and ride facilities for the travelling public. The GAA is an exceedingly profitable corporate entity that has received close to €100 million from the public purse towards the reconstruction of Croke Park. Moreover, it has benefited enormously from its downtown city centre location. It has taken much but is prepared to give little. It is unacceptable that the greatest voluntary organisation in the country should put profit before people in such an arrogant manner.

The only way the public interest can now be served is for the Minister for Transport to introduce special legislation governing parking and traffic management for the two city centre national stadia, namely, Croke Park and Lansdowne Road when it is rebuilt. The legislation would regulate such matters as: the reservation of parking on public roads in the vicinity of the sports stadia for residents on event days; the provision of park and ride facilities on the perimeter of the city; the use of public transport; and an integrated ticketing system to cover such parking and transport. Direct statutory intervention is the only way to resolve the impasse and action must be taken immediately.

**Minister of State at the Department of Transport (Mr. Gallagher):** I thank the Deputy for raising this issue. Under the Road Traffic Act 1994 responsibility for traffic management was devolved to individual road authorities. Responsibility for the implementation of traffic management measures and the application of road traffic regulatory provisions in the Dublin city area is therefore a matter that falls to Dublin City Council to address in the first instance.

The issue of parking has been the focus of the traffic management issues that have been raised with the Minister for Transport. In the course of the past year, representations have been made to the Minister on parking problems that arise on the roads in the environs of Croke Park and other stadia on match and other event days when a large influx of motorists from outside the area park on residential roads for the duration of the events. The Garda authorities put in place extensive traffic management plans on such days. This includes a Garda cordon area to provide for crowd safety controls and to regulate access to the venue. This has been in place for many years in respect of the streets in the immediate vicinity of Croke Park and Lansdowne Road when matches or other major events are held. Divisional traffic corps units also patrol the outlying areas prior to and subsequent to any event, ensuring the traffic flow is maintained.

Vehicle owners who reside within the Garda cordon area may apply for an annual permit to allow their vehicles to enter and exit through the cordon barriers. The regulation of access and resi-

[Mr. Gallagher.]

dent's permit measures are implemented and administered by the Garda Síochána as are other traffic management and parking prohibitions that are applied in the greater stadium area on event dates.

The issue now being raised is that residents on roads that lie outside the existing cordon area are seeking that parking be reserved on a residents-only basis in their areas on match and event days and that vehicle permits and visitor permits be issued in respect of each premises. If accepted, this proposal would effectively prohibit or exclude the general public from parking on a public road.

Last summer, the Minister for Transport, Deputy Cullen, met with a deputation from a local residents' association from the Croke Park environs and some local public representatives to hear their case. In the past six months, this issue has been the subject of 12 parliamentary questions and featured also in amendments that were proposed by Opposition parties when the Road Traffic Bill was being debated in the Houses. It is important bear in mind that road traffic regulations have national application. Therefore, the issue of reserving parking on public roads for local residents is complex and much broader than the context of match days at Croke Park or Lansdowne Road.

The discussion and debate on this issue has also drawn attention to the inconvenience experienced by residents where parking congestion can arise on a daily basis on public roads in residential areas countrywide. At some locations, parking spaces on residential roads are now taken up on a daily basis, and not just on periodic match or event dates, by motorists who work nearby, or

as park and ride facilities by people who commute to work by bus, rail or tram.

An argument that has also been put forward is that resident-only parking schemes operate in the vicinity of stadia in other countries and that Ireland should follow suit. The law is applied by way of a traffic sign in most other jurisdictions, but a different legal system operates in Ireland. The Irish system requires law to be stated in primary or secondary legislation, and the provision of a traffic sign at any location or the application of a traffic and parking measure must be underpinned by a legal provision in every instance. Provisions in relation to the regulation of road traffic and parking on public roads are contained in the Road Traffic Acts and in the Road Traffic (Traffic and Parking) Regulations 1997-2005 and supported by road traffic signs.

Responsibility for traffic management, including the implementation of parking controls, such as prohibitions and restrictions, was devolved to individual road authorities under the Road Traffic Act 1994. An examination of the present road traffic legislative provisions was carried out in the Department to ascertain if new measures to reserve parking to local residents in any circumstances would be appropriate or feasible. This examination indicated that there is no existing legislative provision to exclusively reserve parking on a specified public road on specified dates to the persons who reside in premises on that road. The legal issue that must first be established is whether it would be appropriate or feasible to provide for parking restrictions of this nature on a public road. In this regard, the matter has been referred to the Office of the Attorney General for advice and will be considered further when advice is received.

The Dáil adjourned at 9.10 p.m. until 10.30 a.m. on Thursday, 30 November 2006.

## Written Answers.

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**The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].**

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*Questions Nos. 1 to 4, inclusive, answered orally.*

*Question No. 5 lapsed.*

*Questions Nos. 6 to 11, inclusive, answered orally.*

### **Genetically Modified Organisms.**

12. **Mr. Boyle** asked the Minister for Agriculture and Food if her attention has been drawn to the volume of genetically modified produce and seeds imported here; and if she will make a statement on the matter. [40579/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department has responsibility for the regulation of animal feed and seeds containing GMOs. Following the coming into force, in April 2004, of EU Regulation (EC) 1829/2003 on genetically modified food and feed and Regulation (EC) 1830/2003 on the labelling and traceability of GM products, all GM produce consisting of or containing GM material in excess of 0.9% must be appropriately labelled. This affords competent authorities the opportunity to accurately establish the level of GM imports into the community.

Since April 2004 all feed imports have been subjected to inspection for accuracy of GM labelling and very high levels of compliance have been detected. The level of GM feed imported into Ireland in 2005 was as follows:

GM maize: 464,000t (95% of total imports)

GM Soya: 204,000t (95% of total imports)

GM Rapeseed: 4,300t (3% of total imports)

GM cottonseed: none out of a total of 11,000t

In the case of GM seeds the Commission are still examining proposals relating to labelling thresh-

holds. In the interim a voluntary system, involving the majority of Member States including Ireland, was established whereby imports of certain at risk seeds such as maize, fodder beet, oil seed rape and soya bean seed must be accompanied by a laboratory certificate showing the levels of GM in any seed to be below identified thresholds of 0.3% and 0.5% depending on the crop. All certificates received indicated full compliance with these thresholds.

### **Sheep Industry.**

13. **Mr. Perry** asked the Minister for Agriculture and Food if she will introduce a ewe welfare and quality scheme, similar to the suckler cow scheme for the sheep industry; and if she will make a statement on the matter. [40443/06]

**Minister for Agriculture and Food (Mary Coughlan):** The sheep industry is a very important sector having a farmgate value of the order of €200m. I am aware of the many challenges facing the sector in the current production and very competitive market situation. A Strategy Group examined the sheep industry in the first half of this year and presented me with a comprehensive report including 37 specific recommendations on the actions that needed to be taken and the support that the sector required to ensure its viability at all levels into the future. In July last, I set up a group comprising of all the main stakeholders in the industry as well as the relevant State Bodies and my Department to progress the implementation of those recommendations. The Implementation Group has not yet completed its work.

### **Green Paper on Energy.**

14. **Mr. Kenny** asked the Minister for Agriculture and Food the role of her Department in the Government Green Paper on Energy; and if

[Mr. Kenny.]

she will make a statement on the matter.  
[40455/06]

**Minister for Agriculture and Food (Mary Coughlan):** I am very conscious of the important role that agriculture and forestry has to play in the development of Ireland's bioenergy resources and my Department had a specific input into the biofuels and biomass aspects of the Green Paper 'Towards a Sustainable Energy Future for Ireland'.

Prior to publication of the Green Paper, my Department has participated on a number of interdepartmental committees led by the Department of Communications, Marine and Natural Resources on the development of Ireland's bioenergy resources. For example, my Department was represented on the 'Bioenergy Strategy Group', which was established to consider policy options and support mechanisms to encourage greater use of biomass for bioenergy. The Group published a Report 'Bioenergy in Ireland' which made a number of recommendations to promote the bioenergy sector in Ireland.

The Report also recognized that the development of bioenergy in Ireland is a cross-sectoral issue impinging on several policy areas. In this regard, my Department has been in direct contact with the Department of Communications, Marine and Natural Resources in relation to the development of bioenergy from an agriculture perspective. Indeed, I also discussed the issue directly with my colleague, Minister Dempsey. I therefore welcome publication of the Green Paper, which has set a number of ambitious targets to develop Ireland's renewable energy resources to 2020.

I believe the development of an indigenous bioenergy industry presents a new opportunity for Irish agriculture and will help stimulate diversification of farm incomes, generate sustainable employment and contribute to the development of rural economies.

In accordance with the Green Paper, a Ministerial Taskforce has been established to prepare a road map to develop Ireland's bioenergy resources to 2020. I am working closely with my Ministerial colleagues, as part of this Taskforce, to prepare a comprehensive National Bioenergy Action Plan by the end of this year.

#### **Animal Welfare.**

15. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food the number of animal welfare officers here; the funding provided by her Department to the ISPCA; and if she will make a statement on the matter. [40480/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department has certain statutory responsibility for the welfare and protection of farmed animals under the Protection of Animals Kept for Farming Purposes Act 1984 and the European Communities (Protection of Animals

Kept for Farming Purposes) Regulations, 2000. In addition there is specific legislation in relation to pigs, calves and laying hens.

Welfare matters are dealt with generally by officers based in my Department's District Veterinary Offices who also have 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 these matters.

In 2004 the Farm Animal Welfare Advisory Council (FAWAC) developed an Early Warning/Intervention System (EWS) for dealing with animal welfare cases. This involves 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 provision of animal care and welfare services, to assist in their on-going work. To date, a total of €5.97m has been paid 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 received are currently being considered for payments in respect of 2007. The ISPCA has benefited from these payments. The headquarters of the Association has received a total of €334,880 to date. That figure does not include payments to affiliated branches of the organisation at national and local level.

The main statutes governing cruelty to animals in this country are the Protection of Animals Acts 1911 and 1965. Responsibility for pursuing cases 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 Gardaí in such cases.

#### **EU Directives.**

16. **Mr. O'Dowd** asked the Minister for Agriculture and Food the status of Ireland's request for a derogation on the Nitrates Directive; and if she will make a statement on the matter. [36622/06]

**Minister for Agriculture and Food (Mary Coughlan):** Ireland's application for a derogation under the Nitrates Directive was approved at a meeting of the EU Nitrates Committee on 13 November. The draft Commission Decision on the matter is now going through a routine scrutiny process, and I expect the formal Decision granting the derogation to be finalized by Christmas. My Department will be publishing full information and guidelines for farmers at the earliest opportunity.

The derogation, allowing for the application of livestock manure containing up to 250 kg nitrogen per hectare will be available to grassland farms on an individual basis. This is a very significant development for intensive farmers, particularly those in the dairying sector.

While we had argued strongly for extending the derogation to include farmers wishing to take in pig and poultry manure, this was unfortunately not acceptable to the European Commission. I believe, however, that transitional arrangements for pig and poultry producers in the Nitrates Regulations themselves will give those sectors the support and time they need to adapt to the requirements of the Regulations.

The Commission services were very helpful to Ireland in getting the derogation proposal through the approval process without delay. I have already expressed my appreciation to them for this and I am glad to do so again. I am also grateful to the Minister for the Environment and Local Government and his officials and to Teagasc for their valuable support and assistance on this issue which is so important to Ireland's farming sector.

### Social Partnership Agreements.

17. **Ms Hoxtor** asked the Minister for Agriculture and Food the main elements of the recent partnership agreement with the farming organisations. [40264/06]

**Minister for Agriculture and Food (Mary Coughlan):** The new social partnership agreement, Towards 2016, is the most ambitious and complex yet. To allow for long-term policies to be put in place, Towards 2016 has a unique ten-year framework. The shared overall goal of Towards 2016 is to realise its objectives by enhancing the complementary relationship between social and economic prosperity and by developing a vibrant, knowledge-based economy where economic development is environmentally sustainable and internationally competitive.

This approach is very much in line with the commitments laid out in the agriculture chapter of Towards 2016, where the overriding objective is the sustainable development of a competitive farming and consumer focused agri-food business which contributes to a vibrant rural economy and society. This also reflects the thinking about the

future of the sector set out in the Agri Vision 2015 Action Plan.

One of the key features of the agriculture chapter is the Government's willingness to provide a major increase in funding for agriculture from Exchequer resources. This has not only made up for the inevitable decline in EU funding, due to our economic success, but has also provided the finance for the very significant enhancement of some major schemes which support the development of the sector.

The partnership agreement provides that Exchequer funding for the farm schemes under the Rural Development Programme will be €4.7 billion for the period 2007 to 2013. This is an increase of 135% from the €2 billion in Exchequer funds provided for the same schemes in the current round 2000-2006. The total funding for the agricultural measures is €6.8bn, including €2.1bn from EU and modulation.

The new draft rural development programme reflects the commitments contained in the partnership agreement and will cover both agricultural and non-agricultural measures. In line with the EU rural development framework, the measures in the programme will address competitiveness and sustainability. The main elements and expected outcomes are as follows:

- A 17% increase in payments under the Rural Environmental Scheme (REPS). The average payment to each eligible participant will increase from €6,170 in 2006 to €7,220 in 2007 and the numbers in this scheme are expected to increase to 64,000.
- An 8% increase in Disadvantaged Areas Scheme payments. The average compensatory allowance payment will increase from €2,297 (excluding modulation) to €2,481. Some 102,000 applicants will benefit from this 8% increase.
- The average forestry premium will rise from €332 per hectare to €382 — an increase of 15%.
- The Installation Aid rate will increase by 56%, bringing it up to €15,000.
- A new Early Retirement Scheme will be put in place with a maximum payment rate of €15,000.
- A total of €250m is allocated for an Animal Welfare, Recording and Breeding Scheme for Suckler Herds. This measure is included in the current draft rural development programme and is designed to help to ensure high animal welfare standards, to improve the quality of the national beef herd industry while enhancing the marketability of Irish beef in the increasingly discerning European market.
- There is capital investment funding of €100 million to support the dairy processing sector. A similar €50m package for the beef

[Mary Coughlan.]

and sheepmeat processing sector has also been announced.

These are just some of the measures contained in the agriculture chapter of the partnership agreement, which is a very comprehensive document. It includes actions on all the main farming sectors as well as on the development of the food industry. It also includes important measures on animal health, including a 50% reduction in disease levies, and includes commitments to continuing high levels of service to farmers by the Department. The strong focus on the future in the document is further underlined in the sections on 'renewable energy', 'enhancing the environment' and 'measures to encourage structural change'.

The commitments in relation to the agri-food sector set out in this Partnership agreement are part and parcel of the Government's positive vision for the future of the sector. That vision underlines the fact that delivering safe, high-quality, nutritious food, produced in a sustainable manner, to well-informed consumers in high-value markets is the optimum road for the future of the Irish food industry, and therefore for our farmers.

The recently agreed partnership agreement with the farming pillar has been an important achievement for this Government, and is clear evidence of its commitment to farmers and to rural life in Ireland.

#### EU Regulations.

18. **Mr. Callanan** asked the Minister for Agriculture and Food her views on the implementation of EU regulations under her aegis; the discussions she has had at EU level with regard to same; and if she will make a statement on the matter. [40270/06]

24. **Mr. Connaughton** asked the Minister for Agriculture and Food the steps she is taking to address the burden of red tape in agriculture; and if she will make a statement on the matter. [40447/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 18 and 24 together.

My objective on an on-going basis is to ensure that all EU Regulations are drafted in simple and clear terms, that they provide for the appropriate levels of controls in relation to public health, animal health and public finances and that they do not confer excessive administrative or bureaucratic burdens on farmers, the public or my Department. I am fully committed to implementation of the various requirements in an impartial, balanced and practical manner.

I fully support, therefore, the process of simplification that is under way in the EU and I welcome the fact that the incoming German Presidency will give it the highest priority in the first

half of 2007. Earlier in the year, my Department submitted suggestions for simplification to the Commission. I raised the matter with Commissioner Fischer Boel during her recent visit to Ireland in September and I wrote to the Commissioner on the matter on 17 October. Last week, I travelled to Germany for a meeting with my German Ministerial colleague, Mr. Horst Seehofer, who is taking over the Presidency in January next and who has undertaken to adopt the simplification process as a priority during his Presidency.

My Department will shortly be submitting a number of proposals to the Commission for the simplification of the implementation arrangements for the Single Payment Scheme and the system of cross-compliance. I intend to pursue these issues as part of the on-going process of simplification and, as stated, the incoming Presidency are fully aware of my views in this regard.

#### Poultry Industry.

19. **Mr. Rabbitte** asked the Minister for Agriculture and Food the steps already taken and which have yet to be taken to prepare Ireland for the implementation from February 2008 of rules requiring every laying flock to be subject to a regime of private and official testing to ascertain salmonella status; and if she will make a statement on the matter. [40533/06]

**Minister for Agriculture and Food (Mary Coughlan):** A national programme setting out the detailed arrangements for operating the new regime in Ireland is being prepared and will be sent to the EU Commission before the end of this year. This should be approved by the Commission in mid 2007. National legislation to give effect to the programme will be required towards the end of 2007. It is intended to write to every egg producer in late spring 2007 to inform them about the new regime and what it will mean for them in terms of additional testing and record keeping.

In July of this year my Department wrote to the Irish Egg Association and the Irish Farmers' Association to advise them of the main provisions of the new testing regime. This subject was also discussed at a meeting with the Irish Egg Association in August. Internal discussions have taken place within the Department on the question of what resources will be deployed to conduct the official sampling regime.

As a large proportion of eggs are sold under the Bord Bia Egg Quality Assurance Scheme, a committee convened by Bord Bia will be examining how the new requirements will fit with the Scheme and vice versa and will consider whether any adaptations to the Scheme are appropriate.

Every egg producer is already registered, which will greatly facilitate the implementation of the new requirements, and resources are available in

my Department to conduct the required level of official monitoring and testing.

### Departmental Spending.

20. **Mr. Gogarty** asked the Minister for Agriculture and Food the reason her Department underspent its allocation in 2006; the reasons for underspends in previous years; and if she will make a statement on the matter. [40582/06]

**Minister for Agriculture and Food (Mary Coughlan):** Most of the schemes operated by my Department are demand-led measures on which expenditure in any one year is difficult to predict. It is very important that adequate provision is made for such schemes in the annual Estimates. For 2006, the gross provision for the Department was €1.516b, and it is estimated that approximately 94% of this allocation will be spent. While it is not possible to predict the final outturn with precision at this point, savings in the region of €90 million could arise.

Of the total projected savings, over €80 million relates to demand-led schemes. These include measures under the CAP Rural Development Programme (REPS, land mobility and forestry), as well as on-farm investment schemes. The balance is likely to arise primarily in the animal health, research and administrative budget areas.

All of the schemes are subject to variables such as farmer demand, animal disease trends, the pace of progress on approved projects and market conditions. Demand for such schemes is never easy to predict with precision and in recent years it has been impacted by the introduction of the decoupled Single Farm Payment, the Nitrates Directive and the relative proximity of a new Rural Development Programme.

In the case of forestry, issues such as the price of land and competing alternative uses were also a factor. Reducing levels of animal disease, and staff savings arising from improved technology and the centralised administration of the Single Farm Payment are also likely to lead to savings in the relevant Subheads.

I regard it as essential that the measures referred to above, which protect the animal health status of this country, provide vital investment capital and boost income for the farming community and others in the agri-food sector, are adequately funded. My policy has been to ensure sufficient funding for potential demand under these very important measures, and I will continue to do so in the future.

### Food Labelling.

21. **Mr. McGinley** asked the Minister for Agriculture and Food the steps she is taking to ensure that non-organic food is not mislabelled; and if she will make a statement on the matter. [40484/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department is fully committed to ensuring that consumers can have full confidence in the organic food they buy. For that reason my Department assigned extra resources to the Organic Unit earlier this year and we are now systematically inspecting retail outlets, including supermarkets, shops and farmers markets, checking to ensure that all product identified as organic has been produced fully in accordance with the organic regulations.

The introduction of the European Communities (Organic Farming) Regulation 2004 (S.I. No 112 of 2004) gave my Department powers to prosecute contraventions of Council Regulation (EEC) No. 2092/91 on organic production and indications referring thereto on agricultural products and foodstuffs. To date one operator has been convicted of an offence for labelling product in contravention of these Regulations.

### Afforestation Programme.

22. **Mr. Deenihan** asked the Minister for Agriculture and Food her plans to develop the forestry sector and increase its uptake; and if she will make a statement on the matter. [40456/06]

113. **Ms O. Mitchell** asked the Minister for Agriculture and Food her plans for the development of the forestry sector; and if she will make a statement on the matter. [40444/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 22 and 113 together.

The new Rural Development Programme for the period 2007-2013 includes a number of proposed new measures to make investment in forestry more attractive than ever. These include support for investment in recreation as well as wood energy initiatives.

In terms of the Afforestation Scheme, we will continue to provide 100% planting grants. Together with the 15% increase in premium rates I announced as part of the successful conclusion to the Partnership discussions, the forestry option remains an attractive and viable alternative for farmers. The detail of the new Rural Development Programme has yet to be finalised and is currently the subject of a public consultation process. A possible measure as provided for in Article 47 of Council Regulation (EC) No 1698/2005 to establish a new environmental forestry scheme is also under consideration.

Earlier this year my Department embarked on a joint initiative with the Irish Forestry Industry Chain (IFIC) under the heading 'Forests for a Bright Future' to highlight the multifunctional benefits of forestry and to stimulate up-take in the afforestation programme. This promotional campaign is expected to run for at least eighteen months, and is promoting the advantages of for-



[Mary Coughlan.]

estry, particularly to farmers, with a view to increasing the rate of new planting.

### Organic Farming.

23. **Ms Enright** asked the Minister for Agriculture and Food if she will increase the rate of payment made to organic farmers; the last time this payment was increased; and if she will make a statement on the matter. [40435/06]

**Minister for Agriculture and Food (Mary Coughlan):** The current situation is that organic farmers in REPS with holdings of 3 hectares or more qualify for a supplementary organic payment of €181 per hectare on the first 55 hectares, and €30 per hectare over 55 hectares during the in-conversion period. The equivalent rates when full organic status is attained are €91 and €15 per hectare respectively. Organic farmers also qualify for basic REPS payments. Significant increases in the basic REPS payments were introduced in 2004; €200 per hectare for the first 20 hectares, €175 per hectare between 20 and 40 hectares, €75 per hectare between 40 and 55 hectares and €10 per hectare over 55 hectares.

Organic farmers in REPS with holdings of less than 3 hectares are eligible for payments of €242 per hectare during conversion and €121 with full organic status, on top of the basic REPS payment.

Subject to the approval of the European Commission, I am proposing to increase the payments to organic farmers under Ireland's new Rural Development Programme for the period 2007 to 2013. I am also proposing that the system of organic payments should be operated separately from REPS, though organic farmers will be able to join REPS as well.

The new Rural Development Programme is currently in draft form and is the subject of a consultation process.

*Question No. 24 answered with Question No. 18.*

### Alternative Farm Enterprises.

25. **Mr. Stanton** asked the Minister for Agriculture and Food her input into the National Bioenergy Action Plan; if the plan is on target to be completed by the end of 2006; the efforts she is making to encourage both farmer and industry to increase biofuel production; and if she will make a statement on the matter. [40573/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Government recognise that the development of Ireland's Bio-energy potential, requires a fully cohesive approach across Government Departments, State Agencies and all relevant stakeholders. Accordingly, in July 2006, a Ministerial Taskforce on Bioenergy was established under the chairmanship of Minister for Communications, Marine and Natural Resources,

Noel Dempsey, TD in which seven Government Departments are partaking.

Over the past few months, I have been participating in the Taskforce and along with my Ministerial colleagues we have been working to deliver an integrated National Bio-Energy Action Plan. It is intended that the Plan will be published before the year end and will establish a firm road map and set challenging targets to develop Ireland's biofuels and biomass resources up to 2020.

Central to this Action Plan is the consideration of initiatives to incentivise the development of Ireland's biofuel market. Interest in producing biofuels in Ireland increased dramatically following the decision in recent budgets to provide excise relief on biofuels. A pilot initiative was rolled out in 2005 for 16 million litres of biofuels and was recently followed by a new excise relief programme valued at some €200m. Under this programme, sixteen biofuels projects will be granted excise relief to deliver a further 163m litres of biofuels on the Irish transport market, representing 2.2% of the entire fuel market.

In addition, the Finance Act 2006 provided for a new 50% VRT relief to promote new flexible fuel vehicles (cars designed to operate on biofuels) for an initial period of 2 years, and also extended the existing VRT relief for hybrid cars by a further year to end 2007.

I believe this package of measures will help stimulate demand for the production of energy crops for the manufacture of liquid biofuels. On the supply side, support to farmers for growing energy crops may only be provided in accordance with EU Regulations. Under the Energy Crops Scheme, aid of €45 per hectare is available for energy crops 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.

At the February Council of Agriculture Ministers meeting, I called for a review of the energy crop premium as it was not proving effective in Ireland and I subsequently raised the matter with the Agriculture Commissioner. The EU Commission has published a Report on implementation of the scheme and has made a Proposal, which would allow member states pay national aid up to 50% of the costs associated with establishing permanent crops. The Proposal is currently being discussed in Brussels.

The importance of biofuels is recognised in the AGRI Vision 2015 Action Plan. I believe the development of an indigenous biofuel sector presents a new opportunity for farmers and rural communities. Biofuel development will help

stimulate diversification of farm incomes, generate sustainable employment and contribute to the development of rural economies. My Department will continue to work closely with the Department of Communications Marine and Natural Resources to ensure that agriculture contributes to the development of biofuels as part of a coherent energy policy.

#### **Milk Quota.**

26. **Mr. English** asked the Minister for Agriculture and Food her position on the abolition of milk quota; and if she will make a statement on the matter. [40475/06]

**Minister for Agriculture and Food (Mary Coughlan):** The current position is that the EU milk quota regime was extended to 2015 as part of the Luxembourg Agreement on the reform of the CAP. The Commission may bring forward proposals on the future of milk quotas as part of the 2008 'Health Check', which may require a Council decision. I will keep the position under review and will evaluate any proposals that may be made by the Commission with a view to ensuring the best outcome for the Irish dairy sector.

#### **Common Agricultural Policy.**

27. **Mr. Durkan** asked the Minister for Agriculture and Food if she is satisfied that the CAP reform agreement which is expected to form a basis for the WTO poses a serious threat to the agricultural sector here and throughout the EU with particular reference to self sufficiency, security of supply and high standards in traceability, hygiene and husbandry in the food sector; and if she will make a statement on the matter. [40574/06]

**Minister for Agriculture and Food (Mary Coughlan):** I am satisfied that the Common Agricultural Policy (CAP), as it is constituted at present following the major reforms agreed in 2003, provides a sound basis for the continued sustainable development of the agri-food sector in Ireland and throughout the EU.

The European model of agriculture, which is enshrined in the CAP, is based on maintaining competitive, multifunctional and sustainable farming dispersed throughout the Union. One of the core principles of the CAP is to ensure the availability of supply. The EU also ensures the highest standards of hygiene and traceability throughout the food chain through a range of food safety, consumer protection, veterinary and environmental legislation and other requirements. These standards feature within the overall cross compliance system upon which the Single Farm Payment system is dependent. These policies are, and will continue to be, supported by substantial funding for the CAP and rural development. Funding for the period to 2013 was agreed in the decision on the EU's Financial Per-

spective, 2007-2013, at the European Council in December 2005.

I am also satisfied that the CAP as it has evolved following successive reforms is the basis for the EU's negotiating mandate, as agreed by the Council of Ministers, for the current WTO negotiations. The EU mandate provides that the terms of a new WTO agreement will not undermine CAP reform or require a further reform of the CAP. I fully support the EU position. In addition to ensuring that an adequate level of support and protection for EU agriculture can continue into the future, I will be seeking to ensure that non-trade concerns are fully taken into account in the WTO negotiations. The additional costs incurred by EU producers in meeting EU food safety, animal welfare, traceability and environmental standards must be recognised in a new agreement.

#### **Bovine Disease Controls.**

28. **Mr. Callely** asked the Minister for Agriculture and Food the progress made to combat incidents of BSE and brucellosis in the livestock industry; and if she will make a statement on the matter. [40258/06]

**Minister for Agriculture and Food (Mary Coughlan):** Following is the information requested by the Deputy.

#### *BSE*

The incidence of BSE in Ireland has been declining steadily from a high of 333 cases in 2002 to 182 in 2003, 126 in 2004 and 69 last year. So far this year, 36 cases been confirmed, thus indicating that the downward trend of the past number of years is continuing. In addition, the age profile of cases is increasing with most of the cases now in animals aged 10 years or older. I am confident that the very steady improvement of the past four years will be maintained and that the incidence of BSE will fall further in the coming years reflecting the comprehensive and effective nature of the range of control measures currently in place.

#### *Brucellosis*

The incidence of Brucellosis has also been falling progressively in recent years. For example, the number of laboratory positives fell 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 with so far only 2 depopulations recorded so far this year.

The substantial improvement in the Brucellosis situation is due to a number of factors, including continued co-operation from all parties with the eradication regime, the tightening up on illegal cattle movements through the Cattle Movement

[Mary Coughlan.]

Monitoring System, the regulation of dealers, prosecutions for breaches and the imposition of penalties for failures to comply with animal disease and identification regulations.

I am confident that this progress can be maintained into the future with the continued operation of the existing measures and the on-going co-operation of farmers and all involved in the livestock industry. It is however vital that we continue to recognise that Brucellosis is a highly contagious disease and that we do not relax or relent in our efforts to eradicate it from our national herd. In view of this, we need to continue in the medium term with the existing comprehensive control and eradication measures, which have brought about positive results in recent years in terms of reduced incidence of the disease.

#### **Milk Testing.**

29. **Mr. O'Dowd** asked the Minister for Agriculture and Food the steps she is taking to provide for independent milk testing; and if she will make a statement on the matter. [40452/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department already conducts regular checks on the results of butter fat testing carried out by milk processors. It also checks the calibration of the instruments used in milk processing establishments for measuring the fat and protein levels in milk collected from producers. My Department also monitors the instrument used in measuring somatic cell levels in milk delivered to processors.

In addition my Department conducts random administrative checks to ensure that the results of butter fat and protein tests are correctly transcribed into the calculation of the milk price paid to the producer. In accordance with the provisions of the partnership agreement, Towards 2016, my Department will extend its monitoring and cross checking of the milk testing regime to include all constituents used for payment purposes and, in consultation with the industry, will ensure transparency in the milk analysis regime.

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

30. **Mr. Cassidy** asked the Minister for Agriculture and Food the situation with regard to farm retirement schemes; and if she will make a statement on the matter. [40267/06]

**Minister for Agriculture and Food (Mary Coughlan):** Payments are currently being made under two Schemes of Early Retirement from Farming. I recently announced substantial increases in the maximum pension rates payable under both Schemes to take effect from 1 November 2006. I have decided to increase the maximum pension rate payable under the 1994–99 Scheme from €12,075 to €14,075 and the maximum pension rate payable under the current

Scheme from €13,515 to €15,000. These increases will cost some €33 million extra over the remaining period of the two Schemes, and over 5,000 retired farmers will benefit from them.

The announcement of these increases follows an announcement in September of an increase in the off-farm income limit for transferees under the current Scheme of Early Retirement from Farming from €25,400 to €40,000 and the removal of the total income limit for retiring farmers. Heretofore, an income limit exemption for retiring farmers existed only in cases where the farm was transferred definitively to a family member. These changes were effective from 1 September, 2006.

The current Scheme closes to new applications on 31 December 2006. Proposals for a new Scheme, with a maximum payment rate of €15,000, have been included in the draft Rural Development Plan for the period 2007–2013 which was recently published for consultation.

#### **Veterinary Service.**

31. **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. [40490/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Deputy will be aware, given veterinary practices are primarily commercial entities, that their locations are driven by commercial realities and as such I do not have a direct involvement in the issue referred to by the Deputy.

However, insofar as official regulation impacts on this area of activity, I can point to a number of measures which will alleviate difficulties which may arise in certain parts of the country. Under the 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 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, the recent successful outcome to the 'prescription exemption' issue, which results in

the retention of off-prescription status for a range of animal medicines, will also significantly help to alleviate any potential difficulties for farmers since they will continue to be able to obtain these products from existing outlets without having to visit a veterinary practitioner.

### Genetically Modified Organisms.

32. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food her views on reports (details supplied) that organic farmers in Spain are finding traces of genetically modified strains in their crops; and if she will make a statement on the matter. [40560/06]

**Minister for Agriculture and Food (Mary Coughlan):** While I have not seen any official report on this issue I do note that the report referred to refers to Spanish farmers abandoning organic cultivation because they are finding traces of GMOs in their produce.

I am confident that the proposed new legislation on organic production, combined with national coexistence measures, will provide sufficient safeguards to enable organic production to reach its full potential in Ireland.

### Alternative Farm Enterprises.

33. **Mr. Gormley** asked the Minister for Agriculture and Food her plans to improve incentives for farmers to grow bio-energy crops; and if she will make a statement on the matter. [40585/06]

67. **Mr. P. Breen** asked the Minister for Agriculture and Food if she will increase the bio-energy payment from €45 per hectare; and if she will make a statement on the matter. [40473/06]

103. **Mr. Broughan** asked the Minister for Agriculture and Food the measures taken by her Department to support farmers to produce crops for biofuel production; and if she will make a statement on the matter. [40561/06]

107. **Mr. M. Higgins** asked the Minister for Agriculture and Food her view of EU law providing for the possibility of national aid for topping up the energy crops premium; and if she will make a statement on the matter. [40553/06]

202. **Mr. Callely** asked the Minister for Agriculture and Food the incentives in place for farmers to explore and apply the area of bio-energy; and if she will make a statement on the matter. [40708/06]

227. **Mr. Durkan** asked the Minister for Agriculture and Food if her attention has been drawn to the urgent necessity to provide attractive incentives for the growing of bio-fuel crops; and if she will make a statement on the matter. [40854/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 33, 67, 103, 107, 202 and 227 together.

I am aware of the interest at farm level in growing energy crops as a feedstock for bioenergy purposes. Under CAP reform, farmers now have the freedom to focus more clearly on exploiting new farming opportunities, including agricultural production for non-food use. The development of this sector is an opportunity for farmers to diversify and seek new investment opportunities beyond traditional farming outlets.

The key issue for farmers considering energy crops is the expectation of a good economic return. Farmers will only produce energy crops if returns are greater than those offered by more traditional uses.

On the demand side, I believe the announcement last week by the Minister for Communications, Marine and Natural Resources Noel Dempsey that 16 biofuel projects are to be granted excise relief under the €200m excise relief programme, will help drive additional demand for production of energy crops. When fully operational in 2008, it will deliver some 163 million litres of biofuels per year and should result in Ireland achieving 2% market penetration of biofuels. I am confident that farmers will respond positively to demand for feedstock arising from these new projects.

On the supply side, support to farmers for growing energy crops may only be provided in accordance with EU Regulations. Under the Energy Crops Scheme, aid of €45 per hectare is available for energy crops 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.

At the February Council of Agriculture Ministers meeting, I called for a review of the energy crop premium as it was not proving effective in Ireland and I subsequently raised the matter with the Agriculture Commissioner. The EU Commission has published a Report on implementation of the scheme and has made a Proposal, which would allow member states pay national aid up to 50% of the costs associated with establishing permanent crops. The Proposal, which I welcome, is currently being discussed in Brussels. I should point out, however, that this proposal does not provide for topping up of the energy crop premium.

My Department has received a number of proposals to introduce establishment grants to support the growing of miscanthus and willow for bioenergy and these are currently being considered.

[Mary Coughlan.]

I am also working closely with Ministerial colleagues to promote the development of an indigenous biofuels sector in Ireland. The Government recently established a Ministerial Taskforce on Bioenergy to prepare a road map to develop Ireland's bio-energy resources to 2020. The Taskforce will prepare a comprehensive National Bioenergy Action Plan by the end of this year.

#### Freedom of Information.

34. **Mr. Costello** asked the Minister for Agri-

Year	2002	2003	2004	2005	2006 to date
Total requests received	363	318	290	212	209
Granted	98	120	119	75	77
Part Granted	108	58	86	49	49
Refused	64	59	42	52	32
Transferred	1	5	2	0	2
Withdrawn	53	33	9	4	5
Invalid	0	9	20	22	12
Outside FOI*	36	25	9	6	8
Lapsed	3	9	3	4	0
Live Cases					24

\* These figures represent the number of requests where the information sought was supplied outside of the Freedom of Information Acts. Agreement was reached with the requester in each case.

#### Milk Supply.

35. **Mr. Stanton** asked the Minister for Agriculture and Food the average somatic cell count in the Irish national milk supply and the impact it is having on the industry; her plans to improve the situation; and if she will make a statement on the matter. [40572/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department does not compile statistics on the somatic cell count in the national milk supply. The European Communities (Food and Feed Hygiene) Regulations 2005 (S. I. No. 910 of 2005) provide that milk going for the production of liquid milk or dairy products for human consumption must have a somatic cell level not exceeding 400,000 per ml. based on a geometric average over a period of three months, with at least one sample a month.

In 2005 some 2.6% of milk producers failed to maintain this standard, as compared with 3.29% the previous year. In such cases the milk is not collected until successive tests bring the geometric average within the permissible level. It is accepted that mastitis in the cows is the chief cause of high somatic cell levels in milk.

I am currently examining means of encouraging dairy farmers to combat mastitis in their cows in the context of the Animal Remedies legislation.

#### Genetically Modified Organisms.

36. **Mr. Cuffe** asked the Minister for Agri-

culture and Food the outcome of each of the requests her Department has received under Freedom of Information legislation during each of the past five years. [40544/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department has received the following number of requests for records under the Freedom of Information Acts. The outcome of these requests is as indicated in the table below:

culture and Food if she will put a moratorium on trials of genetically modified organisms in place; and if she will make a statement on the matter. [40580/06]

**Minister for Agriculture and Food (Mary Coughlan):** I wish to inform the Deputy that notifications to trial genetically modified organisms are made to the Environmental Protection Agency in accordance with Part B of EU Directive 2001/18/EC on the deliberate release of GMOs into the environment but not for entry to the food chain. Responsibility for making a decision on these application is a matter for the Environmental Protection Agency as the Competent Authority designated by the Department of Environment, Heritage and Local Government.

Consequently any decisions relating to a moratorium in this area would be a matter for the Department of Environment, Heritage and Local Government.

#### Organic Farming.

37. **Mr. S. Ryan** asked the Minister for Agriculture and Food if she is satisfied that sufficient support is being made available to the organic sector; her views on the fact that Ireland is still importing up to 70% of its organic food; and if she will make a statement on the matter. [40520/06]

92. **Mr. Neville** asked the Minister for Agriculture and Food the steps she is taking to develop the organic sector; and if she will make a statement on the matter. [40485/06]

105. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food the new measures that she has taken in the past 12 months to improve organic acreage here; the results of these measures; and if she will make a statement on the matter. [40587/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 37, 92 and 105 together.

I am strongly committed to the development of the organic sector in Ireland. While the sector in Ireland is still small by European standards, it is growing. The total area in conversion or with full organic status rose by nearly 5,000 hectares to over 35,000 hectares in 2005, an increase of some 15% on 2004. That figure has increased by a further 1,500 hectares so far this year.

My Department already provides substantial financial supports for organic producers, through the Rural Environment Protection Scheme (REPS) and the Scheme of Grant Aid for the development of the organic sector. Since REPS began in 1994, it has delivered some €37 million to the sector. The draft Rural Development Programme for the period 2007–2013 includes measures designed particularly to encourage development in the organic tillage and horticulture areas. It is proposed, for example, to allow organic farmers to obtain organic support payments without having to be in REPS. The draft Programme is currently the subject of a consultation process.

Special investment aid is also available for organic farmers and processors under the Scheme of Grant Aid for the Development of the Organic Sector, which supports investment both on-farm and off-farm. For on-farm investments, grant aid can be given for 40% of the cost up to a maximum grant of over €50,000. For off-farm investments, the maximum grant is over €500,000.

Lack of technical expertise has been recognised as a barrier to progress in both the organic tillage and horticultural areas. To address this information deficit, my Department, in conjunction with Teagasc, arranged this year to bring in two specialist agronomists from the UK on a pilot basis. Through farm visits and workshops, they shared their experiences with producers and this has been of immense value.

Another successful initiative has been the demonstration farm programme. It continued during 2006 and a total of 14 farms were used throughout the country to promote organic farming systems. My Department will continue to expand and improve this programme, which is a major instrument in encouraging conventional growers to switch to organic.

Substantial progress has also been made on the implementation of the recommendations in the Organic Development Committee report, published in 2002. The three additional structures recommended are now into their second three-year terms. The National Steering Group advises me on all policy issues relating to the sector. The Steering Group is supported by two sub-Groups, the Partnership Expert Working Group and the Organic Market Development Group. The Partnership Expert Working Group is responsible for training, education, advice and research. The Organic Market Development Group has overall responsibility for developing a national marketing strategy for organic food. In this regard Bord Bia, in consultation with the Market Development Group, has recently produced a three-year Organic Marketing Plan. The objective of the plan is to develop the organic sector in Ireland for existing suppliers and new entrants. My Department has now approved funding for the Plan, amounting to a substantial sum of €1.5m over the 3-year period. Included in the plan was National Organic Week which this year ran from November 6th to 12th. This is the second year of National Organic Week, the objective of which is to raise consumer awareness about organic food and farming. One of the flagship events during that week, supported by my Department, was the very successful All Ireland Organic Food Conference held in Carrick-on-Shannon, Co. Leitrim.

The decoupling of farm payments has established a policy framework in which farmers have the freedom to farm in response to market demands. In this more market-oriented scenario, there is real scope for organic production to expand with the help of the incentives that I have outlined already.

My Department is also fully committed to ensuring that consumers can have full confidence in the organic food they buy. For that reason my Department assigned extra resources to the Organic Unit earlier this year and we are now systematically inspecting retail outlets, including supermarkets, shops and farmers markets, checking to ensure that all product identified as organic has been produced fully in accordance with the organic regulations. The introduction of the European Communities (Organic Farming) Regulation 2004 (S.I. No 112 of 2004 gave my Department powers to prosecute contraventions of Council Regulation (EEC) No. 2092/91 on organic production and indications referring thereto on agricultural products and foodstuffs. To date one operator has been convicted of an offence for labelling product in contravention of these Regulations.

#### **Animal Diseases.**

38. **Mr. McEntee** asked the Minister for Agriculture and Food further to Parliamentary Question No. 377 of 27 June 2006 regarding equine infectious anaemia, if she will furnish a response

[Mr. McEntee.]

to the issues raised; and if she will make a statement on the matter. [40486/06]

**Minister for Agriculture and Food (Mary Coughlan):** Further to my replies to Parliamentary Question Nos 377 of 27 June 2006 and 156 of 17 October, the investigation referred to remains ongoing. It is a very comprehensive investigation and, as I have indicated previously, my Department will, in the event of sufficient evidence being established, endeavour to pursue a prosecution. As I have advised the Deputy previously, given the nature and stage of the investigation, I am not in a position to comment any further on its progress at this stage nor would it be appropriate for me to do so.

### EU Regulations.

39. **Mr. Finneran** asked the Minister for Agriculture and Food the recent correspondence or discussions she has had with Commissioner Fischer Boel on the simplification of EU regulations as these are applied to the farming community. [40268/06]

50. **Mr. Cregan** asked the Minister for Agriculture and Food the recent correspondence or discussions she has had with Commissioner Fischer Boel on the simplification of EU Regulations as these are applied to the farming community. [40393/06]

75. **Mr. J. Brady** asked the Minister for Agriculture and Food the recent correspondence or discussions she has had with Commissioner Fischer Boel on the simplification of EU regulations as these are applied to the farming community. [40259/06]

77. **Dr. Devins** asked the Minister for Agriculture and Food the position with regard to the implementation of EU regulations that impact on the farming community; and if she will make a statement on the matter. [40274/06]

118. **Mr. Nolan** asked the Minister for Agriculture and Food the position in relation to the implementation of EU regulations which effect to farmers; and if she will make a statement on the matter. [40272/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 39, 50, 75, 77 and 118 together.

My objective on an on-going basis is to ensure that all EU Regulations are drafted in simple and clear terms, that they provide for the appropriate levels of controls in relation to public health, animal health and public finances and that they do not confer excessive administrative or bureaucratic burdens on farmers, the public or my Department. I am fully committed to implemen-

tation of the various requirements in an impartial, balanced and practical manner.

I fully support, therefore, the process of simplification that is under way in the EU and I welcome the fact that the incoming German Presidency will give it the highest priority in the first half of 2007. Earlier in the year, my Department submitted suggestions for simplification to the Commission. I raised the matter with Commissioner Fischer Boel during her recent visit to Ireland in September and I wrote to the Commissioner on the matter on 17 October. Last week, I travelled to Germany for a meeting on this and other issues, with my German Ministerial colleague, Mr Horst Seehofer, who is taking over the Presidency in January. He has already indicated that he intends to make simplification a priority issue in his Presidency. I used the meeting to make my views very clear on the matter.

### Food Labelling.

40. **Mr. Deasy** asked the Minister for Agriculture and Food the discussions she has had with the Food Safety Authority of Ireland and the Department of Health and Children on the enforcement of country of origin labelling within the catering trade; and if she will make a statement on the matter. [40441/06]

**Minister for Agriculture and Food (Mary Coughlan):** The regulations governing the provision of country of origin information on beef in the catering sector were introduced by the Minister for Health and Children. Responsibility for enforcement of the regulations is with the Food Safety Authority of Ireland (FSAI).

Officials of my Department have had extensive discussions with the Department of Health and Children and the FSAI during the drafting of the regulations and since the regulations were made. These discussions included aspects relating to enforcement.

There are over 44,000 food businesses in Ireland of which over 29,000 are in the service sector, which includes caterers. These are inspected on a routine basis by the Environmental Health Officers in the Health Service Executive operating under a Service Contract with the FSAI.

Checks on compliance with the Health (Country of Origin of Beef) Regulations are being incorporated into routine hygiene and food safety inspections by HSE Environmental Health Officers for establishments covered by these regulations.

### Sheep Industry.

41. **Mr. Allen** asked the Minister for Agriculture and Food if she will implement the recommendations of the strategy report for the Irish sheep sector; and if she will make a statement on the matter. [40442/06]

98. **Dr. Twomey** asked the Minister for Agriculture and Food the action she is taking to implement the recommendations of the Sheep Strategy Group report; and if she will make a statement on the matter. [40453/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 41 and 98 together.

The Sheep Industry Development Strategy Group issued its report in June 2006. This is a comprehensive study of the sheep industry which sets out a Development Plan for the industry contained in 37 recommendations. I decided that the best way to implement these recommendations was to set up an implementation body comprised of representatives of all sectors in the industry, including the relevant state bodies. It is chaired by Mr John Malone, former Secretary General of my Department, who was also the author of the Strategy Group report. The Implementation Group has not yet completed its work.

#### **Bovine Diseases.**

42. **Mr. P. McGrath** asked the Minister for Agriculture and Food the reason butchers cannot bone out bovine animals on their premises over 24 months; the reason same is not increased to 30 months in line with BSE and SRM restrictions; and if she will make a statement on the matter. [40437/06]

84. **Mr. Ring** asked the Minister for Agriculture and Food the reason butchers cannot bone out bovine animals on their premises up to 30 months; and if she will make a statement on the matter. [40439/06]

94. **Ms Enright** asked the Minister for Agriculture and Food the reason butchers cannot bone out bovine animals on their premises over 24 months; and if she will make a statement on the matter. [40438/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 42, 84 and 94 together.

Regulation (EC) No 999/2001 designates certain bovine tissues as specified risk material (SRM) and lays down rules for its removal as a public health protection measure in the context of BSE controls.

In its opinion of 28 April 2005 the European Food Safety Authority (EFSA) concluded that a scientific basis existed to review the age limit for the removal of certain SRM in bovine animals, in particular as regards the vertebral column. In July 2005 the EU Commission adopted a reflection paper, the TSE Roadmap, looking at the next steps that could be taken with regard to BSE in the short, medium and long term. After consultation with the Member States and stakeholders, Commission Regulation (EC) No. 1974/2005 was

adopted in December 2005. This Regulation provided that the age limit for removing vertebral column, including dorsal root ganglia of bovine animals as SRM could be increased from 12 to 24 months. Provision is also made for further review of the age limit, which would have to be on the basis of scientific advice.

The requirement for authorisation of retail establishments such as butchers for the specific activity of handling and removing SRM is prescribed in European and national regulations. The Environmental Health Officers Service of the Health Service Executive, under service contract to the Food Safety Authority of Ireland (FSAI) implements these regulations in retail butchers shops. Butchers are required either to declare non-handling of SRM or to comply with the standards for authorisation for handling of SRM. Authorisation ensures that this material is removed and disposed of in a manner which protects consumers. Butchers seeking authorisation need to demonstrate the presence of systems to ensure adequate identification, separation, removal, storage and disposal of SRM.

Retail butchers who choose not to handle SRM can handle all beef from animals under 24 months. In addition unauthorised retail butchers can handle beef from animals over 24 months if it has been boned out or has its vertebral column removed prior to intake.

The handling of SRM at retail level has been identified as a priority area for protection of consumers. The FSAI has consulted with the trade on the approach to implementing these regulations, and has published an extensive set of Frequently Asked Questions on its website, [www.fsai.ie](http://www.fsai.ie), to assist the trade in understanding these requirements.

The requirement that all bovine animals over 30 months of age, slaughtered for human consumption, must be tested for BSE is also provided for in Regulation (EC) No. 999/2001. Under the Regulation, as it currently stands, I have no discretion to raise the age limit at which bovines destined for human consumption must be tested. Regulation (EC) No 999/2001 is currently in the process of being revised, though it is not now anticipated that the proposed amendments will become law before 2007. The amendments, as currently drafted, would enable Member States to seek the approval of the Commission and other Member States for revisions to their annual monitoring programmes to change the age limit for testing for BSE in healthy animals slaughtered for human consumption. Such applications would be on the basis of a range of criteria relating to the BSE situation and controls in the particular country. These criteria have yet to be determined and may yet take some time to finalise.

I, and my officials, have made repeated and consistent efforts to have the age thresholds for the various categories of animals changed, based on the results of surveillance carried out here and



[Mary Coughlan.]

I will, of course, continue to press for a change in the age threshold at every opportunity.

#### **Food Industry.**

43. **Mr. Bruton** asked the Minister for Agriculture and Food the number of meetings of the Food Agency Co-Operation Council in 2004, 2005 and to date in 2006; the number of times that its successor has held meetings; and if she will make a statement on the matter. [40493/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Food Agency Co-operation Council met on 20 occasions since its inception in 2000. During 2004 and 2005 priority was given instead to meetings of the food development agencies directly concerned with the food programme components of the National Development Plan 2000-2006. Two such meetings took place in 2004, one in 2005 and one in 2006 to assess progress on the Plan in preparation for meetings of the NDP Monitoring Committees.

In the light of a more market orientated CAP, the 2015 Agri-Vision Report and the Enterprise Strategy Report my Department examined future co-operation arrangements between agencies for the most effective development of the agri-food industry. Arising from this, I included in the Agri-Vision 2015 Action Plan the establishment of a high level group of CEOs of food agencies, which will subsume and develop the role of the Food Agency Co-Operation Council. The inaugural meeting of the new Agency CEO Group took place on 18 July 2006. The next meeting of the Group will take place in the coming weeks.

The Group, which is chaired at Ministerial level, comprises of the Chief Executives/ Directors of Teagasc, Bord Bia, Enterprise Ireland, Bord Iascaigh Mhara, Údarás na Gaeltachta, Fáilte Ireland, FÁS, the Food Safety Authority of Ireland, and the Food Safety Promotion Board. The Group operates in tandem with the Food Industry Committee which has also met chaired at Ministerial level.

In addition arrangements have been made by my Department to bring the agencies together at regional level to drive the development of regional and local food enterprises. The first of these initiatives, the North West Food Forum — Market Focus for Small Food Enterprises — took place in Killybegs in November 2005. Similar regional events took place in Carrickmacross, Co. Monaghan (North-East) in June 2006, in Portlaoise (Midlands) in September 2006 and in Kilkenny (South-East) last week. At these fora, significant time was allocated for the agencies to network with the industry stakeholders and to showcase the services available to assist regional food company development.

#### **Horticulture Industry.**

44. **Mr. S. Ryan** asked the Minister for Agriculture and Food if her attention has been drawn to the possible effects on the horticulture industry here if a proposed landfill (details supplied) in north Dublin goes ahead; her plans to make a submission on the issue to the Environmental Protection Agency; and if she will make a statement on the matter. [40549/06]

**Minister for Agriculture and Food (Mary Coughlan):** I am aware that there are local concerns about the possibility of the proposed landfill contaminating the water supply used by horticultural producers in the area and I understand that the issue has been the subject of submissions to the Environmental Protection Agency, which is currently examining the waste licence application. It is of course vital that horticultural activity anywhere in the State, and particularly in the region of intensive cultivation close to this proposed landfill, should not be jeopardised in any way by environmental hazards. Before issuing a waste licence, the EPA must be satisfied that emissions from the landfill will not cause significant adverse environmental impacts and I am confident that its procedures for processing the licence application will take full account of the scientific evidence.

#### **State Aid.**

45. **Mr. Wall** asked the Minister for Agriculture and Food if a meeting scheduled for October 2006 was held in which the European Commission's draft of the community guidelines for State aid in the agriculture sector for 2007 to 2013 was discussed; if so, if she will provide a summary of the views therein expressed on the draft guidelines; if the threshold of 30% production loss to trigger compensation is in respect of losses caused by animal disease and a reduction of aid to 75% is still likely to be included in the eventually adopted guidelines. [40536/06]

**Minister for Agriculture and Food (Mary Coughlan):** I can confirm that my Department was represented at a meeting of the EU Working Group and Advisory Committee on State Aids which took place on 25 October to discuss the proposed Community Guidelines for State Aid in the Agriculture Sector, 2007-2013. Prior to the meeting, I, together with several of my EU Ministerial colleagues, had strongly opposed many of the original proposals brought forward by the Commission. I had taken the matter up bilaterally with the Commissioner as well as raising it in the Council of Ministers meeting. Following these representations, the Commission published revised proposals on 21 October and these were the subject of discussion at the meeting on 25 October.

The Commission's revised proposals addressed most of the concerns that I had raised. Insofar as

compensation for animal disease is concerned, the proposed 30% threshold of loss for entitlement was dropped and, as in the past, aid up to 100% will be permitted.

Important changes were also introduced by the Commission in relation to other issues which I raised including the relaxation of proposed rules on advertising, the withdrawal of a proposed tendering system for on-farm investment schemes and the restoration of aid for breeding in the livestock sector.

My Department and all other Member States welcomed the revised proposals at the meeting on 25 October. In addition to seeking clarification on specific points, Member States also raised a number of remaining detailed points of concern. The Commission indicated that it would consider the further comments of Member States before reaching a final decision. The decision on the State Aid rules which will apply for the period 2007-2013 is a matter for the Commission. I understand that a final decision will be made on 6 December.

#### **EU Directives.**

46. **Mr. Naughten** asked the Minister for Agriculture and Food the steps she is taking to address the burden placed on farmers by the Nitrates Directive; and if she will make a statement on the matter. [40448/06]

51. **Mr. Kehoe** asked the Minister for Agriculture and Food the steps she is taking to ease the burden of paperwork placed on farmers by the Nitrates Directive; and if she will make a statement on the matter. [40449/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 46 and 51 together.

The implementation of the Nitrates Directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. Following a process of consultation with the farming organizations and other stakeholders, the Minister, Deputy Roche, made the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006 some months ago.

A number of measures to help farmers meet their obligations under the Regulations are already in place. In accordance with the Sustaining Progress agreement, improvements to the Farm Waste Management Scheme and the Dairy Hygiene Scheme and substantially increased REPS payments were delivered in 2004. In March 2006 I announced further significant improvements in the Farm Waste Management Scheme, designed specifically to assist farmers meet the requirements of the Nitrates Directive. Subject to the approval of the European Commission, I am making proposals in the new Rural Development

Programme, specifically in the context of REPS, that will help farmers further.

With the support of Teagasc and the Department of the Environment, Heritage and Local Government, I have recently secured the agreement of the EU Nitrates Committee to a derogation which will be available to grassland farms on an individual basis and will allow farmers to operate at a level of up to 250 kg organic nitrogen per hectare. This is a very significant development for intensive farmers, particularly those in the dairying sector. Under the new Rural Development Programme I am also proposing that farmers availing of this derogation should also have access, for the first time, to REPS.

My Department is also committed to giving farmers practical help where possible and to keep the burden of paper-work to a minimum. In the last few weeks, all cattle farmers have been sent a Nitrogen and Phosphorus Statement for 2005, using information on the Department's databases. This Statement will be sent out every year from now on. As regards record-keeping generally, records that are already being kept for other purposes and meet the requirements of the Regulations are acceptable; and most of the information needed is already on the Single Application form, stock registers and CMMS profiles. There are some additional records which must be kept, and examples of how to keep these are contained in the Explanatory Handbook which was issued to all farmers recently.

In addition, my officials and Teagasc staff are currently holding a series of 36 information meetings throughout the country. At these meetings, farmers are given information to help them understand the practical aspects of the Regulations. They also have an opportunity to ask questions about any particular concerns they may have.

#### **Food Industry.**

47. **Mr. Wall** asked the Minister for Agriculture and Food the recommendations of the Consumer Liaison Panel which her Department has implemented; the recommendations of the Consumer Liaison Panel which her Department has not yet implemented but which will be and when they will be implemented; and the recommendations of the Consumer Liaison Panel which will not be implemented. [40534/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Consumer Liaison Panel was established in January 2002 to strengthen communication between consumers and my Department. A consumer-focused approach is vital to the future of a progressive multi-functional agri-food industry, encompassing not alone the basic function of food production but food safety, food quality, environmental and animal welfare issues. The Consumer Liaison Panel is a standing panel which is briefed on Department activities and

[Mary Coughlan.]

provides feedback from a consumer perspective. Since its establishment, apart from giving immediate reaction to the Department on issues of consumer concern such as animal health, agri-environment and food safety, the Panel has commissioned research in two major areas, viz. food labelling and food prices.

During 2002 the Panel recommended an examination of food labelling. As a result my predecessor set up the Food Labelling Group in July of that year. In December 2002, the Labelling Group presented its report containing 21 recommendations covering

- General Labelling Rules
- Policy and Enforcement
- Consumer Education and Awareness and
- Origin.

As the recommendations covered issues within the responsibility of a number of Departments and Government Agencies, an inter Departmental/ Agency Group was set up to progress implementation of the recommendations. This Group included representatives from my Department, the Departments of Health and Children, Enterprise, Trade and Employment and Communications, Marine and Natural Resources, together with the Food Safety Authority of Ireland and the Food Safety Promotion Board.

While food labelling is a particularly complicated and broad-based area, I am pleased to say that very substantial progress has been achieved in implementing the recommendations of the Report. Nineteen of the twenty one recommendations, many of which were beyond the remit of my own Department and some which were to be activated only after others had been completed, have been addressed. The remaining two recommendations which relate to aspects of origin labelling are also being addressed. In July of this year new regulations were introduced, by way of amendment to the Health Act 1947, which extend the existing beef labelling regulations to restaurants and catering establishments. These new Regulations, which are enforced by the Food Safety Authority of Ireland, oblige hotels, restaurants and other catering establishments to provide consumers with clear information on the country of origin of their beef.

The amended Health Act 1947 will also facilitate the extension of country of origin labelling to all meats including poultry meat. I have raised the issue with the EU Commission and am taking every opportunity to press for progress on the matter. I have also raised the issue in the context of the current review of food labelling legislation which is being carried out by D.G. Sanco. Ireland's concerns have been submitted by the Department of Health & Children which has

overall responsibility for general food labelling legislation.

In 2003, the Panel expressed its concerns about the lack of transparency on food prices in Ireland and commissioned a study to assess the data sources on the price of food in Ireland and to recommend a model for monitoring the share of the price of key food items absorbed at different stages of the food supply chain. My Department has provided funding for this research and the final report was signed off by the Consumer Liaison Panel in recent weeks. There are no recommendations of the Panel which my Department has not acted upon.

#### **Agricultural Processing Sectors.**

48. **Dr. Devins** asked the Minister for Agriculture and Food her views on the development of the dairy, beef and sheep processing sectors; the policies she will put in place to support such development; and if she will make a statement on the matter. [40275/06]

82. **Mr. J. Brady** asked the Minister for Agriculture and Food her plans for investment in the dairy, beef and sheep processing sectors. [40260/06]

88. **Mr. Callanan** asked the Minister for Agriculture and Food her plans for the development of the dairy, beef and sheep processing sectors; if she is optimistic with regard to same; and if she will make a statement on the matter. [40271/06]

120. **Mr. Cregan** asked the Minister for Agriculture and Food her plans for investment in the dairy, beef and sheep processing sectors. [40394/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 48, 82, 88 and 120 together.

In keeping with commitments given in the agri-Vision 2015 Action Plan, I have in recent months announced investment packages totalling €150 million to support the development of the dairy, beef and sheep meat processing sectors. €100 million is for the dairy sector while €50 million is being provided for the beef and sheep meat sectors. This substantial grant assistance, which should trigger investment in excess of €400 million, is yet another clear indication of the Government's commitment to the continued development of a modern, competitive, innovative and market-focused food industry.

Financial support will be made available towards the cost of the construction and acquisition of buildings, new machinery and equipment and will significantly assist the industry in improving efficiency and competitiveness. Indeed, I would, at this stage, like to commend the positive response, over recent years, of the dairy, beef and sheep meat sectors to the challenges presented in

an ever-changing market. This has made a major contribution to the enhanced status and reputation of Irish produce abroad. In Government we strived to lead that progress and assist stakeholders by adopting pragmatic, if ambitious, policies in supporting the development of the sectors.

The investment schemes will be managed by Enterprise Ireland who will evaluate the suitability of investment projects submitted for grant assistance.

I launched the Dairy Investment Fund in September 2006 and the closing date for applications was Thursday last 23 November. The Dairy Fund will support Annex 1 dairy projects where the input and output is a minimum of 75% Annex 1. I was very pleased to be informed by Enterprise Ireland that the Dairy Investment Fund was over subscribed. An Evaluation Committee, comprising of representatives from EI, my Department and other experts, will select the projects to be grant aided following a detailed technical and commercial analysis of each project.

While the scheme for the beef and sheep meat processing sectors was only announced on 8 November, there has already been a very positive response from the industry and I expect significant progress to be made fairly quickly. I am at present in consultation with Enterprise Ireland and expect to be in a position to publish the full eligibility criteria and terms and conditions of this scheme in the near future.

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

49. **Mr. Ó Fearghaíl** asked the Minister for Agriculture and Food the position regarding changes to the farm retirement schemes. [40265/06]

**Minister for Agriculture and Food (Mary Coughlan):** Payments are currently being made under two Schemes of Early Retirement from Farming. I recently announced substantial increases in the maximum pension rates payable under both Schemes to take effect from 1 November 2006. I have decided to increase the maximum pension rate payable under the 1994–99 Scheme from €12,075 to €14,075 and the maximum pension rate payable under the current Scheme from €13,515 to €15,000. These increases will cost some €33 million extra over the remaining period of the two Schemes, and over 5,000 retired farmers will benefit from them.

The announcement of these increases follows an announcement in September of an increase in the off-farm income limit for transferees under the current Scheme of Early Retirement from Farming from €25,400 to €40,000 and the removal of the total income limit for retiring farmers. Heretofore, an income limit exemption for retiring farmers existed only in cases where the farm was transferred definitively to a family member. These changes were effective from 1 September, 2006.

The current Scheme closes to new applications on 31 December 2006. Proposals for a new Scheme, with a maximum payment rate of €15,000, have been included in the draft Rural Development Plan for the period 2007-2013 which was recently published for consultation.

*Question No. 50 asked with Question No. 39.*

*Question No. 51 asked with Question No. 46.*

#### **Infectious Diseases.**

52. **Ms Burton** asked the Minister for Agriculture and Food the situation regarding the procedures in place to deal with an avian flu outbreak; if new initiatives have been put in place by her Department; and if she will make a statement on the matter. [40531/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department has developed comprehensive contingency arrangements to deal with any case of avian influenza in wild birds or any outbreak in poultry. These arrangements are kept under constant review with a view to updating them to take account of new developments that arise.

I have recently signed new Regulations which provide the most up-to-date legislative basis for actions to be taken in the event of a case or outbreak of avian flu. These new Regulations give effect in Irish law to three pieces of EU legislation, two of which replace existing legislation introduced earlier in the year while the third gives effect to a European Council Directive.

This update of legislation is indicative of my determination to maintain a proactive approach and reflects my commitment to being fully prepared to deal with any eventuality which a case or outbreak of avian flu might bring. It also reflects the increased risk associated with the autumn/winter migratory season which is now underway.

My Department is continuing to ensure that it and other relevant bodies are fully prepared and equipped to deal with any case or outbreak and will further refine its preparedness along with other parties to reflect the new legislation. There are currently no outbreaks of highly pathogenic avian flu in the EU and the immediate risk to Ireland is therefore low.

I am satisfied that my Department is adequately prepared to deal with any case/outbreak of avian flu which may arise here in the coming months.

#### **Mushroom Industry.**

53. **Mr. G. Mitchell** asked the Minister for Agriculture and Food the inspection regimes administered by her Department in relation to the mushroom growing industry; the frequency

[Mr. G. Mitchell.]

with which such inspections take place; the penalties in place for failure to comply with these Departmental regulations; the number of such establishments found to be in breach of existing regulations in 2005 and to date in 2006; and if she will make a statement on the matter. [40436/06]

**Minister for Agriculture and Food (Mary Coughlan):** The pesticide residue monitoring programme conducted by my Department on behalf of the Food Safety Authority of Ireland (FSAI), is reviewed and agreed on an annual basis with the FSAI. The risk-based programme thus developed involved the analysis of some 1,350 samples of agricultural produce in each of the years 2005 and 2006 for up to 150 different pesticide compounds.

In 2005 some 10 samples of mushrooms were taken. All were found to be free of illegal residues. In 2006, 12 samples have been analysed to-date, none of which contained illegal residues. Following media allegations of misuse of plant protection products by a mushroom grower, two samples were taken from the grower in question and both were found to be free of illegal residues of the products alleged to have been used. Indeed there were no illegal residues of plant protection products detected in any mushroom samples analysed in the period 1994 to 2006.

The regulatory framework for plant protection products in Ireland relating to the marketing and use of plant protection products as set out in SI 83 of 2003 is designed to ensure a very high standard of protection for human health and the environment. Enforcement of the legislation involves inspections to ensure that only approved products are present in the market and are used by farmers and growers. Inspections take place mainly at whole distribution level. However where there is evidence of possible misuse of plant protection products generated through the residue monitoring programme or from any other source, specific inspections at end-user level take place. There was no evidence of misuse of plant protection products uncovered during two unannounced inspections conducted by officers of my Department on the premises of the mushroom farm at the centre of recent allegations.

Penalties involving fines of up to €5,000 and or 6 months imprisonment can be imposed where evidence of misuse is uncovered, at the discretion of the courts.

### **Eating Disorders.**

54. **Mr. Quinn** asked the Minister for Agriculture and Food the discussions she has had with the Irish food industry to address the issues of obesity in the Irish population; and if she will make a statement on the matter. [40526/06]

74. **Mr. Sherlock** asked the Minister for Agriculture and Food the discussions she has had with

the farmers' representative organisations with a view to addressing the obesity issues in the Irish population; and if she will make a statement on the matter. [40521/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 54 and 74 together.

Obesity is, I believe, an immensely important issue for the future health of our society and demands a multifaceted response as indicated in the Report of the National Taskforce on Obesity which made recommendations for cross sectoral actions in areas including education, social and community, health, food supply and the physical environment. The recommendations to my Department have been addressed by way of specific healthy food initiatives such as the promotion of school milk and fruit and vegetables.

I have consistently encouraged the agrifood industry to maintain its focus on meeting the requirements of health conscious consumers and have welcomed industry initiative to promote healthy lifestyles. Following consultation with the food industry and research institutions on funding of public good research, food and health was selected as a key theme in the 2006 call for research proposals under the FIRM programme.

### **Alternative Farm Enterprises.**

55. **Mr. Noonan** asked the Minister for Agriculture and Food her plans for the development of the biofuel sector; and if she will make a statement on the matter. [40445/06]

58. **Mr. Perry** asked the Minister for Agriculture and Food the measures she will take to promote alternative renewable energy from agriculture; and if she will make a statement on the matter. [40492/06]

61. **Mr. McCormack** asked the Minister for Agriculture and Food the action she is taking to develop the biofuel sector; and if she will make a statement on the matter. [40454/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 55, 58 and 61 together.

I am currently participating in a high level Ministerial Taskforce on Bioenergy, which has been established by Government to prepare a plan to develop Ireland's bioenergy resources to 2020. The Ministerial Team is currently working on a National Bio-energy Action plan to establish targets to promote greater use of biomass and biofuels. The consideration of further initiatives to incentivise the development of Ireland's biofuel market is a key part of this Action Plan. The Plan will be finalised by the end of 2006 and support measures will be announced on budget day.

The production of Biofuels is one of the main elements in developing the renewable energy sec-

tor. In the Green Paper on energy “Towards a Sustainable Energy Future for Ireland” the Government made a firm commitment to develop an indigenous biofuels industry in Ireland and to achieve 5.75% biofuels penetration by 2010. The Green Paper also sets out a number of other areas where progress can be made in the transport, heat and electricity markets.

I believe the development of an indigenous biofuel sector presents a new opportunity for farmers and the rural economy. 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.

In this regard, I am confident the new excise relief programme announced by Minister Noel Dempsey, TD last week will help drive additional demand for production of energy crops for the manufacture of liquid biofuels. The response to this scheme was excellent with over 100 applications for excise relief from a broad range of companies. Sixteen projects have been offered excise relief including a number in the food and farm business sector. When fully operational in 2008, the scheme will deliver some 163 million litres of biofuels per year and will result in CO<sub>2</sub> savings of over 250,000 tonnes per annum.

In addition, the Finance Act 2006 provided for a new 50% VRT relief to promote new flexible fuel vehicles designed to operate on biofuels for an initial period of 2 years, and also extended the existing VRT relief for hybrid cars by a further year to end 2007.

At present, the EU Energy Crops Scheme provides farmers with a premium of €45 per hectare for growing energy crops to produce biofuels and 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.

At the February Council of Agriculture Ministers meeting, I called for a review of the energy crop premium as it was not proving effective in Ireland and I subsequently raised the matter with the Agriculture Commissioner. The EU Commission has published a Report on implementation of the scheme and has made a Proposal, which would allow member states pay national aid up to 50% of the costs associated with establishing permanent crops. The Proposal is currently being discussed in Brussels. Short Rotation Crops (SRC) such as willow and miscanthus also have the potential to contribute to Ireland's renewable energy strategy. My Department has received a number of Proposals to introduce establishment grants for miscanthus and willow and these are currently being considered.

We have also expanded the scope of the Research Stimulus Fund to provide for consideration of projects dealing with biofuels. Five of the projects selected under the 2005 and 2006 calls for proposals directly relate to biofuels and energy crops and were awarded total grant assistance of some €1.5m. Projects supported under this Programme will complement the research work being done by Teagasc and others in this area.

Wood biomass has the potential to play a major role in Ireland's renewable energy strategy. Wood energy is renewable, carbon neutral, sustainable and can be produced locally. It can be used alone or co-fired with other fuels such as peat to generate electricity.

Currently, forest cover in Ireland amounts to approximately 710,000 hectares, or 10% of the land area. This timber resource has significant energy potential and in the coming years, will bring a large amount of solid wood biomass, in the form of woodchip, logs and wood pellets, to the marketplace for energy generation.

The Government is providing very attractive grants to farmers undertaking forestry. The Afforestation Grant and Premium Scheme and the Native Woodland Grant Scheme both provide up to 100% of the cost of establishing the forest, along with annual premiums of up to €500 per hectare per annum for 20 years. Support for the wood energy is also envisaged under the new Rural Development Programme (2007-2013).

#### **Horticulture Industry.**

56. **Mr. O'Shea** asked the Minister for Agriculture and Food the assistance her Department provides to apple growers; and if she will make a statement on the matter. [40546/06]

**Minister for Agriculture and Food (Mary Coughlan):** Apple production, with 46 growers at the last census in 2002, represents a small but important sector within our horticultural industry. My Department has contributed to the support of those growers through its grant aid schemes under the National Development Plan. The NDP Scheme of Investment Aid for the Commercial Horticulture Sector has supported apple producers with aid for on-farm investment in specialist plant and equipment. In the period 2000-2006, aid amounting to €709,642 has been approved under this Scheme in respect of investments of over €2 million. In the same period €133,385 was paid under the NDP Capital Investment Scheme for Marketing and Processing to aid investments of €333,463 in a cold store and equipment.

The Producer Organisation Scheme is also available as a means of drawing down funding for apple production. The key aim of the PO scheme is to improve product quality and promote the concentration of supply which in turn helps to

[Mary Coughlan.]

reduce production costs and stabilise producer prices.

### **Rural Development Programme.**

57. **Ms O. Mitchell** asked the Minister for Agriculture and Food if she will provide grant aid to support handling, drying and storage facilities for grain farmers to facilitate farm to farm trading; and if she will make a statement on the matter. [40472/06]

**Minister for Agriculture and Food (Mary Coughlan):** Under the Draft Rural Development Programme 2007-2013 which was recently published by my Department, grant aid for farm grain storage and ancillary facilities is included under the sub-measure in the Farm Investment category of the programme. The Programme remains to be cleared by the EU Commission and must also fulfill EU State aid criteria.

*Question No. 58 answered with Question No. 55.*

### **Single Payment Scheme.**

59. **Mr. G. Mitchell** asked the Minister for Agriculture and Food the steps she is taking to address the burden of cross compliance; and if she will make a statement on the matter. [40440/06]

**Minister for Agriculture and Food (Mary Coughlan):** The position is that cross compliance involves two key elements:

- a requirement for farmers to comply with 18 statutory management requirements (SMRs) set down in EU legislation on the environment, food safety, animal health and welfare and plant health,
- a requirement to maintain the farm in good agricultural and environmental condition (GAEC).

The rate of on-farm inspection required for cross-compliance is 1% of those farmers to whom the Statutory Management Requirements (including the Nitrates Directive) or GAEC apply. However at least 5% of producers must be inspected under the Bovine Animal Identification and Registration requirements as this level is prescribed under the relevant Regulations.

In 2006, 8,200 farmers have had their holdings selected for on-the-spot inspection out of some 130,000 who have applied for the Single Payment Scheme (over 100,000 of these are also applicants for Disadvantaged Areas Scheme). The value of both schemes to Irish farmers is some €1.55 billion in 2006.

My Department's policy towards on-farm inspection for the Single Payment Scheme has been to give advance notification of up to 48

hours in all cases. This policy of systematic pre-announcement of inspections was questioned by the Commission in July 2006 and its unacceptability, was conveyed to my Department in a formal communication in August. As a result my Department was obliged to agree to a proportion of Single Payment Scheme inspections being carried out in 2006 without prior notification. Some 650 farms out of 130,000 involved in the Single Payment Scheme were subsequently selected for unannounced inspection. The balance of inspection cases, representing 92% of the 8,200 farms selected for Single Payment Scheme/ Disadvantaged Areas Scheme inspection in 2006, are all pre-notified to the farmer.

The EU regulations governing the Single Payment Scheme would allow my Department to give pre-notification of inspection in the case of certain elements of cross-compliance e.g. the Nitrates Regulations. However, my Department is committed, in the Charter of Rights for Farmers 2005-2007 to carrying out all Single Payment Scheme and Disadvantaged Area Scheme checks during a single farm visit in most cases. This then obliges my Department to respect the advance notice requirements applicable to the most stringent element of the inspection regime viz. maximum of 48 hours notice but with no advance notice in a proportion of cases.

My Department is also committed in the Charter of Rights to pursuing with the European Commission a strategy to deliver advance notification of 14 days for inspections under the Single Payment Scheme. The matter has been raised with the Commission on a number of occasions since 2004, particularly in the context of the Irish situation where we are applying a fully decoupled and essentially area-dependent Single Payment Scheme. I have personally made the case again recently to Commissioner Fischer Boel and this issue will be a key point for Ireland in the CAP undersimplification initiative of the Commission which is now underway. I had a meeting last week with my German counterpart, Horst Seehofer, who takes over the chair of the Agriculture Council in January, where I gave my whole-hearted support to his proposal to make simplification of the CAP a core issue during the German presidency.

I believe that pre-notification of Single Payment Scheme/Disadvantaged Areas Scheme inspections, fits in with the practicalities of Irish agriculture where increasingly, farmers are also engaged in off-farm employment. In a decoupled Single Payment Scheme system, the provision of advance notification of inspection to the farmer should not negatively impact on the effectiveness of the control. However, as the EU regulations stand, my Department is obliged to carry out a small proportion of inspections without prior notification and this is what is being done in 2006.

It is important, however, to point out, that the total level of cross compliance penalties in 2005

— the first year of application of the Single Payment Scheme — amounted to about €330,000, out of the total Single Payment financial envelope of more than €1.2 billion available to Ireland.

### Genetically Modified Organisms.

60. **Mr. Coveney** 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. [40495/06]

**Minister for Agriculture and Food (Mary Coughlan):** Ireland's national policy on GMOs was officially set out in the October 2000 Report of the Interdepartmental Group on Modern Biotechnology which was endorsed by the Government. The overall conclusion of this report was summarised as “a positive acceptance of the potential benefits of biotechnology tempered by a precautionary approach to the potential risks — and to ensure that as far as is possible, the benefits of biotechnology are maximised and the risks minimised without compromising on safety for people and the environment”.

Coupled with this position is the comprehensive set of GM legislation which has been adopted by the European Parliament and the Council over the last five years under the co-decision procedure. This new legislation, which is binding on all member states, governs the assessment and approval procedures for GM crops, food and feed which ensures that the highest standards are in place to protect the citizens of the Community from a food safety and environmental safety aspect. The current authorisation procedure for the deliberate release of GM crops into the environment is the most stringent in the world. Accordingly we can be reasonably assured that this system, which has at its core a rigorous scientific risk evaluation system, will ensure that the environment and the food chain will be fully protected following the release of authorized GM crops. The Environmental Protection Agency (EPA) is the Competent Authority in Ireland responsible for the authorization of GM crops for deliberate release into the environment.

*Question No. 61 answered with Question No. 55.*

### Social Partnership Agreements.

62. **Mr. Ó Fearghail** asked the Minister for Agriculture and Food the main provisions of the partnership agreement with the farming organisations. [40276/06]

**Minister for Agriculture and Food (Mary Coughlan):** One of the key features of the agriculture chapter of Towards 2016 has been the Government's willingness to provide a major increase in funding for agriculture from exchequer resources. This has not only made up for the inevitable decline in EU funding due to

our economic success as a country, but has also provided the finance for the very significant enhancement of some major schemes which support the development of the sector.

National Exchequer funding for the farm schemes under the Rural Development Programme will be €4.7 billion for the period 2007 to 2013. This is an increase of 135% from the €2 billion in exchequer funds provided for the same schemes in the current round 2000-2006. The total funding for the agricultural measures is €6.8 billion, including €2.1 billion from EU and modulation. The new draft rural development programme reflects the commitments contained in the partnership agreement and will cover both agricultural and non-agricultural measures. In line with the EU rural development framework, the measures in the programme will address competitiveness and sustainability. The main elements are as follows:

- A 17% increase in payments under the Rural Environmental Scheme (REPS).
- An 8% increase in Disadvantaged Areas Scheme payments.
- The average forestry premium will rise by 15%.
- The Installation Aid rate will increase by 56%, bringing it up to €15,000.
- A new Early Retirement Scheme will be put in place with a maximum payment rate of €15,000.
- A total of €250m is allocated for an Animal Welfare, Recording and Breeding Scheme for Suckler Herds.
- Capital investment funding of €100 million to support the dairy processing sector, and a €50m package for the beef and sheepmeat processing sector has also been announced.

These are just a few of the measures contained in the agriculture chapter of the partnership agreement, which is a very comprehensive document. It includes actions on all the main farming sectors, as well as on the development of the food industry. It also includes important measures on animal health, including a 50% reduction in disease levies, and includes commitments to continuing high levels of service to farmers by the Department. The strong focus on the future in the document is further underlined in the sections on “renewable energy”, “enhancing the environment” and “measures to encourage structural change”.

### Genetically Modified Organisms.

63. **Mr. Sargent** asked the Minister for Agriculture and Food if her attention has been drawn to the insurance industry's stance on covering Irish farmers in the case of genetically modified



[Mr. Sargent.]

organisms being found on their farms due to cross-contamination; and if she will make a statement on the matter. [40577/06]

**Minister for Agriculture and Food (Mary Coughlan):** The difficulties presented by the reluctance of the insurance industry to offer insurance cover to growers of GM crops was identified by the Interdepartmental Group established within my Department to draw up strategies and best practices to ensure that efficient and effective co-existence of GM and non-GM crops in Ireland. In order to address these difficulties and help create an environment which facilitates the choice of enterprise, be it organic, conventional or GM, the Working Group has recommended the establishment of a redress fund to compensate conventional and organic crop growers for any verifiable economic loss identified. My Department is currently engaged in the process of considering all the recommendations set out in the Working Group's Report in conjunction with the submissions received in the public consultation process held last March.

#### **Animal Welfare Bodies.**

64. **Ms Shortall** asked the Minister for Agriculture and Food her views on setting up an animal procedures group here which would perform the research necessary to institute proper evidence based guidelines regarding animal health and welfare standards. [40556/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department has statutory responsibility for the welfare and protection of farmed animals. The legislation governing this is the Protection of Animals Kept for Farming Purposes Act 1984 and the European Community (Protection of Animals Kept for Farming Purposes) Regulations, 2000. In addition there is specific legislation in relation to pigs, calves and laying hens.

I attach great importance to animal welfare issues and have taken a number of initiatives in this area, including establishing the Farm Animal Welfare Advisory Council (FAWAC), with a view to promoting and sustaining good practice and compliance with all of the relevant standards, whether on-farm, during transport or at time of slaughter. FAWAC is chaired by an independent Chairman and includes representation from farming bodies, animal welfare organisations, livestock exporters, the veterinary profession, Teagasc and the Agriculture Departments in both Dublin and Belfast. FAWAC has already identified a number of areas that it feels are worthy of particular attention and had made such issues part of its initial work programme. I will carefully consider any views that FAWAC may wish to offer in relation to animal health and welfare

issues and how these concerns might be best addressed.

I have also established a Scientific Advisory Committee on Animal Health and Welfare, which is once again independently chaired and which includes among its membership persons of particular expertise and scientific distinction. This Committee is available to advise me of the scientific dimensions of animal health or welfare. It is also available to assist FAWAC where required.

#### **World Trade Negotiations.**

65. **Mr. Noonan** asked the Minister for Agriculture and Food the status of the World Trade Organisation talks; and if she will make a statement on the matter. [40489/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Director General of the WTO announced the resumption of the negotiations at the WTO Trade Negotiations Committee in Geneva on 16 November. The negotiations had been suspended since July because of lack of progress. The negotiations will proceed for the moment with technical rather than major political issues. It is too early to assess whether significant progress can be made in the near future. However, there is a consensus among WTO members that a "window of opportunity" to make progress may arise in early 2007 as the US deliberates on the policies it will pursue in support of agriculture in the new US Farm Bill.

While I am committed to an ambitious and balanced outcome to the negotiations, my position remains that agriculture must not be sacrificed for the sake of an overall agreement. Having carried out CAP reform in preparation for the WTO negotiations, my overriding concern is to ensure that a new agreement will not necessitate further reform of the CAP. My specific priorities are:

- on Market Access, to resist further concessions, especially tariff cuts, to secure adequate protection for sensitive products in the Irish context and to retain an effective Safeguard Clause;
- on Domestic Supports, to defend direct payments to farmers against reduction by ensuring their eligibility for the WTO 'Green Box' or non-trade distorting category of payments is maintained;
- on Export Subsidies, to ensure flexibility in the phasing out arrangements and full parallel treatment for the elimination of all forms of export subsidy;
- on Non-Trade Concerns, to ensure that account is taken of non-trade issues in the final agreement and, specifically, that the additional costs incurred by EU producers in meeting EU food safety, animal welfare,

traceability and environmental standards are recognised in a new agreement.

#### EU Directives.

66. **Mr. P. McGrath** asked the Minister for Agriculture and Food the procedure involved for farmers to avail of the 250 kg derogation under the Nitrates Directive; and if she will make a statement on the matter. [40451/06]

**Minister for Agriculture and Food (Mary Coughlan):** Ireland's application for a derogation under the Nitrates Directive was approved at a meeting of the EU Nitrates Committee on 13 November. The draft Commission Decision on the matter is now going through a routine scrutiny process, and I expect the formal Decision granting the derogation to be finalized by Christmas. The Minister for the Environment, Heritage and Local Government will then amend the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2006 to give legal effect to the derogation. Once the legal basis for the derogation is in place, my Department will publish full information and guidelines for farmers at the earliest opportunity.

*Question No. 67 answered with Question No. 33.*

#### Animal Welfare.

68. **Mr. Penrose** asked the Minister for Agriculture and Food the number of people who have been imprisoned and the length of time as a result of being convicted of violating animal welfare related legislation during each of the past five years; the legislation violated in each case; and if she will make a statement on the matter. [40548/06]

**Minister for Agriculture and Food (Mary Coughlan):** The main statutes governing cruelty to animals in this country are the Protection of Animals Acts 1911 and 1965. Responsibility for pursuing cases under that legislation rests with the 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. Information on convictions and/or on sentences imposed is not available to my Department. My Department also has certain statutory responsibility for the welfare and protection of farmed animals under the Protection of Animals Kept for Farming Purposes Act 1984 and the European Community (Protection of Animals Kept for Farming Purposes) Regulations 2000. In addition there is specific legislation in relation to pigs, calves and laying hens. Implementation of this legislation is dealt with generally by officers based in my Department's District Veterinary Offices. While information in relation to animal welfare cases dealt with in any particular year, including cases

where prosecutions have been brought, is not compiled centrally in my Department, I am not aware of any case where a term of imprisonment has been imposed under this legislation.

#### Farm Retirement Scheme.

69. **Mr. Hayes** asked the Minister for Agriculture and Food her plans to implement the recommendations of the Joint Committee on Agriculture and Food report on the ERS; and if she will make a statement on the matter. [40494/06]

96. **Mr. Timmins** asked the Minister for Agriculture and Food if she will implement the recommendations of the Joint Committee on Agriculture and Food report on the farm retirement scheme; and if she will make a statement on the matter. [40466/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Question Nos. 69 and 96 together.

The Joint Oireachtas Committee on Agriculture published its report on the Early Retirement Schemes in February 2005. The report dealt with a range of issues and I responded to it in detail in September 2005. As I explained in this response, certain 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 other aspects of the Committee's report, specifically those relating to income limits and in line with the Joint Committee's recommendations, I have increased the off-farm income limit for transferees in the current scheme from €25,400 to €40,000 and have abolished the income limit for transferors with effect from 1 September 2006. As this scheme will close to new applications at the end of December the practical effect of any further changes would be very small.

The Committee paid particular attention to two further issues. One was the implication of decoupling for retired farmers who had leased out land and quota to transferees before or during the Single Payment Scheme reference period. I believe we secured the best deal that we could for people in this situation, in spite of the reluctance of the Commission at the outset. A specific mandatory category was included in the National Reserve arrangements under the Single Payment Scheme. This category caters for farmers who inherited or otherwise received a holding free of charge or for a nominal amount from a farmer who retired or died before 16 May 2005 where the land in question was leased out to a third party during the reference period. Under these arrangements, where a farm reverted to the retired farmer at the end of a lease without any entitlements, the farmer taking it over will have access to the National Reserve. Retired farmers

[Mary Coughlan.]

in the current scheme who farmed during part or all of the reference period and who hold Single Payment entitlements could activate entitlements and lease them to their transferees. If the transferee did not wish to use the entitlements, a transferor has until 2007 to lease the entitlements with land to another farmer. Once at least 80% of the entitlements have been used by the lessee, the transferor has the option to sell the entitlements with or without land; otherwise he can continue to lease the entitlements with land.

The second issue the Joint Committee focused on was the levels of payment under the two schemes. In the course of discussions on this issue, the European Commission had pointed out that the rate in the earlier scheme was set at the maximum amount for co-funding that the Regulation allowed, and that it would not be possible to secure co-funding for an increase in the rate of pension for existing participants in the current scheme. The Commission, however, agreed to increases for existing participants in both schemes, funded entirely from the national exchequer as a state aid. I recently announced substantial increases in the maximum pension rates payable under both Schemes to take effect from 1 November 2006. I increased the maximum pension rate payable under the 1994-1999 scheme from €12,075 to €14,075 and the maximum pension rate payable under the current scheme from €13,515 to €15,000. These increases will cost some €33 million extra over the remaining period of the two schemes, and over 5,000 retired farmers will benefit from them.

#### EU Directives.

70. **Mr. Bruton** asked the Minister for Agriculture and Food if she is satisfied that farmers are fully aware of the compliance rules under the Nitrates Directive; and if she will make a statement on the matter. [40450/06]

**Minister for Agriculture and Food (Mary Coughlan):** I have taken a number of steps to ensure that there is detailed information available to farmers about their responsibilities under the Nitrates Regulations. In February my Department placed advertisements in the farming press explaining the main provisions of the Regulations. Earlier this month an explanatory handbook, along with a copy of the revised Regulations introduced in July by the Minister for the Environment, Heritage and Local Government, issued to all farmers. The handbook explains in clear and straightforward terms what farmers must do. A statement of the organic nitrogen and phosphorus produced by their cattle for the year 2005 also issued to farmers recently; this statement is helpful in giving farmers an understanding of how close to the 170 kg limit they are operating.

In addition, my officials and Teagasc staff are currently holding a series of 36 information meetings throughout the country. At these meetings, farmers are given information to help them understand the practical aspects of the Regulations. They also have an opportunity to ask questions about any particular concerns they may have.

#### Animal Diseases.

71. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food her views on whether the recent outbreaks of equine infectious anaemia here will negatively affect Ireland's reputation in regard to animal health and welfare. [40558/06]

85. **Mr. McGinley** asked the Minister for Agriculture and Food the steps her Department is taking to support owners of animals which were inadvertently infected with swamp fever; and if she will make a statement on the matter. [40488/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 71 and 85 together.

Equine Infectious Anaemia (EIA) has a worldwide distribution and, until this year, Ireland and the UK had been previously free of this disease. The first cases of EIA were recorded in Ireland on the 15 June 2006. Some 27 cases of this disease have now been confirmed here in both the thoroughbred and sport horse sectors.

My Department has, since the first cases were confirmed, had as a priority the containment and eradication of the disease, given the considerable value and reputation of the Irish bloodstock industry. To that end, my Department has put in place a very comprehensive surveillance programme, the cost of which is partly borne by my Department. In August, I announced a package of measures to assist those owners whose horses are subjected to movement restrictions and, consequently, included in a surveillance programme over a period of at least ninety days. This package includes a financial contribution for each visit by a veterinarian to take blood samples from horses that are subject to movement restrictions and covers the cost to the Irish Equine Centre (IEC) of analysing the sample. The provision of this financial assistance recognises the burden imposed on owners whose horses are required to complete a programme of testing for EIA. Since then, I have significantly widened the surveillance programme by targeting particular populations of horses, identified on a risk-assessment basis as being part of a high-risk group, principally in the Meath/Kildare/North Dublin areas. The cost of this phase of the surveillance programme is also being met by my Department.

At this stage, almost 25,000 tests for EIA have been carried out at the IEC or at my Depart-

ment's Central Veterinary Research Laboratory and, to date, just the 27 cases have been confirmed. It is intended that the surveillance programme will continue for some time and consideration is being given to widening it further during the 2007 breeding season as part of an intensified effort to ensure that all cases of the disease are identified and that the disease is eradicated as soon as possible. We are, of course, conscious of the potential reputation damage to the Irish bloodstock industry as a consequence of this disease outbreak, though there is no evidence to suggest that the industry has suffered in terms of trade. We are particularly conscious of the value of the Tripartite Agreement with the UK and France and we have been extremely diligent in ensuring that our partners are kept fully informed of all developments in Ireland. We have also fully briefed all other EU Member States through the EU Standing Committee on the Food Chain and Animal Health (SCoFCAH). Furthermore, we have also ensured that the veterinary authorities in those countries to which any in-contact animals may have travelled have been advised immediately.

My Department has also supported those sales companies and other equine event organisers who have insisted on negative EIA test results before horses are admitted to sales or such other events. These are decisions taken voluntarily by those organisations, which will all assist in providing ongoing confidence in the Irish bloodstock industry and the health status of the Irish equine population.

My Department is continuing to investigate the circumstances in which the disease first came to be introduced into Ireland and will, in the event that sufficient evidence is produced as a result of the investigation, endeavour to pursue a prosecution in this regard. I must emphasise the absolute necessity of maintaining a prudent approach in relation to the controls currently in place and the need for horse owners/trainers, veterinary practitioners and all those associated with the equine industry to continue to maintain a vigilant approach in the interests of containing this outbreak and eradicating EIA from Ireland.

#### **Alternative Farm Enterprises.**

72. **Mr. Connaughton** asked the Minister for Agriculture and Food her plans for the future utilisation of land previously used to grow sugar beet; and if she will make a statement on the matter. [40481/06]

226. **Mr. Durkan** asked the Minister for Agriculture and Food the proposals she has to incentivise the production of bio-fuels with particular reference for the need to replace the beet growing sector; and if she will make a statement on the matter. [40853/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 72 and 226 together.

Under CAP reform, farmers now have the freedom to focus more clearly on exploiting new farming opportunities, including agricultural production for non-food use, while retaining their single payment. This gives farmers an incentive to exploit new opportunities in growing energy crops as a feedstock for biofuel and biomass production. The development of this sector is an opportunity for farmers to diversify and seek new investment opportunities beyond traditional farming outlets.

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 €44 million in Ireland's case, must be drawn down in the framework of a national restructuring programme to be prepared and submitted to the Commission by the end of this year. Under the EU Regulations, payments of the diversification aid would begin in September 2007.

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 the recent announcement that sixteen biofuel projects have been granted excise relief worth some €200 million will stimulate demand for the production of energy crops. When fully operational, the scheme will support the use and production of 163 million litres of biofuels annually and provide a stable market in which farmers can supply.

At present, the EU Energy Crops Scheme provides farmers with a premium of €45 per hectare for growing energy crops to produce biofuels and biomass. I recognise that the take up of the scheme in Ireland has been low to date. At the February Council of Ministers meeting, I called for a review of the premium and I subsequently raised the matter with the Agriculture Commissioner. The EU Commission has just published a Report on the implementation of the scheme and has made a proposal, which would allow member states pay national aid up to 50% of the costs associated with establishing permanent crops. The Proposal is currently being discussed in Brussels.

I am working closely with Ministerial colleagues, as part of the Ministerial Taskforce on Bioenergy to prepare an Action Plan to develop Ireland's bioenergy resources to 2020. A key part of this Action Plan will be the consideration of further initiatives to incentivise the development of Ireland's biofuel market

### Farm Retirement Scheme.

73. **Ms Hactor** asked the Minister for Agriculture and Food the recent developments to the farm retirement schemes. [40263/06]

**Minister for Agriculture and Food (Mary Coughlan):** Payments are currently being made under two Schemes of Early Retirement from Farming. I recently announced substantial increases in the maximum pension rates payable under both Schemes to take effect from 1 November 2006. I have decided to increase the maximum pension rate payable under the 1994-1999 Scheme from €12,075 to €14,075 and the maximum pension rate payable under the current Scheme from €13,515 to €15,000. These increases will cost some €33 million extra over the remaining period of the two Schemes, and over 5,000 retired farmers will benefit from them.

The announcement of these increases follows an announcement in September of an increase in the off-farm income limit for transferees under the current Scheme of Early Retirement from Farming from €25,400 to €40,000 and the removal of the total income limit for retiring farmers. Heretofore, an income limit exemption for retiring farmers existed only in cases where the farm was transferred definitively to a family member. These changes were effective from 1 September 2006. The current scheme closes to new applications on 31 December 2006. Proposals for a new scheme, with a maximum payment rate of €15,000, have been included in the draft Rural Development Plan for the period 2007-2013 which was recently published for consultation.

*Question No. 74 answered with Question No. 54.*

*Question No. 75 answered with Question No. 39.*

### Animal Welfare.

76. **Mr. Sargent** asked the Minister for Agriculture and Food if she will confirm that veterinary staff of her Department carry out visits to registered user establishments licensed for animal experiments; the number of inspections that have taken place each year between 1997 and 2006; and if she will make a statement on the matter. [40576/06]

**Minister for Agriculture and Food (Mary Coughlan):** The use of animals for experimental or other scientific purposes is regulated under EU and national legislation (respectively Council Directive 86/609/EEC and the European Communities (Amendment to Cruelty to Animals Act, 1876) Regulations, 1994) which legislation falls within the remit of the Minister for Health and Children. In the past, current and recently retired members of my Department's veterinary staff carried out inspection visits on behalf of the

Department of Health and Children. All reports were made to the Department of Health and Children and consequently there is no data on them held in my Department.

*Question No. 77 answered with Question No. 39.*

### Farm Waste Management.

78. **Mr. Crawford** asked the Minister for Agriculture and Food the number of applications received to date for the farm waste management grant; the amount of capital that will be involved at farm level; and if she will make a statement on the matter. [40518/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department has received almost 23,000 applications under the Farm Waste Management Scheme since its introduction in February 2001. The scheme will close for new applications at the end of this year. The capital investment involved is estimated at over €500 million.

### Animal Welfare.

79. **Mr. Stagg** asked the Minister for Agriculture and Food the persons who represented Ireland at the recent Conference on Community Animal Health Policy Strategy; the views they expressed; her view of what should be included within a community animal health policy strategy; and the options that should be considered to improve European Union biosecurity policy. [40552/06]

**Minister for Agriculture and Food (Mary Coughlan):** Two officials from my Department attended the Conference on Community Animal Health Policy Strategy (CAHP) hosted by the Finnish Presidency held in Brussels on 7 November 2006. The conference was set against the backdrop of the development of a new EU animal health strategy and in the context of an ongoing external evaluation of the EU's existing animal health policy aimed at strengthening the policy of disease eradication, making emergency vaccination a more viable option, simplifying the legislation and making better use of financial resources to fund new actions. This evaluation was launched by Commissioner Kyprianou in December 2004. It is hoped by mid 2007 that the Commission will present a new Communication on the CAHP and its strategy over the period 2007-2013 based on the evaluation results and the conference conclusions.

Items discussed during the conference included:

- a presentation of the main results of an evaluation of the CAHP 1995-2004 commissioned by the European Commission;

- the challenges for the future CAHP for the years 2007-2013;
- the increased sharing of responsibilities and costs and increased disease prevention / biosecurity issues.

Ireland did not make a formal presentation at the conference because the format involved presentations by selected speakers largely from the European Commission and the European Parliament with limited audience debating opportunities between or after sessions. Animal health plays a key role in facilitating the trade in animals and their products, ensuring food safety and preventing the transmission of animal diseases between animals and to humans. With regard to the development of the CAHP, I believe that serious consideration will have to be given to the increasing range of options becoming available to prevent and combat animal diseases and their spread, the further development of biosecurity arrangements, the simplification of animal health legislation, the arrangements for financing of disease outbreaks and the potential for sharing of costs and responsibilities. Within the context of a new CAHP, Ireland's acknowledged high health status should not be in any way compromised and I and my officials will make every effort to maintain this position. I welcome the initiation of this discussion on the development of a Community Animal Health Policy for the next six years, which I hope will lead to an effective, affordable and socially acceptable animal health policy in Europe.

#### Food Industry.

80. **Mr. O'Shea** asked the Minister for Agriculture and Food the number of and the approved establishments under the control of her Department which are permitted to remove mould from cheese and use that cheese in the manufacture of processed cheese; the amount of cheese that has its mould removed for these purposes; and the amount of processed cheese that is produced from such de-moulded cheese. [40535/06]

**Minister for Agriculture and Food (Mary Coughlan):** The removal of mould from cheese is not an activity for which a food business establishment requires specific approval. The purpose of the European Communities (Food and Feed Hygiene) Regulations 2005, (S. I. No. 910 of 2005) under which milk processing establishments are approved by my Department, is to ensure that all food for human consumption is handled in a safe and hygienic manner at every stage of the production process. At present there are two approved establishments in the State which do not themselves produce cheese but have special facilities for removing mould growth before selling the product on for further food uses, including the production of processed cheese.

#### Social Partnership Agreements.

81. **Mr. Ellis** asked the Minister for Agriculture and Food the main elements of the recent partnership agreement with the farming organisations. [40261/06]

**Minister for Agriculture and Food (Mary Coughlan):** One of the key features of the agriculture chapter of Towards 2016 has been the Government's willingness to provide a major increase in funding for agriculture from exchequer resources. This has not only made up for the inevitable decline in EU funding due to our economic success as a country, but has also provided the finance for the very significant enhancement of some major schemes which support the development of the sector.

National Exchequer funding for the farm schemes under the Rural Development Programme will be €4.7 billion for the period 2007 to 2013. This is an increase of 135% from the €2 billion in exchequer funds provided for the same schemes in the current round 2000-2006. The total funding for the agricultural measures is €6.8bn, including €2.1bn from EU and modulation.

The new draft rural development programme reflects the commitments contained in the partnership agreement and will cover both agricultural and non-agricultural measures. In line with the EU rural development framework, the measures in the programme will address competitiveness and sustainability. The main elements are as follows:

- A 17% increase in payments under the Rural Environmental Scheme (REPS).
- An 8% increase in Disadvantaged Areas Scheme payments.
- The average forestry premium will rise by 15%.
- The Installation Aid rate will increase by 56%, bringing it up to €15,000.
- A new Early Retirement Scheme will be put in place with a maximum payment rate of €15,000.
- A total of €250m is allocated for an Animal Welfare, Recording and Breeding Scheme for Suckler Herds.
- There is capital investment funding of €100 million to support the dairy processing sector, and a €50m package for the beef and sheepmeat processing sector has also been announced.

These are just a few of the measures contained in the agriculture chapter of the partnership agreement, which is a very comprehensive document. It includes actions on all the main farming sectors, as well as on the development of the food industry. It also includes important measures on animal health, including a 50% reduction in dis-

[Mary Coughlan.]

ease levies, and includes commitments to continuing high levels of service to farmers by the Department. The strong focus on the future in the document is further underlined in the sections on “renewable energy”, “enhancing the environment” and “measures to encourage structural change”.

*Question No. 82 answered with Question No. 48.*

### **Food Industry.**

83. **Mr. M. Higgins** asked the Minister for Agriculture and Food the initiatives she has taken to encourage the food industry to invest in research and development; the initiatives she has taken to promote transfer of intellectual property from the research base in to industry; and if she will make a statement on the matter. [40525/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department’s Agri Vision 2015 Plan of Action and the National “Strategy for Science, Technology and Innovation 2006-2013”, which were launched this year, identify the necessary actions to build a knowledge-based, competitive, innovative and consumer focussed agri-food sector. Investment in Research and Development is at the forefront of these strategy documents and funding in this area has been a priority for my Department.

My Department provides competitive funding of public good food research programmes by the Universities, Institutes of Technology and Teagasc and core funding for the public service research role of Teagasc. In carrying out its public service role Teagasc seeks to achieve a balance between free dissemination of knowledge and legal protection of its research results and recognises the principle that its intellectual property should be used for the greatest public benefit. As a development organisation it has a special responsibility for linking public research to industry. An important role in this process is played by Teagasc’s commercial subsidiary, Moorepark Technology Ltd, which is a pilot plant operated on a commercial basis that gives public researchers a process focus and provides industry and Teagasc with a technology transfer vehicle. Recently Teagasc has hired an Intellectual Property Officer to encourage and support the recognition, identification and optimum protection of its IP and promote an entrepreneurial culture among the organisation’s staff in this area.

Under the Food Institutional Research Measure (FIRM) funding for the public good element of research, from basic to pre-commercial, is allocated by my Department on a competitive basis. The main objectives of the Programme are to provide a base of information and expertise in generic technologies that supports innovation and product development in the food industry,

and assists in assuring consumer protection by ensuring that product development is underpinned by attention to food safety and quality issues. Funding amounting to €94 million has been approved to date for FIRM projects under the National Development Plan 2000-2006. The outcomes of FIRM research are disseminated widely for the benefit of the industry as a whole via the RELAY project (website reference [www.relayresearch.ie](http://www.relayresearch.ie)).

My Department is keen to ensure that Intellectual Property rights arising from food research are secured and exploited to the maximum. In its 2004 report — The National Code of Practice for Managing Intellectual Property from Publicly Funded Research- the Irish Council for Science, Technology and Innovation (ICSTI), stated that public research organisations have a responsibility to ensure that “commercially viable opportunities are recognised and exploited for public good”. According to this code of practice, “transparent and consistent procedures for managing intellectual property are key to transferring the knowledge generated in our PROs (Public Research Organisations) to industry and therefore to commercial reality.” With this aim in mind, a workshop funded under FIRM, and attended by representatives of all industry stakeholders, to discuss the whole area of Intellectual Property rights took place in October 2005. The Code was published in November 2005.

Funding to the food industry for in-company research and technology transfer is administered by Enterprise Ireland. In addition, my Department works closely with Enterprise Ireland to ensure that all aspects of food research, from applied to commercial, are facilitated and has supported initiatives by Enterprise Ireland to encourage greater involvement by the food industry in food research and development.

*Question No. 84 answered with Question No. 42.*

*Question No. 85 answered with Question No. 71.*

### **Sugar Beet Sector.**

86. **Mr. Ferris** asked the Minister for Agriculture and Food her views on whether the State should buy back land owned by Greencore, and formerly by the Irish Sugar Company, under a compulsory purchase order in order to recoup the public interest and investment in this property. [40313/06]

111. **Mr. Ferris** asked the Minister for Agriculture and Food if she will make a statement on the latest developments regarding Greencore. [40312/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions 86 and 111 together.

I presume that the Deputy is referring to the recent announcement by Greencore Group plc of plans for a major development project at Carlow. I have no comment to make on that announcement. When Siúicre Eireann cpt was privatized in 1991, the assets were transferred to Greencore. Sugar production has now ceased in Ireland. There is no question of the land owned by Greencore being acquired by the State for the purpose mentioned by the Deputy.

### Alternative Energy Projects.

87. **Mr. McEntee** asked the Minister for Agriculture and Food the steps she is taking to promote wood energy; and if she will make a statement on the matter. [40465/06]

**Minister for Agriculture and Food (Mary Coughlan):** Wood biomass is one of the most versatile of renewable energy sources and has the potential to play a major role in Ireland's future energy strategy. Wood energy, in the form of logs, chip and pellet, is renewable, carbon neutral, sustainable and can be produced locally. Solid biomass, mainly in the form of solid wood, is already the largest source of renewable energy in Ireland, accounting for 57% of Ireland's total final renewable energy consumption in 2004.

My Department, working in co-operation with COFORD (the National Council for Forest Research and Development) and Teagasc, actively encourages the development of the wood-energy sector through a range of support measures aimed at creating an effective and efficient supply chain from producer to end user. These measures complement more recent support schemes introduced by the Minister for Communications, Marine and Natural Resources targeting the user side of the chain through the Pilot Bio-heat Boiler Deployment Programme and the Greener Homes Scheme.

My Department offers 100% grants and attractive premiums for up to 20 years to encourage the establishment of new forests on agricultural land. My Department also supports individual projects and initiatives which focus specifically on wood-energy. Examples of these include the Clare Wood Energy Farm Forestry project and the Forest Link project in Donegal. My Department is also supporting projects to market solid-wood products to domestic customers and a wood-pellet manufacturing enterprise.

During 2006 COFORD, which is wholly funded by my Department, has been running a series of thinning and chipping demonstrations across the country under the banner Forest-Energy 2006. The programme is being organised in cooperation with Teagasc, Waterford Institute of Technology, Bord na Móna and the major

private forestry companies. In addition, COFORD has put in place a series of workshops on Wood Biomass Harvesting and Supply Chain issues.

In terms of new schemes, my Department is currently examining the introduction of a Wood Biomass Harvesting Machinery Scheme. The purpose of the proposed scheme is to encourage investment in wood biomass processing machinery, such as whole tree chippers and forest residue bundlers. A scheme to encourage the establishment of willow as a short-rotation energy crop is also being designed.

*Question No. 88 answered with Question No. 48.*

### Farmers' Markets.

89. **Mr. Callely** asked the Minister for Agriculture and Food the progress that farmers have made in relation to direct sales of their produce to consumers by way of farmers markets; the supports, monitoring and strategies in place to develop such markets; and if she will make a statement on the matter. [40257/06]

**Minister for Agriculture and Food (Mary Coughlan):** Direct routes to market, in particular Farmers markets, are a growing and pioneering route to market for farmers, domestic and small food producers in Ireland. They collectively make a major contribution to the local economy encouraging local produce, assisting start-ups of new businesses and maintaining local employment. The growth of these markets also reflects changing consumer preferences for fresh locally produced foods. They offer producers the opportunity to meet and sell directly to consumers and offer consumers an enjoyable shopping experience promoting provenance and authenticity. The most recent number of markets recorded in Ireland is 112; this is an increase of over 60 new markets since February 2005. A full listing of farmers markets is available on the Bord Bia website [www.bordbia.ie](http://www.bordbia.ie).

Bord Bia has a dedicated direct routes to market resource in the Small Business Department which provides assistance to producers, individuals and market organisers. This mentoring assistance is vital for start up companies who wish to utilize the markets from a sales, marketing, product development and consumer perspective. Bord Bia continue to provide practical advice to those interested in starting a local food market.

Building on the success of the Farmleigh Food Market, Bord Bia and the Office of Public Works have this year held one-day seasonal food markets on OPW Heritage sites in Fota House & Gardens, Cork and JFK Arboretum, Wexford to enhance public awareness of heritage sites and foster closer ties with the local farming, business and community interests.



[Mary Coughlan.]

Bord Bia is cooperating with the Dublin City Council with regard to the Dublin City Markets in Smithfield where their extensive regeneration programme with particular emphasis on the development of the Fruit, Vegetable and Fish markets and surrounding areas is underway. The Dublin City Council has set up a Consultative Forum on the markets which is facilitated by Bord Bia. The forum which is comprised of members from the Irish Farmers Markets Traders Organisation, retailers, restaurateurs, traders, Bord Bia and Dublin City Council. This promises to be one of the most exciting and innovative developments for the Farmers Market concept and will provide access for small food producers to the lucrative Dublin market.

Looking ahead Bord Bia will produce an information guide which will explore farmers markets as an alternative route to market for small business farmers and entrepreneurs. To support the development of farmers markets in Ireland, Teagasc supported by Bord Bia will run a series of farmers market training courses starting in 2007. The course is targeted at existing and potential new entrants to the farmers markets system and will provide participants with the knowledge, skill and competence for direct selling of food products in compliance with food safety regulations and product liability legislation. My Department will continue to support Bord Bia initiatives in this area and develop this important route to market for Irish business giving its importance to regional and local food economies.

### Social Partnership Agreements.

90. **Mr. Cassidy** asked the Minister for Agriculture and Food her views on the outcome of the partnership talks with the farming organisations; the way she expects it to benefit farmers; and if she will make a statement on the matter. [40266/06]

**Minister for Agriculture and Food (Mary Coughlan):** One of the key features of the agriculture chapter of Towards 2016 has been the Government's willingness to provide a major increase in funding for agriculture from exchequer resources. This has not only made up for the inevitable decline in EU funding due to our economic success as a country, but has also provided the finance for the very significant enhancement of some major schemes which support the development of the sector.

National Exchequer funding for the farm schemes under the Rural Development Programme will be €4.7 billion for the period 2007 to 2013. This is an increase of 135% from the €2 billion in exchequer funds provided for the same schemes in the current round 2000-2006. The total funding for the agricultural measures is €6.8bn, including €2.1bn from EU and modulation.

The new draft rural development programme reflects the commitments contained in the partnership agreement and will cover both agricultural and non-agricultural measures. In line with the EU rural development framework, the measures in the programme will address competitiveness and sustainability. The main elements are as follows:

- A 17% increase in payments under the Rural Environmental Scheme (REPS).
- An 8% increase in Disadvantaged Areas Scheme payments.
- The average forestry premium will rise by 15%.
- The Installation Aid rate will increase by 56%, bringing it up to €15,000.
- A new Early Retirement Scheme will be put in place with a maximum payment rate of €15,000.
- A total of €250m is allocated for an Animal Welfare, Recording and Breeding Scheme for Suckler Herds.
- There is capital investment funding of €100 million to support the dairy processing sector, and a €50m package for the beef and sheepmeat processing sector has also been announced.

These are just a few of the measures contained in the agriculture chapter of the partnership agreement, which is a very comprehensive document. It includes actions on all the main farming sectors, as well as on the development of the food industry. It also includes important measures on animal health, including a 50% reduction in disease levies, and includes commitments to continuing high levels of service to farmers by the Department. The strong focus on the future in the document is further underlined in the sections on "renewable energy", "enhancing the environment" and "measures to encourage structural change".

### Tuberculosis Incidence.

91. **Mr. Kehoe** asked the Minister for Agriculture and Food the measures she is taking to eradicate tuberculosis; and if she will make a statement on the matter. [40474/06]

**Minister for Agriculture and Food (Mary Coughlan):** The overall national strategy for the eradication of TB provides for a comprehensive range of measures, including the mandatory annual testing for all cattle in the national herd, the early removal of reactors, a wildlife programme involving the targeted removal of badgers where they are implicated in a TB outbreak, the use of the gamma interferon test, as an adjunct to the tuberculin test, in problem herds and the depopulation of infected herds where the level or

duration of infection indicates that this is necessary to clear the herd and/or protect the neighbourhood.

In addition, my Department also provides advice to farmers in relation to bio-security against TB infection such as maintaining satisfactory stock-proof boundary fencing, avoiding contact with other herds, exercising care in buying-cattle and ensuring that only recently tested animals are allowed move onto the farm. The ERAD compensation schemes are designed to encourage good bio-security practices and breaches of the various animal disease, welfare and identification regulations are prosecuted.

The present eradication programme is scientifically based and is kept under constant review, as evidenced by the changes that have occurred in recent times. Such recent changes include a more focused contiguous herd testing policy and greater use of the ancillary gamma interferon blood test in target herds. On the technology side, new and enhanced computer systems have been developed including an individual bovine animal unique identification and passport system, a computerised movement monitoring system for bovine animals (CMMS) and an animal health computer system (AHCS).

In addition, in view of the recognition that the incidence of the disease in wildlife is a major impediment to eradication of the disease, the current eradication scheme contains a significant wildlife strategy aimed at removing badgers in adjacent areas where they are implicated in tuberculosis breakdowns. The wildlife strategy is implemented under licence from and in co-operation with the Department of the Environment and Local Government.

These measures have improved the effectiveness of the programme as evidenced by a significant reduction in the incidence of the disease from 4.2 reactors per thousand in 1998 to 2.9 in 2005. The 2005 TB eradication programme was completed with 97% of the 123,322 cattle herds tested within the twelve-month period. A total of approximately 6.5 million animals were subject to at least one test within twelve months and approximately 9 million animal tests were carried out.

My Department will continue to monitor and review the effectiveness and efficiency of the programme on an on-going basis with a view to the eventual eradication of the disease. In this context, notwithstanding the fact that the existing wildlife strategy has contributed to a reduction in the incidence of bovine TB, it is accepted that the development of a vaccine for badgers is a prerequisite if eradication of tuberculosis from the cattle population is to be achieved. My Department, in conjunction with the Centre for Veterinary Epidemiology and Risk Analysis (CVERA), plans to commence a large-scale field trial of BCG in badgers in the near future to test the efficacy of a vaccine. However, any

vaccine will not be available in the immediate future and the existing strategy will remain in place for some time. In the meantime, the existing programme, updated as appropriate in light of developments, will remain in place.

*Question No. 92 answered with Question No. 37.*

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

93. **Mr. Gilmore** asked the Minister for Agriculture and Food if Ireland's 2006 annual Residue Monitoring Plan was approved by the European Commission on 18 October 2006; and if she will provide this Deputy with a copy of same. [40545/06]

**Minister for Agriculture and Food (Mary Coughlan):** Ireland's National Residue Monitoring Plan was formally approved by the European Commission on 3 November 2006, having completed the necessary Commission decision-making processes. My Department will arrange to have a copy of the plan forwarded to the Deputy.

*Question No. 94 answered with Question No. 42.*

#### **Farm Household Incomes.**

95. **Mr. Coveney** asked the Minister for Agriculture and Food the steps she is taking to support dairy incomes; and if she will make a statement on the matter. [40471/06]

**Minister for Agriculture and Food (Mary Coughlan):** While the price of milk is obviously a key determinant of dairy farmers' incomes, other elements impacting on farmers' incomes include direct payments, scale and efficiency and returns from the market. This year's milk price, taken together with the single payment entitlement of 3.6 cent per litre is similar to recent years though clearly there is greater pressure now on producer prices than heretofore.

The price paid to milk suppliers is a commercial matter between the supplier and purchaser over which I have no influence. Milk prices paid to producers have reduced over the past few months arising from a number of factors including the new policy framework where market forces are the key drivers of dairy product prices as well as market developments in product areas which have a dominant role in our product mix. Greater efficiency and economies of scale at both producer and processors levels are key to competitiveness in the market.

At EU level, I have consistently challenged the pace and level of reduction in support level implemented by the Commission. In my view it is important that the EU consolidates its international market share while ensuring there is balance on the EU market. I have urged the Commission to maintain a competitive combi-

[Mary Coughlan.]

nation of aids and subsidies to achieve these objectives.

At producer level, I have introduced a new Milk Quota Trading System which will create a more open market system of transferring quota. The new system will allow farmers much greater freedom to make choices about how much milk quota should be transferred, affording them far greater scope to decide the volume and price of quota they wish to buy and sell.

I am confident that the Irish dairy industry at both producer and processor level will make the necessary adjustments to adapt to new market conditions. In the meantime I will continue to encourage the Commission to carefully manage the market to ensure a smooth transition through the final phases of the 2003 Luxembourg Agreement.

*Question No. 96 answered with Question No. 69.*

#### **Alternative Energy Projects.**

97. **Mr. Gormley** asked the Minister for Agriculture and Food if her attention has been drawn to the development, in Scotland, of a €24 million bio-energy plant by a company (details supplied); if her attention has further been drawn to the level of State support this company received for this project; if she has discussed the possibility of similar supports for the development of bio-energy with the Minister for Communications, Marine and Natural Resources; if such supports are planned; if projects of a similar scale are viable here in view of the decline in forestry planting in recent years; if the company has approached her concerning similar projects. [40584/06]

**Minister for Agriculture and Food (Mary Coughlan):** While I have no direct knowledge of this development, it is my understanding from media reports that the company in question plans to build a combined heat and power plant in Scotland to produce electricity and wood pellets for commercial use. The question of providing Exchequer funding for similar bioenergy projects in Ireland is a matter for the Minister for Communications, Marine and Natural Resources, who has overall responsibility for energy policy. In the last budget, an indicative allocation of €11m was provided for a Combined Heat and Power programme to run from 2006 to 2010. A new Combined Heat and Power Deployment Programme, which is being administered by Sustainable Energy Ireland, will provide grant support to assist the deployment of small-scale fossil fired and biomass CHP systems.

Forestry is by its nature a long-term activity and planting rates fluctuate from year to year. What is important is to ensure that, on average, a viable rate of planting is maintained over time.

Notwithstanding the decline in planting levels this year, the average annual afforestation rate over the last 20 years has been about 14,000 hectares and as a result substantial biomass potential remains to be tapped in our forests.

The Government recently established a Ministerial Taskforce on Bioenergy, which is being chaired by Minister Dempsey, to prepare a plan to develop Ireland's bioenergy resources to 2020. I am participating in the Taskforce and along with my Ministerial colleagues we are working to deliver an integrated National Bio-Energy Action Plan by the end of 2006. The Plan will set challenging targets to develop Ireland's bioenergy resources up to 2020.

*Question No. 98 answered with Question No. 41.*

#### **Animal Exports.**

99. **Ms Shortall** asked the Minister for Agriculture and Food the countries to which the 2836 dogs certified for export between March 2004 and October 2006 were exported. [40550/06]

**Minister for Agriculture and Food (Mary Coughlan):** A total of 2836 dogs, certified for export between March 2004 and October 2006, were exported to France, Germany, Italy, Portugal, Poland, Spain and Sweden. The significant exports during that period were 2,302 dogs to France, 431 dogs to Spain and 86 dogs to Italy. Furthermore 9 dogs were exported to Germany and 6 dogs were exported to Portugal while one dog was exported to both Poland and Sweden since March 2004.

#### **Rural Development Programme.**

100. **Mr. Durkan** asked the Minister for Agriculture and Food the degree to which she expects the rural development programme to increase production, encourage speciality or niche development with particular reference to self-sufficiency in the food sector; and if she will make a statement on the matter. [40575/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Rural Development programme will assist market orientation and sustainability in its support for competitiveness and the enhancement of the environment. The on-farm investment measure, in particular, will provide support for general farm improvement and the horticulture and organic sectors. Direct support for organic farming is also proposed under the environmental objective. Ireland is already more than self-sufficient in the main food groups and the Rural Development programme is based on the new CAP framework where, post decoupling of income support, the focus will be on the marketplace.

### Afforestation Programme.

101. **Mr. Gogarty** asked the Minister for Agriculture and Food the reasons for the cut in planned spending on forestry in 2007; and if she will make a statement on the matter. [40583/06]

**Minister for Agriculture and Food (Mary Coughlan):** I have provided sufficient funds in the 2007 Estimates to encourage a renewed planting effort, intended in the first instance to restore annual afforestation rates to at least 10,000 hectares. We should not underestimate the challenge which lies before us in this regard and the draft Rural Development Programme for the 2007-2013 period takes this into account, incorporating several new and innovative measures to attract farmers into forestry. The overall amount of funding allocated to forestry under the Programme amounts to just under 1 billion (968 million). These are demand-led schemes and my intention is to stimulate that demand in so far as possible, ultimately it is a matter for individual land owners to choose to plant some or all of their land. In this context issues such as price of land and competing land use alternatives play a major role.

### Land Mobility.

102. **Mr. Allen** asked the Minister for Agriculture and Food her plans to increase land mobility; and if she will make a statement on the matter. [40479/06]

**Minister for Agriculture and Food (Mary Coughlan):** There has been some improvement in farm structures in recent years, however, low levels of 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. However, land leasing is now much more common than in the past.

Proposals for a new, enhanced early retirement and installation aid schemes have been included in the draft Rural Development Plan for the period 2007-2013. This plan is currently open for public consultation before being submitted to the European Commission. It provides for total public expenditure of €6.8 billion across a range of measures for the agri-food sector over the next seven years. Increased support for land mobility is being provided through a substantial increase in the installation aid grant. The rate of this grant will increase by 55% to €15,000 compared with €9,520 under the current scheme. An increased maximum pension of €15,000 is also provided for under the new early retirement scheme. Payment rates are also being increased for existing pensioners.

In addition, there are a number of other generous schemes and reliefs aimed at encouraging

land mobility and reducing the cost of transfers to young trained farmers. These include:

- 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.
- Capital Gains Tax — Retirement Relief for farmers aged over 55 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 swap 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.

*Question No. 103 answered with Question No. 33.*

### Dairy Sector.

104. **Mr. Hogan** asked the Minister for Agriculture and Food her position on the restructuring of the dairy industry; and if she will make a statement on the matter. [40476/06]

**Minister for Agriculture and Food (Mary Coughlan):** I announced a Dairy Investment Processing Fund earlier this year. The Fund, amounting to €100 million of Government grant assistance will generate total Capital investment of €300 million over three years. The objective of the Fund is to support Capital Investment related to the processing of Annex 1 dairy products.

My main motivation in launching the Fund was in recognition of the critical and urgent need to significantly improve the efficiency and cost competitiveness of the Irish Dairy processing sector. The Prospectus Report published in 2003 highlighted the structural deficiencies in an industry that has to compete in international markets against much larger enterprises that are increasing scale at a faster rate than in Ireland. I am confident that the Fund will stimulate the necessary investment to ensure the long term competitiveness and viability of the dairy industry in Ireland.

Enterprise Ireland will manage and implement the Fund. The closing date for applications was Thursday 23 November and I have been informed by Enterprise Ireland that the Fund was over subscribed. Enterprise Ireland will play a key role, together with my Department, in the evaluation

[Mary Coughlan.]

of the suitability of investment projects submitted for grant assistance.

At producer level I also introduced a new Milk Quota Trading System which will create a more open market system of transferring quota. The new system will allow farmers much greater freedom to make choices about how milk quota should be transferred, affording them far greater scope to decide the volume and price of quota they wish to buy and sell.

*Question No. 105 answered with Question No. 37.*

#### **Food Labelling.**

106. **Mr. J. O’Keeffe** asked the Minister for Agriculture and Food her plans to establish an all-island food label; and if she will make a statement on the matter. [40482/06]

**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. The development of an all-island animal health policy is 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.

In the meantime a Memorandum of Agreement was finalised between Bord Bia and Invest Northern Ireland (INI) 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.

*Question No. 107 answered with Question No. 33.*

#### **Animal Welfare.**

108. **Ms McManus** asked the Minister for Agriculture and Food the number of random welfare inspections at transiting ports and airports carried out on consignments for export involving all live animals; the animals which were subjected to these inspections; the location where these inspections were carried out; and the number of violations of welfare legislation detected. [40542/06]

**Minister for Agriculture and Food (Mary Coughlan):** Officials in my Department carry out inspections on consignments of cattle, sheep, pigs, horses, donkeys, cats and dogs exported from Dublin Airport, Shannon Airport, Dublin Port,

Dún Laoghaire Port and Rosslare Port. In 2005 a total of 3,863 inspections were carried out on animal consignments exported from Irish ports and airports while a further 3,648 inspections have taken place in 2006 up to the end of October.

There was a small number of findings relating to water delivery systems and stocking densities in vehicles transporting bovines, most of which were addressed at the point of export. There were no significant breaches of welfare legislation detected during the course of inspections of other species of animals at export points.

#### **Animal Identification Scheme.**

109. **Mr. Costello** asked the Minister for Agriculture and Food the criteria to be used to assess the relative merits of the tenders for the supply of bovine animal identification tags when the initial request for tenders was advertised; if the criteria changed throughout the tendering process; against which of these criteria did each of the failed tenders not achieve a score at least as good as that achieved by the eventual winner of the contract. [40543/06]

**Minister for Agriculture and Food (Mary Coughlan):** A short list of the tenders that were submitted to my Department for the supply of bovine animal identification tags was compiled following an evaluation of the completeness of the documentation to establish that each tender complied with all the conditions and requirements specified in the Invitation to Tender. The selection criteria did not change during the tendering process. Each tender included on the short-list was evaluated to establish the most economically advantageous tender on the basis of the criteria laid down in the Invitation to Tender which included, inter alia, suitability of the eartags, technical capacity to manufacture and supply eartags, experience and reputation as a manufacturer of eartags and proven ability as a supplier, and cost of tags, replacement tags and the applicator.

The company that was awarded the contract was deemed by the Selection Committee to have a significant advantage over the other companies in relation to tag suitability, technical capacity and experience and reputation. A number of the other companies obtained higher scores in respect of the cost the tags, cost of replacement tags and cost of the applicators than the company awarded the contract.

#### **Genetically Modified Organisms.**

110. **Mr. Cuffe** asked the Minister for Agriculture and Food if she perceives a conflict between promoting a clean, green image for Ireland’s food industry, including the organic sector and her failure to put in place a moratorium on genetically modified field trials; and if she will make a statement on the matter. [40581/06]

**Minister for Agriculture and Food (Mary Coughlan):** Firstly I wish to inform the Deputy that the issue of placing a moratorium on genetically modified field trials is not a matter for my Department but that of my colleague the Minister for Environment, Heritage and Local Government.

I am in no doubt but that any trials on GMOs in Ireland must be managed to ensure that the Green image which is associated with Ireland and its importance in the development and promotion of our food industry is protected. For that reason it is critically important that such trials must be carried out under the most stringent controls, compatible with EU legislation, and based on full scientific evidence to ensure that the safety of food and the environment are fully safeguarded. I am satisfied that such safeguards are feasible under Regulations which have been adopted by the Council and European Parliament.

*Question No. 111 answered with Question No. 86.*

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

112. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food the steps that she has taken to improve her Department's pesticide residue monitoring and food traceability regime since late October 2006 when investigation by RTÉ exposed deficiencies in these programmes; if further resources will be provided for food traceability of pesticide monitoring programmes in 2007; if a company (details supplied) is still trading; if the company has been penalised due to evidence of unauthorised pesticides on its premises; if she has been informed of when the Health and Safety Authority's investigation into the impact of the use of these chemicals will conclude; if there have been positive findings under the pesticide residue monitoring regime since the broadcast of RTÉ's findings of 27 October 2006; and if she will make a statement on the matter. [40586/06]

**Minister for Agriculture and Food (Mary Coughlan):** The pesticide residue monitoring programme conducted by my Department on behalf of the Food Safety Authority of Ireland (FSAI), is reviewed and agreed annually with the FSAI. The risk-based programme thus developed involved the analysis of some 1,350 samples of agricultural produce, including 10 of mushrooms, in 2005/2006 for up to 150 different pesticides. The programme will be further strengthened in 2007 by increasing the analytical scope to include up to 200 pesticide compounds.

The number of mushroom samples analysed as part of this residue monitoring programme compares favourably with similar programmes in other Member States. In 2005 the following numbers of mushroom samples were analysed in Sweden (10), UK (48), Netherlands (12), Norway

(35) and Belgium (19). I am satisfied that this risk based programme, jointly developed and agreed by my Department and the FSAI, provides a high standard of protection for Irish consumers.

No evidence of illegal use of plant protection products was found during two unannounced inspections conducted by officers of my Department on the premises of the mushroom farm at the centre of recent allegations. When last inspected on the 9th of November 2006 the producer in question had 6 mushroom tunnels in operation in Ballaghaderreen and two samples of mushrooms were taken. These samples were tested for residues of prochloraz, fluazinam and formaldehyde, the products alleged to have been used illegally, but no illegal residues were found. Accordingly the question of applying a penalty did not arise. Officers of my Department are in contact with the Health & Safety Authority in their on-going investigation but as yet there is no completion date set for its conclusion.

*Question No. 113 answered with Question No. 22.*

#### **Dairy Sector.**

114. **Mr. Crawford** asked the Minister for Agriculture and Food the number of applications she has received for the new capital grant towards the dairy processing industry; if she is satisfied with the uptake; and if she will make a statement on the matter. [40517/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Government has provided a fund of €100 million to assist the investment of some €300 million in total in the dairy processing sector over the next three years. The objective of the Dairy Processing Investment Fund is to support capital investment related to the processing of dairy products. The high level of grant assistance will stimulate the necessary private sector investment to ensure the long term competitiveness and viability of the dairy industry in Ireland.

Enterprise Ireland will manage the scheme and implement the Fund. The closing date for the Fund was Thursday 23 November and I have been informed by Enterprise Ireland that the Fund was oversubscribed. Enterprise Ireland will play a key role, together with my Department, in the evaluation of the suitability of investment projects submitted for grant assistance.

#### **Food Labelling.**

115. **Ms McManus** asked the Minister for Agriculture and Food the discussions she has had with the catering industry to promote compliance with the requirement to label beef with the country of origin at catering level; and if she will make a statement on the matter. [40524/06]

**Minister for Agriculture and Food (Mary Coughlan):** The responsibility for implementation

[Mary Coughlan.]

of the Health (Country of Origin of Beef) Regulations 2006 (S.I. 307 of 2006) lies with the Food Safety Authority of Ireland (FSAI). There are over 44,000 food businesses in Ireland of which 29,000 are in the service sector. This includes restaurants, hotels and pubs. During the preparation of the regulations my Department had extensive discussions with the representative bodies for hotels, restaurants and pubs who did not have any practical difficulties with the regulations.

116. **Mr. Deenihan** asked the Minister for Agriculture and Food the steps she is taking to extend country of origin labelling in the catering trade to lamb, pigmeat and chicken; and if she will make a statement on the matter. [40468/06]

**Minister for Agriculture and Food (Mary Coughlan):** All beef sold or served in the retail or catering sector is now required by law to carry an indication of country of origin. There are EU Regulations which provide for the labelling of unprocessed poultry meat at retail level. The information which these regulations require on the label includes the registered number of the 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.

The primary legislation enacted by the Oireachtas in March of this year, under which our beef labelling requirements on country of origin were extended to the catering sector also allows for the extension of country of origin labelling to other meats. However, because different origin labelling requirements apply to other meats in the retail sector under current EU legislation and there are also different systems of traceability as well as some import/export complexities, it is not as straightforward as it is for beef. The European Commission has opposed Member States introducing legislation in this area that is in excess of common EU requirements. Nonetheless, my Department has recently commenced consultations with the Department of Health and Children on draft new regulations to require operators in the retail and catering sectors to provide country of origin information on poultrymeat, pigmeat and sheepmeat. It is my intention to submit these regulations, when they are finalised, to

the European Commission for approval as required by EU legislation.

Of course, the preferred way forward is that the Commission would progress the question of country of origin labelling of all meat at EU level. I wrote earlier this year to the European Commissioner for Health and Consumer Protection on this subject. I also raised the issue in the Agriculture Council some months ago and will continue to take every opportunity to press for progress on this matter. I have used the opportunity provided by bilateral meetings with EU Ministerial colleagues to seek their support for EU action on Country of Origin Labelling and so far have been encouraged by their response.

The Health and Consumer Protection Directorate of the European Commission undertook a consultative process on a wide range of issues in this area earlier this year, under a document entitled Labelling: Competitiveness, Consumer Information and Better Regulation for the EU. I 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 co-ordinated the Irish contribution to this process.

#### **Animal Health Policy.**

117. **Mr. Naughten** asked the Minister for Agriculture and Food the steps she is taking to introduce an all-island animal health regime; and if she will make a statement on the matter. [40478/06]

**Minister for Agriculture and Food (Mary Coughlan):** There is 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.

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 of an all-island animal health policy 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, is being progressed 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 focussed 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 T.B, 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). A representative from DARD also attends the Avian Influenza Advisory 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 and will require the agreement of the European Union ultimately.

*Question No. 118 answered with Question No. 39.*

### **Genetically Modified Organisms.**

119. **Dr. Twomey** asked the Minister for Agriculture and Food her plans to evaluate the economic implications of the use of genetically modified organisms; and if she will make a statement on the matter. [40491/06]

**Minister for Agriculture and Food (Mary Coughlan):** I wish to inform the Deputy that I have no plans at present to commission any further evaluations on the economic implications of the use of genetically modified organisms other than the study carried out by Teagasc earlier this year. You will recall that Teagasc, at my request, carried 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 based their study on the following 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 certified GM free soya and maize only 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 is a significant cost in relation to Identity Preservation for conventional growers in a coexistence arrangement.

*Question No. 120 answered with Question No. 48.*

### **Food Labelling.**

121. **Mr. Deasy** asked the Minister for Agriculture and Food the discussions she has had with the Food Safety Authority of Ireland on the enforcement on 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. [40477/06]

**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 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.

As I indicated in replies to similar questions on the 27th June 06 and 17th October my Department received the elements of the FSAI report that referred specifically to processing plants that came within its remit. These related to 11 premises and were all minor breaches. My Depart-



[Mary Coughlan.]

ment, to the satisfaction of the FSAI, addressed the issues identified by the FSAI audit.

#### **Animal Welfare.**

122. **Mr. Stagg** asked the Minister for Agriculture and Food her views in relation to the European Commission's proposal to ban the trade of cat and dog fur in the EU; and if she will make a statement on the matter. [40551/06]

**Minister for Agriculture and Food (Mary Coughlan):** The EU Commission presented proposals on the 22nd of November dealing with the banning of trade in cat and dog fur and the import and export of these products. In general I welcome the Commission's decision to propose legislation in this area but of course the detailed provisions will have to be discussed in the various EU fora in the period ahead.

#### **Horticulture Industry.**

123. **Mr. Broughan** asked the Minister for Agriculture and Food if she is satisfied that the levels of support for the horticulture industry are adequate to allow it to compete with imported products; and if she will make a statement on the matter. [40532/06]

**Minister for Agriculture and Food (Mary Coughlan):** The main fruit imports from outside the EU are bananas and the main imports from other EU Member States are apples and pears. The main vegetable imports from both outside the EU and from other Member States are onions, shallots, garlic and leeks. Total imports of fruit and vegetables were valued at €671m in 2005 and our exports in the same period were valued at €241.4m.

My Department has contributed significantly to the support of the horticulture industry through its grant aid schemes under the National Development Plan 2000-2006. 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 NDP Scheme of Investment Aid for the Commercial Horticulture Sector has promoted the specialisation and diversification of on-farm activities, improvement in the quality of products, environmentally friendly practices and improved working conditions on farms. In the period 2000-2005, a total of €13.5m was paid in grants to producers supporting investments of €38.6m. This year a further €7.67m grant package will fund projects to the investment value of €21.91m.

Under my Department's NDP 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

to date. Some €7m was awarded in respect of 15 projects in this sector earlier this year.

Fruit and vegetable producers also benefit from EU aid under the Producer Organisation scheme. Some €23.85m has been paid to recognised Producer Organisations in the period 2000-2006. 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.

#### **Agri-Food Industry.**

124. **Mr. English** asked the Minister for Agriculture and Food her plans for the enhancement of research and development within the agri-food sector; and if she will make a statement on the matter. [40446/06]

**Minister for Agriculture and Food (Mary Coughlan):** Research and Development are central to the future well being of the agri-food sector and I am committed to building the Knowledge Economy in the Agri-Food sector. The important role of the sector is recognised in the Government Strategy for Science, Technology and Innovation 2006-2013 and Research and Development is also central to the strategy outlined in the Agri-Vision Action Plan, which I launched earlier this year.

The Action Plan focuses on research in sustainable agricultural production, research in food quality, safety and nutrition, especially food for health and well-being, research on product innovation as well as research on forestry and on the rural economy. The priority is to ensure that the whole industry will operate to the highest standards, built on a strong foundation of modern scientific knowledge, skills and innovative practices so that it remains competitive in the global marketplace.

In line with the priority which I attach to the research area, I have allocated a record €97 million this year to research programmes and activity undertaken by Teagasc, third level institutions and directly by the Department and this will continue to be a priority funding area for my Department under the next National Development Plan.

#### **EU Directives.**

125. **Ms Burton** asked the Minister for Agriculture and Food if she will review the explanatory booklet on the Nitrates Directive; if her attention has been drawn to the fact that farmers consider the booklet to be unnecessarily bureaucratic; and if she will make a statement on the matter. [40527/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Nitrates Regulations are themselves unavoidably complex. Considerable efforts

were made in the explanatory booklet to put the requirements of the Regulations in clear and straightforward terms. There are no plans to review the booklet, which has already issued to 140,000 farmers. My officials, along with Teagasc staff, are currently holding public meetings for farmers all over the country to explain the requirements of the Regulations further, and to answer individual queries.

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

126. **Mr. Ellis** asked the Minister for Agriculture and Food the recent developments to the farm retirement schemes. [40262/06]

**Minister for Agriculture and Food (Mary Coughlan):** Payments are currently being made under two Schemes of Early Retirement from Farming. I recently announced substantial increases in the maximum pension rates payable under both Schemes to take effect from 1 November 2006. I have decided to increase the maximum pension rate payable under the 1994–99 Scheme from €12,075 to €14,075 and the maximum pension rate payable under the current Scheme from €13,515 to €15,000. These increases will cost some €33 million extra over the remaining period of the two Schemes, and over 5,000 retired farmers will benefit from them.

The announcement of these increases follows an announcement in September of an increase in the off-farm income limit for transferees under the current Scheme of Early Retirement from Farming from €25,400 to €40,000 and the removal of the total income limit for retiring farmers. Heretofore, an income limit exemption for retiring farmers existed only in cases where the farm was transferred definitively to a family member. These changes were effective from 1 September, 2006.

The current Scheme closes to new applications on 31 December 2006. Proposals for a new Scheme, with a maximum payment rate of €15,000, have been included in the draft Rural Development Plan for the period 2007–2013 which was recently published for consultation.

#### **Dairy Sector.**

127. **Mr. Neville** asked the Minister for Agriculture and Food the discussions she has at EU level to protect dairy supports; and if she will make a statement on the matter. [40483/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Irish dairy industry continues to contribute very substantially to the national economy, with an annual output value of 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.

After a number of successful years, 2006 has been more challenging for the Irish dairy industry. The butter market, in particular, experienced difficulties for much of the year. However the protein market has performed very well and Irish and EU processors and traders benefited from the strong prices and demand, particularly on the Internal market. In addition butter prices have now stabilised, although the relatively high stocks of intervention butter in the EU will limit any price increase. The price of oil and the value of the US dollar/Euro exchange rates will continue to be important factors in determining the success of Irish and EU traders to compete on the global market. In the wider context of WTO, I have strongly defended the CAP as a whole and have advocated a EU position which fully takes account of the needs of Irish agriculture including the dairy sector in the areas of internal support, export support and market access.

I remain concerned about the determination of the Commission to reduce internal aids and export subsidies to the new intervention price levels and I have regularly requested the Commissioner to redirect policy to 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.

#### **Public Inquiries.**

128. **Mr. F. McGrath** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will examine the new evidence outlined by three independent experts and senior counsel on the Stardust fire tragedy. [40895/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can inform the Deputy that the position remains as set out in my response to his question on this subject of Wednesday, 22 November (39279/06).

#### **Residency Permits.**

129. **Mr. G. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform the consideration that has been given to the application for leave to remain on the basis of family reunification in the case of a person (details supplied) in Dublin 15; when a decision will be made; and if he will make a statement on the matter. [40698/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question was the subject of a Family Reunifi-

[Mr. McDowell.]

cation application which was refused in November 2004.

A request for a review was submitted in November 2004. Following a complete review of the case, the application was again refused in December 2004.

At present there is no Family Reunification application pending in respect of the above named.

#### Missing Persons.

130. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of people currently recorded as missing persons; the degree to which resources are available within his Department to monitor the situation and helpline; and if he will make a statement on the matter. [40719/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my answer to Parliamentary Question No. 203 of 7 November 2006.

#### Residency Permits.

131. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position of the application for leave to remain in the State in the case of a person (details supplied) in County Donegal; and if he will make a statement on the matter. [40720/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person concerned arrived in the State on 01 July, 2003 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, he was informed by letter dated 21 March, 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned.

This person's case file, 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 file to be passed to me for decision in due course.

132. **Ms O'Sullivan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if

an application for residency has been received in relation to persons (details supplied) in County Limerick; if so, when it will be processed; and if he will make a statement on the matter. [40761/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Applications for long-term residence from the persons referred to by the Deputy were received on the 21st August 2006

The position in relation to granting long-term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

The dependants of the aforementioned, who have been legally resident in the State for over five years may also apply for long-term residency. This particular long-term permission does not grant an exemption from employment permit requirements to any such dependants.

Time spent in the State on student conditions cannot be counted towards long-term residency.

While applications for long-term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date

I understand that applications received in May, 2006 are currently being dealt with. As soon as a decision is made on the case, the persons concerned will be notified.

#### Ministerial Responsibilities.

133. **Mr. Howlin** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 257 on 9 March, 2005, in which he confirmed his own responsibility in law as Minister for the performance of any functions which are assigned by law to his Department, the basis on which he proposes to confer statutory functions in relation to prison building on the Prison Service, a section of his Department, separate and distinct from the statutory functions vested in himself as Minister; and if he will make a statement on the matter. [40762/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I wish to advise the Deputy that the Irish Prison Service is currently a non-statutory agency of the Department of Justice, Equality and Law Reform, with its own Director General and an Interim Board. The Irish Prison Service is not a corporation sole and cannot sue, or be sued, in its own name. While certain functions are delegated to the Service, it

acts as an agency of my Department and all legally binding contracts are signed in my name.

Specific functions have and may be assigned to the Director General of the Irish Prison Service as provided for by law.

#### **Residency Permits.**

134. **Mr. Curran** asked the Tánaiste and Minister for Justice, Equality and Law Reform when a decision will be made regarding an application for permission to remain in this State by a person (details supplied) in County Dublin. [40763/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to Parliamentary Question No. 169 of Thursday, 23 March, 2006 (ref: 11450/06) and the written reply to that Question. The position is unchanged.

#### **Citizenship Applications.**

135. **Mr. Hayes** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in the case of a person (details supplied) in County Tipperary who has applied for naturalisation. [40774/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application for citizenship from the individual in question was received in the Citizenship Division of my Department on 16 October, 2006. Applications received in the latter half of 2004 are currently being processed and at the present time there are approximately 11,700 applications awaiting processing before that of the person involved. It is likely that processing of this application will commence during the second half of 2008.

#### **Human Trafficking.**

136. **Mr. Carey** asked the Tánaiste and Minister for Justice, Equality and Law Reform the measures his Department is considering to deal with the problem of trafficking in persons, involving the recruitment, transfer and sale of vulnerable people (details supplied); and if he will make a statement on the matter. [40801/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I wish to inform the Deputy that legislation creating an offence of trafficking in persons for the specific purpose of sexual or labour exploitation is contained in the draft Criminal Justice (Trafficking in Persons and Sexual Offences) Bill. This Bill has been approved by Government and is currently being drafted in the Office of the Parliamentary Counsel.

This Bill will comply with the EU Framework Decision on combating trafficking in persons for the purpose of their sexual and labour exploi-

ation. It will also fulfil the criminal law requirements of two other international trafficking instruments, the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, which supplements the UN Convention against transnational organised crime and the 2005 Council of Europe Convention on action against trafficking in human beings.

I am informed that An Garda Síochána, through the Garda National Immigration Bureau, takes a proactive approach in preventing and combating trafficking of human beings. Participation in joint operations, in particular with the United Kingdom Immigration Service, is ongoing and recognises the vulnerability of the Common Travel Area to abuse by persons engaged in illegal immigration and associated criminality.

At a national level the Garda National Immigration Bureau (GNIB) continues to liaise with Government and non-governmental agencies, such as Ruhama and the International Organisation for Migration (IOM), to ensure ongoing liaison and cooperation, including the exchanging of any information relating to suspected human trafficking.

While the number of incidents of human trafficking reported remains low, An Garda Síochána, through the activities of on-going operations such as 'Operation Quest' and 'Operation Hotel' will continue to monitor the sex industry in Ireland and ensure that all instances of suspected trafficking are thoroughly investigated. Operation 'Quest', in particular targets foreign nationals involved in the sex industry, while 'Operation Hotel' targets the trafficking of human beings for exploitation.

On 5th May this year I launched a poster campaign, organised by An Garda Síochána and facilitated by Crimestoppers, designed to encourage victims of trafficking of to report their plight to the State authorities. Posters have been displayed at airports, bus and railway stations, hostels and hospitals and Garda stations. I can assure the Deputy that victims of trafficking are treated with respect and dignity and are provided with assistance by the State when they come to the attention of the authorities.

I am informed by Garda management that eighty-five persons have been arrested on suspicion of committing a breach of the provisions of Section 2 of the Illegal Immigrants (Trafficking) Act 2000. Proceedings have been initiated in respect of twenty-four alleged breaches of the provisions of Section 2 of the Act. To date three persons have been convicted in respect of a total of ten breaches of the provision concerned. A trial date has been set for later this year in relation to a further twelve alleged trafficking offences.

The Scheme of the Immigration, Residence and Protection Bill makes provision for a new and integrated framework for the effective man-

[Mr. McDowell.]

agement of migration to the State. An integral part of that framework will be the ability to make and publish statements of the Government's immigration policy in relation to any aspect of immigration, including, where necessary, victims of human trafficking. In the context of the proposed legislation, it will be possible for a suitable immigration policy statement to address all of the issues concerning the treatment of victims of human trafficking in an appropriate manner.

#### **Garda Vetting Services.**

137. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason it is taking so long to roll out the mechanisms for Garda vetting of employees of all organisations that work with young people, in particular childcare workers and sports organisations as priorities; the time frame that has been established for the expansion of this urgently needed service; when additional funding will be made available for the necessary staffing and resources to complete the expansion of this service; and the progress being made with the Health Service Executive with a view to establishing mechanisms to manage Garda vetting applications for the childcare sector. [40811/06]

138. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason a childcare organisation (details supplied) has not been able to get Garda clearance for their childcare workers despite being a FÁS sponsored organisation and the fact that the delays are jeopardising their ability to provide a vital service; and if he will make a statement on the matter. [40812/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 137 and 138 together.

The phased expansion of Garda vetting services commenced in the first quarter of this year and is proceeding apace, in co-operation with the relevant client sectors and the associated Government Departments and Agencies. This expansion will continue until all organisations which recruit persons to work in a substantial, unsupervised capacity with children and vulnerable adults can avail of the Garda Síochána's vetting service.

The expansion process is being phased for sound administrative reasons in both the Garda organisation and the client sectors, having regard to the lessons learned from international experience in the widespread provision of criminal record vetting services. I do not accept that this expansion process is 'taking too long'.

In this regard, expansion has already occurred in respect of, inter alia, the primary and post-

primary education sectors, the youth work sector and in a range of health and social services sectors.

Substantial additional human and other resources have already been provided to the Garda Central Vetting Unit (GCVU) in order to respond to the increased demand for vetting, including a more than doubling in the number of staff assigned to the Unit. Requirements in this regard are subject to continual review.

In respect of the sports sector, the GCVU has already provided training to the Irish Sports Council and arrangements are now being put in place to extend vetting on a phased basis to an increasing number of sports organisations.

In relation to the pre-school/childcare sector, I understand that the Health Service Executive is engaging with this sector to support the development of an arrangement whereby providers in that sector will have access to vetting. The GCVU is ready to commence, on a phased basis, the further expansion of the vetting service to this sector, including to the childcare organisation in question, from January 2007, subject to agreement on appropriate liaison mechanisms, including the identification of a sectoral central point of contact to manage vetting applications and disclosures thereon.

#### **Garda Deployment.**

139. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Justice, Equality and Law Reform if there has been a needs assessment done for a Garda station or sub-station in Palmerstown; the number of Gardaí covering the Palmerstown, Clondalkin and Lucan areas; and if additional Gardaí are proposed or will be sent to that area. [40813/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána increased to a record 13,000 on Thursday, 16 November, 2006, following the attestation of 299 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June, 1997 and represents an increase of 2,298 (or 21.5%) in the personnel strength of the Force during that period. The induction of 280 new Garda recruits to the Garda College on 6 November, 2006 resulted in a combined strength, of both attested Gardaí and recruits in training, of 14,137. The Garda Budget now stands at €1.3 billion, a 13% increase on 2005 and an 85% increase since 1997 in real terms.

I have been further informed by the Garda authorities that the Palmerstown area is patrolled by both Ronanstown and Ballyfermot Garda

Stations. The personnel strength of Ronanstown, Ballyfermot, Lucan and Clondalkin Garda Stations, which form part of the D.M.R. West

Division, as at 31 December 1997 and as at 29 November 2006 is as set out in the following table:

Station	31/12/97	29/11/06	Increase by	% increase
Lucan	58	71	13	22.4%
Clondalkin	56	94	38	67.8%
Ronanstown	58	93	35	60.3%
Ballyfermot	72	87	15	20.8%

The personnel strength of the D.M.R. West Division as at 31 December, 1997 was 513 (all ranks). The personnel strength of the D.M.R. West Division as at 29 November, 2006 is 719 (all ranks). This represents an increase of 206 (or 40.1%) in the number of personnel allocated since that date. I am not aware of any plans by the Garda authorities to change the policing structures which operate in this area.

I should add that it is the responsibility of Garda management to allocate personnel to and within Divisions. 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.

#### Joint Policing Committees.

140. **Ms O. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform if progress has been made on the setting of the 22 pilot Joint Policing Committees; their function; and the 22 pilot areas chosen for the pilot project. [40844/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Section 36 of the Garda Síochána Act 2005 provides for the establishment of a joint policing committee in each local authority administrative area and as part of the local government structures. The purpose of these committees is to provide a forum where a local authority and the senior Garda officers responsible for the policing of that area, with the participation of Oireachtas members and community interests, can consult, discuss and make recommendations on matters affecting the policing of the area.

The joint policing committees are being established by local authorities and the Garda Commissioner in accordance with guidelines which I issued in June after consultation with the Minister for the Environment, Heritage and Local Government and the Minister for Community, Rural and Gaeltacht Affairs.

In view of the innovative nature of the committees and the number which will be established, I decided, following consultation with the Minister for the Environment, Heritage and Local Government and the Minister for Community, Rural and Gaeltacht Affairs, to pilot the committees in 22 local authority areas for a limited period.

The guidelines make special provision for Dublin City Council. Because of the size of the City Council area, in addition to the joint policing committee, they provide for the establishment of five subcommittees of the committee, corresponding to the city's local areas.

The pilot phase has joint policing committees in Fingal, Offaly and Wicklow County Councils, Dublin, Galway, Limerick and Waterford City Councils, Drogheda and Sligo Borough Councils and Athy, Arklow, Ballinasloe, Birr, Bray, Edenderry, Greystones, Letterkenny, Mallow, Tralee, Tuam, Tullamore and Wicklow Town Councils.

Sixteen of these committees have already held meetings, and the remaining six are expected to meet in the near future.

#### Residency Permits.

141. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will reconsider under any other criterion an application for naturalisation in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [40864/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question applied for permission to remain in the State on the basis of being a parent of an Irish citizen child, born before 1 January 2005, in accordance with the revised arrangements announced by me on 15 January, commonly referred to as the IBC/05 scheme.

The person in question did not satisfy the criteria under the revised arrangements and was notified of this decision on 16 December 2005. There is no separate procedure for considering leave to remain in the State based on being the parent of an Irish citizen child. The fact that a non-EU national is the parent of an Irish citizen child can only be considered in the context of the deportation process.

### **Garda Operations.**

142. **Mr. Gregory** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 82 of 10 May 2006, if the vehicles (details supplied) have been checked by the Garda authorities; and if action will be taken. [40865/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that enquiries have been made by local Gardaí which indicate that the vehicles referred to are the property of a local garage owner, who has been advised regarding the parking of these and other vehicles on the public road. The vehicles referred to have now been removed. I am further informed that Gardaí from the local Garda Community Policing Unit will continue to monitor the situation to prevent a recurrence.

### **Airfield Security Measures.**

143. **Ms C. Murphy** asked the Tánaiste and Minister for Justice, Equality and Law Reform the action he has taken in view of his statement in Dáil Éireann on 16 November 2006, to improve co-ordination between the Departments concerned with the policing and customs monitoring of small airfields such as Weston Aerodrome; the action he proposes to take in regards to same; if he will bring about more stringent security measures at such facilities; and if he will make a statement on the matter. [40897/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda Síochána is represented on the multi-agency group responsible for the formation and implementation of aviation and airport security policy. In this regard, the Garda authorities maintain close liaison with the Department of Transport in respect of security arrangements at small aerodromes.

Moreover, there is regular — almost daily — contact between the Garda Síochána and the Revenue Commissioners in respect of the enforcement of drug legislation. In addition, I understand that the Revenue Commissioners are conducting a review of licensed aerodromes, and this is being dealt with as a matter of priority. Pending the outcome of this review, I will further consider what measures, including co-ordination measures, may be required.

### **National Development Plan.**

144. **Mr. Ring** asked the Minister for Finance his views on whether the Government's approach to spending is unbalanced on a regional basis, in view of the apparent underspend in the Border Midland Western region under the National Development; and his plans to address this situation. [40740/06]

148. **Mr. Ring** asked the Minister for Finance the reason expenditure in the Border Midland Western region is behind the indicative target set out in the National Development Plan; the comparison expenditure figures for all regions and details of their indicative targets for each year from 2000 to date in 2006; the reason for the underspend under the National Development Plan in the BMW region; and his plans to rectify the matter. [40733/06]

152. **Dr. Cowley** asked the Minister for Finance the basis of information available to him from monitoring committee reports, including their assessments of continuing spend under the current National Development Plan, that he expects by the end of the programme period in six weeks time (details supplied); and if he will make a statement on the matter. [40759/06]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 144, 148 and 152 together.

The National Development Plan/Community Support Framework (NDP/CSF) 2000-2006 is an integrated investment plan and strategy for economic and social development for Ireland. The aim of the plan is to ensure that Ireland remains internationally competitive and that our economic success is shared more equally. There was a commitment of €57 billion of Public, Private and EU funds over the programme period, which under EU Rules, does not actually end in six weeks time but rather continues to 2008. The size of the investment has involved substantial investment in infrastructure — such as roads, public transport, water and waste services — in health services, social housing, education, industry and rural development. The Plan is delivered through seven Operational Programmes each of which has a Monitoring Committee which meets twice yearly to monitor the ongoing implementation of the Programme. There is also an overarching NDP/CSF Monitoring Committee which is chaired by my Department and this Committee also meets at least twice a year.

The most recent information on expenditure is from the October reports of the Monitoring Committees of the Operational Programmes. These indicate that €48 billion had been spent by the end of June 2006. In view of the slow start up in some areas at the beginning of the programme and the relatively disappointing response in certain demand led schemes due mainly to the impact of the slowdown in economic activity in 2000-02, the outbreak of foot and mouth disease and a lower than anticipated take up of financial opportunities by the private sector, this can be considered to be a good implementation rate. However, a fuller picture of expenditure will not be available until the full year expenditure data for 2006 is analysed after the NDP/CSF Monitoring Committee meets in June 2007 and when the co-funded measures under the NDP/CSF achieve

their full entitlement to Structural Funds by the end of 2008, the timetable set out in the Regulations.

The Monitoring Committees have also provided to my Department their assessment of the likely spend on the Programmes between July 2006 and the end of 2008. Overall, their assessment is that the original NDP/CSF forecast will largely be met, even though there are likely to be broadly offsetting variances as compared to the original forecasts at individual Operational Programme level. The final Exchequer and EU commitment is actually expected to be ahead of the original forecast generally covering a lower than expected take-up from the private sector.

The House will be aware of the general state of play in relation to expenditure in the BMW region from previous debates and questions on this issue. The figures reported at the recent Monitoring Committee meetings indicate that some €11.1 billion or 82% of forecast Exchequer and EU expenditure had been incurred by the end of June 2006. This is a healthy implementation rate given the reasons as outlined above. The corresponding figure for the S&E region was €30 billion or 108% of forecast Exchequer and EU expenditure. Based on the most recent information available to my Department, I anticipate that by the end of the programme period, the original forecasts for Exchequer and EU spending in the BMW region will largely be met. Details of the annual breakdown of expenditure and forecasts for each region will be available following the December meeting of that Monitoring Committee and I will write to the Deputy with the information then.

The Government's commitment to the Regions under the current NDP/CSF is delivering results. The ESRI carried out a mid-term evaluation of the NDP/CSF 2000-2006 which stated that the BMW region had all but closed the gap with the S&E region in respect of the rate of unemployment and employment growth. The ESRI in its recent ex-ante assessment of investment priorities for NDP 2007-2013 concludes that "The current NDP has greatly enhanced the economic and social infrastructure of the State with major benefits to economic development throughout all regions".

The Government's commitment to the BMW region does not cease when the current funding round draws to a close. Investment to achieve more balanced regional development is a key Government priority. An important objective of the next NDP (2007-2013) will be the promotion of balanced regional development in line with the National Spatial Strategy (the NSS). The details of the strategy for regional development will have to await publication of the Plan. I am, nonetheless, confident that the level of ambition in the overall NDP 2007-2013 investment envelope combined with a commitment to utilise this

investment to implement the NSS will lead to a better balance in economic development.

In addition, the BMW region will also receive Structural Funds allocation of €458 million under the next round of funding for 2007-2013. In that context, my Department is also preparing the National Strategic Reference Framework which will set out the strategic orientation of the Structural Funds and link the European Community's priorities with the national and regional priorities, and which in turn will assist in the preparation of the relevant Operational Programmes.

#### Tax Code.

145. **Mr. Wall** asked the Minister for Finance the reason a company (details supplied) must supply audited accounts to the Revenue Commissioners in view of the fact that the company has charitable status and are a community based group whose constitution states that it is a non-profit making organisation and the workings of the group are solely to do with improvement of facilities in the area of their community; his views on a change in legislation to assist such groups; and if he will make a statement on the matter. [40861/06]

**Minister for Finance (Mr. Cowen):** As I stated in my reply to the Deputy's question of the 16th of November last, the Revenue Commissioners advise me that they have not sought audited accounts from this charity. I am further advised that the Revenue Commissioners have detailed procedures in place towards ensuring that bodies which have been granted charitable tax exemption are complying with the terms of their exemption and applying their funds for charitable purposes only. Under these procedures, all tax exempt charities are required to maintain proper books of accounts and audited accounts are required where the income of the charity exceeds €100,000 per annum.

I am satisfied that the legislation covering charitable tax exemption is appropriate and I have no plans to make any changes in this area. However, as with all tax exemptions and reliefs, charitable tax exemption is carefully monitored on an ongoing basis.

Full details relating to the application and monitoring procedures for charities are set out in information booklet CHY1, "Applying for Relief from Tax on the Income and Property of Charities", which can be found on the Revenue website at [www.revenue.ie](http://www.revenue.ie).

#### EU Directives.

146. **Mr. Kehoe** asked the Minister for Finance if directives 2004/18/EC and 2004/17/EC have been transposed into Irish Law; and if he will make a statement on the matter. [40872/06]



**Minister for Finance (Mr. Cowen):** EU Directive 2004/18/EC co-ordinating procedures for the award of public works contracts, public supply contracts and public service contracts has been transposed into Irish Law by regulations made under Statutory Instrument 329 signed on 22 June 2006. Draft regulations implementing EU Directive 2004/17/EC, co-ordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors are at an advanced drafting stage and, subject to clearance by the Office of the Parliamentary Counsel, should be ready for signature shortly.

#### Tax Code.

147. **Mr. N. O’Keeffe** asked the Minister for Finance if he will arrange to have a P21 issued in respect of persons (details supplied) in County Cork. [40693/06]

**Minister for Finance (Mr. Cowen):** The Revenue Commissioners have advised that a P21, 2005, issued to the persons in question on 3 October 2006 and that a duplicate has issued dated 28 November 2006.

*Question No. 148 answered with Question No. 144.*

149. **Mr. Bruton** asked the Minister for Finance the cost of reducing the 42% tax rate to 40% for all taxpayers, for making that reduction apply to income between €32,000 and €42,000 for a single person with corresponding bands for other categories, and for making that reduction apply to income between €32,000 and €52,000 for a single person with corresponding bands for other categories of taxpayer. [40756/06]

**Minister for Finance (Mr. Cowen):** By reference to the 2007 Pre-Budget ready reckoner prepared by the Revenue Commissioners the full year cost to the Exchequer of reducing the top rate of income tax by two percentage points is estimated to be €457 million. The ready reckoner is available on my Department’s website, at [www.finance.gov.ie](http://www.finance.gov.ie)

It is assumed that the thresholds for the proposed new tax bands mentioned by the Deputy would not alter the existing standard rate band structure applying to single and widowed persons, to lone parents and married couples.

I am advised by the Revenue Commissioners that the full year cost to the Exchequer, estimated by reference to 2006 incomes, of the introduction of each of these 40 per cent rate bands could be of the order of €135 million, and €215 million, respectively, depending on how the bands were structured. However, given the current band structures, there would be major issues to be worked out as to whether such a new rate could be integrated into the current system and whether

it could be operated in practice. The cost estimates are provisional and subject to revision.

150. **Mr. Bruton** asked the Minister for Finance if he will ask the Revenue Commissioners to reissue a tax refund cheque to a person (details supplied) in Dublin 7 which was inadvertently issued to another person with the same name. [40757/06]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that a replacement refund cheque for €980 will issue within the next 10 days. The address on record is now correct.

151. **Mr. Fleming** asked the Minister for Finance the yield to the Exchequer from companies whose corporation tax for the first accounting period does not exceed €50,000; if he will continue with the June 2002 arrangement on preliminary corporation tax to help small and medium enterprise start-ups; and if he will make a statement on the matter. [40758/06]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that the yield in corporation tax to the Exchequer from companies whose corporation tax liability for their first accounting period did not exceed €50,000 was approximately €22 million. This estimate is by reference to corporate profits earned in accounting periods ending in 2004, the latest year for which the relevant figures are available.

I presume that the arrangement to which the Deputy refers concerns the concessionary treatment by the Revenue Commissioners of certain companies allowing them to pay two instalments of preliminary corporation tax in one payment.

“Preliminary tax” is a payment on account of final liability. Changes were introduced in Budget 2002 which brought forward the date for payment of preliminary corporation tax from six months after the end of the accounting period to one month before the end of the accounting period. These changes were phased in over a transitional period from 2002 to 2005 during which time companies paid their preliminary corporation tax in two instalments. The first instalment was payable one month before the end of a company’s accounting period and the second instalment was payable six months after the end of the accounting period. Revenue’s concessionary practice allowed certain companies (whose corporation tax liability for their start-up period did not exceed €50,000) to pay all of their preliminary tax in the second of the two instalments during the transitional period. This practice was set out in detail in Revenue’s publication Tax Briefing No. 48. When the 2002 to 2005 transitional period ended, the tax was no longer payable in two instalments and, as a direct result, the concessionary practice no longer applied. In respect of first or “start-up” accounting periods ending in 2006,

all companies are required to pay their preliminary corporation tax one month before the end of their accounting period.

I am conscious of the contribution made to the economy by small and medium-sized enterprises but I do not comment at this time of year on matters connected with the Budget.

*Question No. 152 answered with Question No. 144.*

153. **Dr. Cowley** asked the Minister for Finance his views on allowing companies holding conferences here to reclaim their VAT in view of the fact that this is common practice in other countries and that hotels here would receive an increase in lucrative international conference business; and if he will make a statement on the matter. [40772/06]

**Minister for Finance (Mr. Cowen):** As the Deputy will be aware from previous 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 the forthcoming Budget.

#### **Genetically Modified Organisms.**

154. **Mr. Durkan** asked the Minister for Health and Children her position in regard to genetically modified food production; and if she will make a statement on the matter. [40857/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** Government policy with regard to Genetically Modified Organisms (GMOs) is based on the Report of the Inter-Departmental Group on Modern Biotechnology, published in October 2000. In line with the recommendations of this report, my Department adopts a “positive but precautionary” approach to the issue of GM foods which reflects the priority given to consumer choice and safety.

The Food Safety Authority of Ireland is the competent authority in Ireland for the enforcement of legislation governing GM food and carries out regular checks of the marketplace to ensure compliance with GM food legislation. I am satisfied that appropriate arrangements are in place to ensure the safety of authorised GM foods, or foods containing GM ingredients, placed on the market in Ireland.

#### **Health Services.**

155. **Mr. Bruton** asked the Minister for Health and Children if she will commission a study into the adequacy of the speech therapy services delivered by the Health Service Executive to children in their school going years, with a view to assessing the feasibility and value of establishing a dedicated speech therapy service under her

Department in order to end the present practice of parents having to pay private fees to supplement speech therapy services from the Health Service Executive. [40870/06]

**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 Services.**

156. **Mr. Morgan** asked the Minister for Health and Children the reason a person (details supplied) in County Louth was refused physiotherapy by the Health Service Executive Dublin north east at Our Lady of Lourdes Hospital, Drogheda on 19 October, 2006; if the HSE intend to provide this service to patients; when this service will be provided; and if she will make a statement on the matter. [40694/06]

**Minister for Health and Children (Ms Harney):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Hospital Charges.**

157. **Mr. Morgan** asked the Minister for Health and Children the reason a person (details supplied) in County Louth was charged €35,000 for an essential service; if they will be refunded by the Health Service Executive; and when this refund will be awarded to the person. [40695/06]

**Minister for Health and Children (Ms Harney):** The statutory hospital in-patient charge of €60 per night applies to everyone receiving treatment in a public hospital (with a number of exceptions) up to a maximum of €600 in any twelve month period. Where a patient opts to see a consultant in a private capacity, they have moved outside the public system, and the fee charged is a private contractual arrangement between the patient and the consultant. Neither my Department nor the Health Service Executive has any responsibility for the reimbursement of such fees. From the information provided by the Deputy, it appears

[Ms Harney.]

that the person referred to received medical treatment in a private capacity.

#### Health Services.

158. **Mr. N. O’Keeffe** asked the Minister for Health and Children the position regarding a person (details supplied) in County Cork. [40696/06]

**Minister for Health and Children (Ms Harney):** Operational responsibility for the management and delivery of health and personal social services has been assigned to the Health Service Executive. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. 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.

159. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo can expect to be called for orthodontic treatment. [40735/06]

**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.

160. **Mr. Morgan** asked the Minister for Health and Children when an audiologist service will be provided at Louth County Hospital, Dundalk, County Louth; the reason this service was removed from the hospital; and if she will make a statement on the matter. [40736/06]

**Minister for Health and Children (Ms Harney):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### Home Help Service.

161. **Mr. Morgan** asked the Minister for Health and Children the number of personnel employed as home help or home support workers in each

of the Health Service Executive regions; the number of hours allocated in each region; the average number of hours allocated to each client in each region; if separate figures are available in respect of County Louth in each of these cases; and if she will make a statement on the matter. [40737/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### Care of the Elderly.

162. **Mr. Morgan** asked the Minister for Health and Children when respite care will be made available to a person (details supplied) in County Louth; the reason this respite care undertaken has been withdrawn; and the way is proposed to deal with this person on the dates concerned. [40738/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### Health Services.

163. **Mr. Ring** asked the Minister for Health and Children if she will arrange a re-assessment for orthodontic treatment for a person (details supplied) in County Mayo; if she will provide copies of all the reports in relation to the way they were assessed; if she will investigate this case and indicate the reason a child who needs orthodontic treatment according to dentists in the private sector is being refused treatment by the Health Service Executive. [40760/06]

**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 Accommodation.**

164. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children the occupancy rates of designated beds by patients with private medical insurance in each of the ten co-location hospitals for the past three years; and if she will make a statement on the matter. [40773/06]

**Minister for Health and Children (Ms Harney):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Bullying in the Workplace.**

165. **Mr. Gogarty** asked the Minister for Health and Children if an investigation has been or will be carried out in relation to allegations of ongoing bullying of trainees and staff within the Tullamore ambulance service over the past 18 months; and if she will make a statement on the matter. [40775/06]

166. **Mr. Gogarty** asked the Minister for Health and Children the procedures in place to deal with complaints of bullying within the Health Service Executive; the specific systems in place relating to ambulance services; if she is confident that staff are aware of and act of such procedures, particularly within the Tullamore ambulance service; and if she will make a statement on the matter. [40776/06]

167. **Mr. Gogarty** asked the Minister for Health and Children the reason files relating to complaints of bullying within the Tullamore ambulance service went missing in the past few months; the efforts made to trace these lost files or to ascertain whether or not they were deliberately removed; if there are plans to notify existing and past staff members that said files have gone missing and to resubmit complaints; and if she will make a statement on the matter. [40777/06]

168. **Mr. Gogarty** asked the Minister for Health and Children the powers that exist within the Health Service Executive to investigate individuals have deliberately lost or stolen files relating to complaints of bullying within a particular arm of the health service, including for example an

ambulance service; the penalties that can be applied should such individuals be found to have interfered with due process; if there are recent cases where such investigations and penalties have been applied; and if she will make a statement on the matter. [40778/06]

169. **Mr. Gogarty** asked the Minister for Health and Children if studies have been carried out in relation to the impact on patient care and public safety of ongoing harassment and bullying of staff working in already stressful environments, such as an ambulance service; if such situation require additional monitoring due to the primacy of the patients involved and the public safety issues; and if she will make a statement on the matter. [40779/06]

**Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 165 to 169, inclusive, together.

Over 120,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the numbers of doctors, nurses and other health care professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the health care needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the matters raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matters investigated and to have a reply issued directly to the Deputy.

#### **Hospital Accommodation.**

170. **Mr. G. Murphy** asked the Minister for Health and Children the progress made in providing additional beds in Kanturk Community Hospital; and if her Department provided the necessary funding to the HSE to carry out the works. [40783/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Government's sustained high level of investment in health care has enabled the completion and commissioning of numerous new facilities in both the acute and the non-acute sectors. This year, the sum available for expenditure in health under the Health

[Mr. S. Power.]

Service Executive's capital plan is €555 million. The HSE has responsibility for the planning and management of capital projects in the health sector, including the development referred to in the Deputy's question. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Hospital Services.**

171. **Mr. Perry** asked the Minister for Health and Children if she will intervene on behalf of a person (details supplied) in County Sligo and have them called for their operation in view of the fact that their condition has deteriorated; and if she will make a statement on the matter. [40802/06]

**Minister for Health and Children (Ms Harney):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. 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.

#### **Garda Vetting Services.**

172. **Aengus Ó Snodaigh** asked the Minister for Health and Children the progress being made in establishing mechanisms to manage Garda vetting applications for the complete child care sector, as referenced in a letter from the Garda central vetting unit to a Dublin child care organisation; and if she will make a statement on the matter. [40810/06]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** In line with the recommendations of the Garda Vetting Report and the expansion of the Garda Central Vetting Unit, the Garda vetting service is being expanded by means of a phased roll-out within resource capacities. The roll out is accompanied by training for organisations who will be submitting the vetting applications. The expansion will continue over this year and next year and beyond until vetting is provided for all personnel working in a full time, part-time or voluntary capacity with children and vulnerable adults. This will include all workers involved in the childcare sector.

Garda vetting is currently required as a condition of funding in respect of every childcare employee whose employees are in receipt of staffing grant assistance under the Equal Oppor-

tunities Childcare Programme (EOCP), excluding FÁS funded employees on Job Initiative (J.I.), Community Employment (C.E.) and Social Economy Programmes. Such funding is not available to private childcare facilities run on a commercial basis.

#### **Hospital Services.**

173. **Mr. Gormley** asked the Minister for Health and Children if she will reconsider the decision to move cancer treatment facilities from St. Luke's to St. James from 2011; and if she will make a statement on the matter. [40830/06]

**Minister for Health and Children (Ms Harney):** The decision to transfer St. Luke's Hospital was taken by the Government in the context of its consideration of the National Plan for Radiation Oncology Services. The decision is based on expert advice and is designed to ensure that radiation oncology, one element of cancer care, is integrated with all other aspects of care, including surgery and medical oncology. This is in line with best international practice. I am convinced that this model will provide better patient centred treatment with improved quality of service and outcome for patients. The Board of St. Luke's Hospital and its Executive Management Team are fully committed to supporting the Government's decision in relation to the development of radiation oncology. A transfer on similar lines took place earlier this year in Northern Ireland when radiation oncology services transferred to Belfast City Hospital, a major academic teaching hospital.

In progressing the transfer, I will build on the expertise and ethos of St. Luke's. I have ensured that experts at St. Luke's are centrally involved in the planning and delivery of the National Plan. The plan consists of large centres in Dublin (at Beaumont and St. James's Hospitals), Cork and Galway and two integrated satellite centres at Waterford Regional Hospital and Limerick Regional Hospital. Medical and scientific experts from the hospital are involved in developing the output specifications for the delivery of new radiation oncology services nationally. The Chief Executive at St. Luke's will lead the management team of the new facility at St. James's. I also appointed the Chairman of St. Luke's to chair a National Radiation Oncology Oversight Group to advise me on progress on the implementation of the plan.

The tender has recently been awarded for two additional and two replacement linear accelerators at St. Luke's to provide much needed interim capacity pending the roll out of the national plan. I expect these services to commence late next year. I also recently announced the approval of two radiation oncology facilities at Beaumont and St. James's Hospitals, comprising of two linear accelerators and associated treatment planning at each site, to be delivered

in early 2009. These are key elements of the delivery of the National Plan.

The expertise and professional commitment of the staff at St. Luke's Hospital will continue to be an essential element in the development of cancer care.

#### **Hospital Food.**

174. **Mr. Gormley** asked the Minister for Health and Children if she will improve the quality of hospital food; her views on the fact that many patients do not like the food currently served; and if she will make a statement on the matter. [40831/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The information sought by the Deputy relates to matters within the area of responsibility of the Health Service Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **National Lottery Funding.**

175. **Mr. Ferris** asked the Minister for Health and Children the status of an application by a group (details supplied) in County Kerry for lottery funding to build a day care centre in Listowel to cater for the needs of the elderly in the greater north Kerry area; and if she will make a statement on the matter. [40863/06]

**Minister for Health and Children (Ms Harney):** My Department received an application for a grant from the Health and Children allocation of National Lottery funds from the organisation referred to.

There is a protocol in my Department for processing applications for National Lottery grants. When a completed application form is received in my Department it is registered in the Finance Unit and forwarded to the relevant Service Division for their assessment, evaluation and recommendation. All applications are then considered in the context of the recommendation and the overall level of funds available to me. This application is one of many under consideration for a grant from my Department and the organisation in question will be informed as soon as a decision has been made.

#### **Medical Cards.**

176. **Mr. Gregory** asked the Minister for Health and Children the reason a product (details supplied) is not available on the medical card in view of the fact that many elderly persons require the eye treatment on a permanent basis; and if she will make a statement on the matter. [40868/06]

#### **Minister for Health and Children (Ms Harney):**

There is a common list of reimbursable medicines for the General Medical Services and Drug Payment schemes. This list is reviewed and amended monthly, as new products become available and deletions are notified. For an item to be included on the list, it must comply with published criteria, including authorisation status as appropriate, price and, in certain cases the intended use of the product. In addition, the product should ordinarily be supplied to the public only by medical prescription and should not be advertised or promoted to the public.

Any application by a supplier to have Ocvite included on the common list will be considered in the usual way. People with a medical card who experience undue financial hardship in obtaining any product which is not on the common list should contact the local area of the Health Service Executive.

#### **Ministerial Replies.**

177. **Mr. Ring** asked the Minister for Health and Children the reason no response issued from the Health Service Executive in relation to a parliamentary question placed for answer several weeks ago; and when a response will issue in this regard. [40890/06]

#### **Minister for Health and Children (Ms Harney):**

The Health Service Executive has informed my Department that a reply has issued to the Deputy.

#### **Fisheries Protection.**

178. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources the way it is intended to compensate the drift net fishermen who have only received licences within the past five years; the way persons who have only received licenses within the past year will be compensated; and if he will make a statement on the matter. [40787/06]

#### **Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):**

The Government has created a hardship fund for those affected by the compulsory cessation of indiscriminate mixed stock fishing at sea, realising that these proposals will entail hardship for commercial fishermen and vulnerable coastal communities. The fund will be available to all those subject to a compulsory closure of their current commercial fishery, namely the holders of drift-net licences and some draft net licence holders.

The level of payments will be based on the average verifiable catch for each licence holder for the past 5 years (2001-2005). Each individual licence holder should receive 6 times his average catch multiplied by the average net income per

[Mr. Browne.]

salmon (which is estimated to be €23 per salmon). In all cases a payment equal to 6 times the current licence fee will be made to each licence holder. I believe this is a fair and reasonable allocation.

As the Deputy is aware changes in the management of the wild salmon fishery for 2007 and beyond were signalled in advance of the 2006 season. In the circumstances it would be unlikely that fishermen who obtained a licence in the past year could claim that they suffered unexpected hardship.

### Departmental Funding.

179. **Mr. Allen** asked the Minister for Foreign Affairs if his attention has been drawn to the fact that the Comhlámh Cork office may close due to shortage of funding; and the action he proposes to take on the matter. [40734/06]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** Currently Comhlámh is the recipient of substantial multi-annual funding from Irish Aid. Comhlámh carries out, with Irish Aid support, very valuable development education and volunteer-related activities in the Cork region, as it does throughout Ireland. I am aware that Comhlámh has decided to close its office in Cork at the end of this year. I am assured, however, that these activities will not be affected by the closure of that office. The issue of how Comhlámh wishes to organise its activities and all related administrative decisions, including the closure of the Cork office, is solely a matter for Comhlámh.

### International Agreements.

180. **Mr. Carey** asked the Minister for Foreign Affairs if it is his intention that Ireland will sign and ratify the UN Protocol Trafficking 2000 and the Council of Europe Convention on Action Against Trafficking in Human Beings; and if he will make a statement on the matter. [40871/06]

**Minister for Foreign Affairs (Mr. D. Ahern):** It is the Government's intention that Ireland proceed a) to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and b) to sign and ratify the Council of Europe Convention on Action Against Trafficking in Human Beings, as soon as the necessary legislation is in place. In an Adjournment Debate in the House on 23 November, Minister of State Conor Lenihan T.D., on behalf of the Tánaiste and Minister for Justice, Equality and Law Reform Michael McDowell T.D., set out comprehensively the existing legal position in Ireland in relation to human trafficking.

As regards the legislation referred to above, at the request of the Tánaiste and Minister for Justice, Equality and Law Reform, the Office of the Parliamentary Counsel to the Government is preparing a draft Criminal Justice (Trafficking in Persons and Sexual Offences) Bill which will create an offence of trafficking in persons for the specific purpose of sexual or labour exploitation. This will supplement existing legislation in that area. It is expected that the Bill will be published in early 2007. When the Bill becomes law, Ireland will be in a position to comply fully with the commitments enshrined in both the international instruments in question.

### Emigrant Support Services.

181. **Mr. McHugh** asked the Minister for Foreign Affairs the financial support provide to organisations in London who provide support to Irish people in that city; if he will report on recent discussions and developments which have occurred between his Department and such organisations; and if he will make a statement on the matter. [40896/06]

**Minister for Foreign Affairs (Mr. D. Ahern):** The interests and needs of the Irish community in Britain are of particular importance to the Government. The strong commitment of the Government to support our community abroad is reflected in the unprecedented level of funding secured for emigrant services. This year, €12 million is being disbursed to assist our communities abroad, an increase of 45% on 2005. The allocation for next year is €15.2 million, 27% more than this year. Overall, this represents a massive fifteen-fold increase since 1997.

In addition, arising from a decision I took as Minister for Social, Community and Family Affairs in 2000, €67 million has been paid out to over 14,000 Irish pensioners who benefit under the pre-1953 social insurance scheme, many of whom are living in Britain.

Most of the emigrant services funding is directed to organisations in Britain that are engaged in a wide range of community care activities of direct benefit to Irish people there. Increased funding is having a very tangible and positive impact. So far this year, 142 organisations in Britain have received grants amounting to €8 million; 56 of these are located in London and have received grants totalling €3.5 million.

Further applications for funding are currently under consideration and I look forward to making an announcement very shortly on additional grants. By the end of this year, I expect that funding to Irish community organisations in Britain will have reached the unprecedented amount of at least €9 million, an increase of some 25% on last year's funding there. The organisations receiving funding this year provide a range of

services, ranging from informal community networking groups for senior citizens to organisations that offer outreach services and advice on entitlements. We will continue to support them in their invaluable work with, and for, Irish people.

Another important area relates to initiatives that support homeless Irish people. The Simon Community in London estimates that the number of homeless Irish in central London has fallen from over 600 in 1999 to under 100 this year. I was pleased to note that Simon credits the Irish Government funding with having played a key role in this.

That said, I remain very concerned about the plight of any person in this unfortunate situation, and am determined to respond to their needs. This is why I have approved grants so far this year exceeding €800,000 to organisations, including Simon, Cricklewood Homeless Concern and Arlington House that support homeless Irish people in London and provide critical follow-on support and outreach services to this particularly vulnerable section of our community there.

While the primary emphasis in funding continues to be on supporting frontline welfare services, I am pleased that the additional allocation has also made it possible to support a number of capital projects as well as projects which support our community in Britain in their wish to express their Irish identity.

Officials of the Embassy in London and the Irish Abroad Unit of my Department will continue to work very closely with our community organisations in London and elsewhere in Britain, to ensure that they can have a direct channel to Government and that our response to their needs continues to be effective in the period ahead.

#### **Decentralisation Programme.**

182. **Mr. Crawford** asked the Minister for Arts, Sport and Tourism the number of staff decentralised to the head office in County Kerry; if an office has been retained in Dublin; if so, the number of personnel involved there; if he has satisfied himself that the new system is giving the best possible service on a national basis; and if he will make a statement on the matter. [40716/06]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** My Department, excluding the National Archives, i.e. approximately 130 posts, will relocate to Killarney under the Government's Decentralisation programme and, as the Deputy may be aware, was designated by the Decentralisation Implementation Group as one of the "early mover" Departments. Construction of the new building in Killarney is expected to commence before the end of the year and the anticipated completion date is early 2008.

In the meantime, an advance group of 44 staff relocated to temporary accommodation at Fossa,

Killarney in September last. The temporary premises is capable of accommodating up to 70 staff and following a "bedding down" period, consideration will be given to transferring further units of my Department on a phased basis, ultimately leading to the relocation of all 130 staff to the new permanent building in Killarney in early 2008.

Careful consideration was given to the units that made up the advance group and I am satisfied that my Department is operating effectively in both locations. I am also satisfied that, with the help of the best modern technology, officials in my Department's Dublin and Killarney offices communicate effectively with each other and with my Department's customers.

#### **Sports Capital Programme.**

183. **Mr. F. McGrath** asked the Minister for Arts, Sport and Tourism if he will support a school (details supplied) in Dublin 5 in their application for floodlights on their grass pitch. [40752/06]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national levels. Applications for funding under the 2007 programme were invited through advertisements in the Press on October 15th and 16th last. The closing date for receipt of applications was Friday last, November 24th. I can confirm that an application in the name of the organisation in question and a second organisation was received prior to the deadline.

All of the applications will be evaluated against the programme's detailed assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

For the Deputy's further information, the circumstances under which projects involving schools can be funded are as follows:

- where the application submitted for funding is a joint application from the school and a local sports club or community group;
- where the application shows a clear need for the proposed sports facility in the area, as formally agreed with other local groups and/or the local authority;
- where the local community will have access to the proposed facility for a minimum of at least 30 hours a week throughout the year when it is not being used by the school or college itself
- and finally, of course where the application meets the general guidelines, terms and



[Mr. O'Donoghue.]

conditions which apply to all applications under the programme.

As the Deputy is aware, responsibility for funding of school sports facilities rests with the Department of Education and Science, and the number of school-related applications to my Department's sports capital programme is relatively low. For example in 2006 out of a total of 1,338 applications, only 30 were school-related and, of these, 12 projects were successful and were allocated a total of €1.4 million in funding.

I can assure the Deputy that any school-related applications received under the 2007 sports capital programme which meet the necessary conditions and which would clearly increase sports participation and fill an identified gap in the level of sporting facilities in that community will be given every consideration for funding.

### Job Creation.

184. **Mr. Ring** asked the Minister for Enterprise, Trade and Employment his views on whether job creation in the Border Midland Western region has not kept pace with other regions here; the number of jobs created in the BMW region, on a county basis from 2000 to date in 2006; the number of redundancies in the region, by county for the same period; and if he will make a statement on the matter. [40730/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** One of the key objectives of the enterprise development agencies is to encour-

age more balanced regional development and this is being pursued within the framework of the National Spatial Strategy. Some types of FDI project have a very strong preference for locating in a major urban centre, with its concentration of labour, services, transport links, and infrastructure. The lack of large urban centres in the BMW Region provides a challenge in this respect.

IDA Ireland has taken a number of proactive steps to promote investment and job creation in the BMW Region. These include:

- Adopting a target of trying to locate 50% of all new Greenfield FDI first-time jobs into the BMW region. This is an ambitious target relative to the 25% share being won by the BMW region in the late 1990s. Over the 2000-2005 period an estimated 40% of all new Greenfield first time jobs have been located in the BMW region.
- Upgrading the scale, resources and management responsibility of its regional offices, in order to enhance the Agency's ability to maximise the amount of FDI that locates in the BMW region.
- Utilising the higher grant ceilings available in the BMW Region relative to the rest of the country in order to encourage investment projects to locate within the BMW region.

The following is a table that gives the number of jobs created in companies assisted by the Enterprise Agencies (Enterprise Ireland and the Industrial Development Authority) in the period 2000 to 2005 in the BMW region.

Number of Jobs Created in companies assisted by the Enterprise Agencies (EI and IDA) in period 2000-2005 in BMW Region

	2000	2001	2002	2003	2004	2005
<i>Border</i>						
Cavan	362	365	249	343	389	838
Donegal	617	834	379	391	408	648
Leitrim	66	387	181	600	177	61
Louth	1,253	774	447	250	646	521
Monaghan	385	355	371	328	347	536
Sligo	298	261	264	263	316	306
<i>Midlands</i>						
Laois	83	277	133	70	101	82
Longford	241	446	120	359	257	417
Offaly	275	242	671	230	358	261
Westmeath	711	547	585	365	544	448
<i>West</i>						
Galway	2,799	1,296	1,047	1,374	1,634	1,896
Mayo	898	606	322	290	329	489
Roscommon	288	213	250	214	173	174
Total all	8,276	6,603	5,019	5,077	5,679	6,677

Source: Forfás Business Information System.

The data in the latest Quarterly National Household Survey is published by the Central Statistics Office on a regional rather than a county basis and they show that the numbers in employment have increased by 27% from 407,500 to 515,900 in

the Border Midland Western region in the period 2000 to 2006. This compares to an increase of 19% in the Southern and Eastern region and 21% in the State overall during the same period.

	Numbers employed	Increase in employment	% increase
	'000	'000	
<i>BMW</i>			
2000	407.5		
2006	515.9	108.4	26.6%
<i>Southern/Eastern</i>			
2000	1,264.0		
2006	1,501.1	237.1	18.7%
<i>State</i>			
2000	1,671.4		
2006	2017.0	345.6	20.6%

The following are two tables that give the number of redundancies in the BMW region from 2000 to 2006.

Notified Redundancies by Area Code for Period 01/01/2000 to 01/12/2004

	2000	2001	2002	2003	2004	Totals
Cavan	55	90	91	168	131	535
Louth	455	642	960	606	464	3,127
Monaghan	86	152	99	335	160	832
Area Total:	596	884	1,150	1,109	755	4,494
Donegal	230	495	465	1,145	725	3,060
Leitrim	70	62	59	49	69	309
Sligo	49	145	119	251	213	777
Area Total:	349	702	643	1,445	1,007	4,146
Laois	74	141	92	118	246	671
Longford	131	94	101	50	63	439
Offaly	255	375	431	145	207	1,413
Roscommon	53	65	133	321	66	638
Westmeath	132	304	526	681	448	2,091
Area Total:	645	979	1,283	1,315	1,030	5,252
Galway	333	959	1,394	1,342	907	4,935
Mayo	92	278	402	476	375	1,623
Area Total:	425	1,237	1,796	1,818	1,282	6,558
Totals	2,015	3,802	4,872	5,687	4,074	20,450

[Mr. Martin.]

## Actual Redundancies by Area Code for Period 01/01/2005 to 01/10/2006

	2005	2006	Total
<i>Border Region</i>			
Cavan	142	118	260
Louth	422	611	1,033
Monaghan	152	112	264
Area Total:	716	841	1,557
<i>Donegal</i>			
Donegal	504	760	1264
Leitrim	50	59	109
Sligo	260	251	511
Area Total:	814	1,070	1,884
<i>Midland Region</i>			
Laois	186	119	305
Longford	135	252	387
Offaly	249	181	430
Roscommon	129	65	194
Westmeath	314	173	487
Area Total:	1,013	790	1,803
<i>Western Region</i>			
Galway	973	906	1879
Mayo	663	268	931
Area Total:	1,636	1,174	2,810
Totals	4,179	3,875	8,054

**Work Permits.**

185. **Ms Shortall** asked the Minister for Enterprise, Trade and Employment if he will expedite a decision on the application for a work visa for a person (details supplied) in Dublin 9 who is currently enrolled in a degree programme and who is required to undertake work experience as part of the course; and if he will make a statement on the matter. [40753/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The Work Permits Section of my Department informs me that they have no record of a work permit application in this case.

186. **Aengus Ó Snodaigh** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the number of applications for a work permit by a company (details supplied) to employ an individual who is legally resident here on a student visa, that this permit application has been repeatedly refused on the grounds that it is not permitted to transfer from a student visa to a work permit, which is in violation of his Departments policy as stated at

his Department's website and that the most recent application for a work permit pointed this out, but was ignored; and if he will, as a matter of urgency, approve the application for this person who has been waiting over five months for a work permit and whose employer is eager for them to take up employment. [40809/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The Work Permits Section of my Department informs me that this application was refused on the basis that the above named individual entered the State to pursue a course of studies and is therefore not entitled to enter full time employment. Having heard an appeal in this case the original decision was up held.

However, it should be noted that students attending recognized programmes of study are entitled to work twenty hours per week during term time and forty hours per week during holidays without, at present, the need for a work permit.

**Grant Payments.**

187. **Mr. Ring** asked the Minister for

Enterprise, Trade and Employment the persons or companies who received grant aid from the Mayo County Enterprise Board in the past twelve months, including the amount received, name and address of the recipients, purpose of the grant and so on; if all the grant amount approved has been drawn down; and if he will make a statement on the matter. [40888/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The detailed information being requested is a day-to-day operational matter for Mayo County Enterprise Board. While my Department would, as part of an overall financial monitoring exercise in relation to all 35 County Enterprise Boards, request information on a regular basis in relation to spending patterns and projected grant drawdowns the level of detail being requested, in this instance, by the Deputy would not ordinarily form part of our request to a County Enterprise Board.

However the Deputy may wish to note that the 2005 Annual Report of Mayo County Enterprise Board contains information on the grants paid out in 2005 including the amount in question, the name of the grant recipient and the sector in which the grantee operates. This Annual Report has been laid before the Houses of the Oireachtas and should be available from the Oireachtas library. I have asked Mayo County Enterprise Board to contact the Deputy directly in relation to his queries in respect of the current year.

#### EU Negotiations.

188. **Mr. Gormley** asked the Minister for Enterprise, Trade and Employment if the EU request of ACP countries under EPA services negotiations will include infrastructure services; if this heading will include requests that relate to water infrastructure; the impact he expects this will have on the poorest sections of those societies; and if he will make a statement on the matter. [40889/06]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** The European Union (EU) has not submitted formal requests to any ACP country, in the context of EPA services negotiations, seeking market access commitments in relation to infrastructure services. Thus, there is no request in relation to water infrastructure. More recently, the EU has reiterated, in the context of the ongoing EPA services negotiations, that it would not submit written requests to the ACP, unless suggested by ACP Regions themselves, in order to facilitate ACP Regions own internal decision-making process.

#### International Agreements.

189. **Mr. Durkan** asked the Minister for Social

and Family Affairs the extent to which he can expedite the process of investigation of entitlements arising from combined contributions in two or more jurisdictions having particular regard to the delays experienced currently; if satisfactory bilateral social welfare arrangements exist between Ireland and Canada; and if he will make a statement on the matter. [40722/06]

**Minister for Social and Family Affairs (Mr. Brennan):** Currently Ireland has bilateral social security agreements with seven countries: Austria, Australia, Canada, New Zealand, the United Kingdom, the USA and Switzerland. Ireland entered into a bilateral understanding with Canada on 1 October 1994. The main purpose of these agreements is to protect the social security pension rights of workers who have worked both in Ireland and the other country to which the agreements apply.

Bilateral agreements provide for periods of insurance and, where appropriate, periods treated as equivalent to periods of insurance in Ireland and the relevant country to be combined for the purposes of calculating and pension entitlements. They also provide that workers posted on a temporary basis may continue to be covered under the social insurance system of the country in which they were previously insured. The liaison procedures which have been established with each country are reviewed frequently. Regular contact is made with the appropriate foreign agencies to ensure the smooth transfer of the necessary information required to decide on these types of claims. No significant difficulties are being experienced in relation to any of the agreements at this time.

The time taken to process claims that fall to be examined under bilateral agreements is longer than that for standard Irish entitlements because of the added complexity that arises in these cases. While every effort is made to minimise processing times, the overriding objective in dealing with these claims is to ensure that people receive their full entitlements.

I would like to assure the Deputy that delays in processing applications do not result in any losses to pensioners and those who qualify for payment have their claims backdated fully in accordance with the normal regulations for backdating pension claims. While delays occur from time to time in the processing of individual claims I am satisfied that reasonable arrangements exist under the Bilateral Social Security Agreement between Ireland and Canada.

#### Social Welfare Benefits.

190. **Mr. Ring** asked the Minister for Social and Family Affairs the reason incorrect information was given in a previous parliamentary question; if this matter will be examined urgently; and if he

[Mr. Ring.]

will confirm the decision made on the revised application submitted by a person (details supplied) in County Mayo. [40764/06]

**Minister for Social and Family Affairs (Mr. Brennan):** The information given in reply to the previous parliamentary question was based on information supplied by the HSE who advised that this and other cases have been the subject of discussion between the Deputy and the HSE by telephone. Following further enquiries with the Executive, I now understand that a meeting between the Deputy and the HSE is scheduled for early December.

A person may qualify for payment of a back to school clothing and footwear allowance if he or she is in receipt of a social welfare or health service executive payment, is participating in an approved employment scheme or attending a recognised education or training course, and has household income at or below certain specified levels. The person concerned was refused back to school clothing and footwear allowance as her household income was substantially above the prescribed limit for entitlement to the allowance. She was advised of her right to appeal this decision to the area appeals officer of the Executive. The Executive has advised that she has not appealed this decision. According to the records of the HSE, no second application for BSCFA has been received from the person concerned.

191. **Mr. Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved and granted the carer's allowance. [40766/06]

**Minister for Social and Family Affairs (Mr. Brennan):** The person concerned was refused the Carer's Allowance on the grounds that full time care and attention as prescribed in regulations is not required in this case. On 27 November 2006 he was notified of the decision, the reason for it and of his right to appeal to the Social Welfare Appeals Office.

Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These Officers are statutorily appointed and I have no role in regard to making such decisions.

192. **Ms Lynch** asked the Minister for Social and Family Affairs the reason a person (details supplied) who is an old age pensioner and on a low income has been refused the free fuel allowance; and if he will make a statement on the matter. [40767/06]

**Minister for Social and Family Affairs (Mr. Brennan):** Eligibility for a fuel allowance is subject to means and other conditions. The main

conditions that apply to the fuel allowance scheme are that a person must be in receipt of a qualifying payment, must satisfy a means test and must either be living alone or with a qualifying dependant. A person may have a combined household income of up to €51 per week over and above the maximum rate of state pension (contributory) or savings/investments of up to €46,000, and still qualify for fuel allowance.

The person concerned is in receipt of a State Pension (Contributory) at the maximum rate of €193.30 per week. She also has income of €90.48 per week from a private pension. As this amount is in excess of the income limit allowable for eligibility to a fuel allowance, her application was refused in January last and she was notified accordingly.

Any extension of the fuel allowance scheme would have financial implications and could only be considered in a budgetary context.

#### Social Welfare Code.

193. **Mr. Deasy** asked the Minister for Social and Family Affairs if he will raise the income limit for entitlement to the free fuel allowance to ensure that those recipients of the State non-contributory pension who avail of the new €100 a week earnings allowance do not lose the free fuel allowance; and if he will make a statement on the matter. [40788/06]

**Minister for Social and Family Affairs (Mr. Brennan):** People in receipt of the state non-contributory pension who avail of the €100 a week earnings disregard do not lose fuel allowance. They continue to satisfy the means test for fuel allowance for as long as they remain entitled to the state non-contributory pension.

Eligibility to the fuel allowance scheme is subject to means and other conditions. The main conditions that apply to the fuel allowance scheme are that a person must be in receipt of a qualifying payment, must satisfy a means test and must either be living alone or with a qualifying dependant. People who qualify for means-tested pensions or allowances such as state pension (non-contributory), long-term jobseeker's assistance or one-parent family payment do not have to undergo a further means test to qualify for fuel allowance. The majority of people who receive fuel allowances qualify because they satisfy the relevant means test for their primary weekly payment.

The fuel allowance income limit referred to by the Deputy applies in the case of contributory pensions such as state pension (contributory), state pension (transition) and invalidity pensions, which are not means tested. In the case of recipients of contributory pensions, any earnings from insurable employment and/or occupational pensions are normally regarded as means for the pur-

pose of determining an individual's entitlement to a fuel allowance. A person may have a combined household income of up to €51 per week over and above the maximum rate of state pension (contributory) or savings/investments of up to €46,000, and still qualify for fuel allowance. This income limit was increased to €51 per week with effect from 1 June 2005.

Any changes in the means rules for the scheme, such as an increase in income limits, would have cost implications and would have to be considered in the context of the Budget and in the light of the resources available to me for improvements in social welfare generally.

### Open Skies Agreements.

194. **Ms O. Mitchell** asked the Minister for Transport if he will make representations at EU level pointing out the competitive disadvantage imposed on Ireland by prohibiting a bilateral agreement pending the completion of the stalled EU wide open skies deal with the US in view of the fact that other EU countries already have bilateral open skies agreements with the EU. [40869/06]

**Minister for Transport (Mr. Cullen):** The liberalisation of air transport services between Ireland and the US would deliver major benefits for Irish business and tourism. I have drawn to the attention of the Commission and colleagues in the Council of Ministers that the conclusion of an open skies agreement would have particular benefits for Ireland compared to Member States (15 of 25) that already have open-skies agreements with the US. Those Member States already enjoy an advantage in unrestricted access to route rights for the development of air services to and from the US.

Following the agreement reached with the US Authorities to providing for an orderly change to the Shannon stop arrangements in the context of the proposed EU-US Open Skies agreement it is very disappointing that that agreement has still not been finalised. This is due to problems that have arisen on the US side in making changes to the US rules on ownership and control restrictions for airlines. Following the US mid-term elections earlier this month it is widely perceived that the rule-making procedures will, at a minimum, be delayed further. I should point out however that the US administration has not yet stated how it intends to proceed in this matter following those elections.

I informed Government in September this year of my intention to pursue all possible avenues to provide for the entry into force at the earliest possible date of the EU-US open skies agreement including the transitional arrangements relating to Ireland already agreed between the EU and the US I also indicated that, in the event that an

EU-US agreement is not achievable within a reasonable timeframe, I intend to seek to implement, in accordance with applicable Community law, the essential elements of the transitional arrangements relating to Ireland by way of an amendment to the Ireland US bilateral air services agreement.

While allowing some time for clarification of the intentions of the US administration following the US elections, I am considering all of the options to progress this matter as soon as possible including the legal issues arising under Community law in relation to an amendment of the Ireland US bilateral air services agreement.

### Driver Testing.

195. **Mr. Haughey** asked the Minister for Transport the reason driving tests have been outsourced to the National Car Test. [41237/06]

**Minister for Social and Family Affairs (Mr. Brennan):** A block of 40,000 driving tests, which can be extended to 45,000 tests if necessary, was outsourced to SGS Ltd., the company contracted to conduct driving tests, as part of a package of measures to reduce the driving test backlog that also included employment of additional staff and a bonus scheme for staff. The Road Safety Authority now has responsibility for the delivery of driving tests and the operation of the outsourcing contract.

### Foras na Gaeilge.

196. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta ó bunaíodh Foras na Gaeilge sa bhliain 1999 cá mhéad airgid, arna shonrú bliain ar bhliain, a chuir siad ar ais chuig an Roinn. [40808/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Dírím aird an Teachta ar an bhfreagra a thug mé ar Cheist Uimh 509 uaidh den 1 Samhain 2006. Is fiú a lua ag an bpointe seo go raibh botún cló sa trú sraith den tábla a bhain leis agus gur fuilleach €403,000 agus ní €3,000 a bhí i gceist sa bhliain 2001.

### Farm Inspections.

197. **Mr. Naughten** asked the Minister for Agriculture and Food the reason her Department insists on unannounced farm inspections; and if she will make a statement on the matter. [40725/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Department of Agriculture and Food, in the context of delivering the Single Payment Scheme, is required to carry out on-the-spot inspections on a number of farms covering such issues as eligibility under the Scheme, compliance with EU legislation in the areas of the envir-

[Mary Coughlan.]

onment, food safety, animal health and welfare and plant health and ensuring that the farm is maintained in good agricultural and environmental condition. A minimum of 5% of Single Payment Scheme applicants is required to be inspected under the eligibility rule. Up to two-thirds of these inspections are carried out without a farm visit and using the technique of remote sensing. The rate of on-farm inspection required for cross-compliance is 1% of those farmers to whom the Statutory Management Requirements (including the Nitrates Directive) or GAEC apply. However at least 5% of producers must be inspected under the Bovine Animal Identification and Registration requirements as this level is prescribed under the relevant Regulations. On-farm inspection is a requirement of the main schemes operated by my Department including REPS, Early Retirement, Farm Waste Management and other measures included in the €6.8 Billion funding package recently agreed for the 2007-2013 period. In carrying out the inspection function my officials try to be reasonable while respecting the regulatory requirements of the schemes involved.

In 2006, 8,200 farmers have had their holdings selected for on-the-spot inspection out of some 130,000 who have applied for the Single Payment Scheme — over 100,000 of these are also applicants for the Disadvantaged Areas Scheme. The value of both schemes to Irish farmers is some €1.55 billion in 2006. My Department's policy towards on-farm inspection for the Single Payment Scheme has been to give advance notification of up to 48 hours in all cases. This policy of systematic pre-announcement of inspections was questioned by the Commission in July 2006 and its unacceptability, was conveyed to my Department in a formal communication in August. As a result my Department was obliged to agree to a proportion of Single Payment Scheme inspections being carried out in 2006 without prior notification. Some 650 farms out of 130,000 involved in the Single Payment Scheme were subsequently selected for unannounced inspection. The balance of inspection cases, representing 92% of the 8,200 farms selected for Single Payment Scheme/Disadvantaged Areas Scheme inspection in 2006, are all pre-notified to the farmer.

The EU regulations governing the Single Payment Scheme allow my Department to give pre-notification of inspection in the case of certain elements of cross-compliance e.g. the Nitrates Regulations. However, my Department is committed, in the Charter of Rights for Farmers 2005-07 to carrying out all Single Payment Scheme and Disadvantaged Area Scheme checks during a single farm visit in most cases. This obliges my Department to respect the advance notice requirements applicable to the most stringent element of the inspection regime viz. maximum of 48 hours notice but with no advance notice in

a proportion of cases. My Department is committed in the Charter of Rights to pursuing with the European Commission a strategy to deliver advance notification of 14 days for inspections under the Single Payment Scheme. The matter has been raised with the Commission on a number of occasions since 2004, particularly in the context of the Irish situation where we are applying a fully decoupled and essentially area-dependent Single Payment Scheme. I have personally made the case again recently to Commissioner Fischer Boel and this issue will be a key point for Ireland in the CAP simplification initiative of the Commission which is now under way. I had a meeting last week with my German counterpart, Horst Seehofer, who takes over the chair of the Agriculture Council in January, where I gave my wholehearted support to his proposal to make simplification of the CAP a core issue during the German presidency.

I believe that pre-notification of Single Payment Scheme/Disadvantaged Areas Scheme inspections, fits in with the practicalities of Irish agriculture where increasingly, farmers are also engaged in off-farm employment. In a decoupled Single Payment Scheme system, the provision of advance notification of inspection to the farmer should not negatively impact on the effectiveness of the control. However, as the EU regulations stand, my Department is obliged to carry out a small proportion of inspections without prior notification and this is what is being done in 2006. My Department is seeking authority to allow advance notification in all Single Payment Scheme inspection cases and I will continue to press in the CAP simplification process.

#### Water Meters.

198. **Mr. Naughten** asked the Minister for Agriculture and Food the discussions she or her Department has had with the Department of the Environment, Heritage and Local Government on the installation of water meters on farms; and if she will make a statement on the matter. [40726/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department has had no formal discussions with the Department for the Environment, Heritage and Local Government on the installation of water meters on farms. However, my Department has included the installation of water retention equipment on farms as an eligible investment under the proposed new Farm Improvement Scheme which will be introduced next year as part of the 2007-2013 Rural Development Programme.

#### Genetically Modified Organisms.

199. **Mr. Sargent** asked the Minister for Agriculture and Food if the Government will follow

the example of regions in Austria, Italy or Greece which have total bans on genetically modified production at regional level, Poland, which has a ban on GM seeds and crops and Switzerland, which has put in place a ban on GM livestock and crops; and if she will make a statement on the matter. [40703/06]

**Minister for Agriculture and Food (Mary Coughlan):** As I have indicated to this House on previous occasions EU legislation on the cultivation of GM crops does not provide for the declaration of a GM free country or region. This legislation has been adopted by the European Parliament and the Council of Ministers and is binding on all Member States. There are, however, options available to restrict the growing of GM crops within regions of a country. One option is the concept of voluntarily developed GM free regions, which is being explored by a number of regional communities and authorities throughout the Community. Another option is to seek a derogation from the Commission that, on the basis of sound scientific evidence, co-existence is not possible in certain regions in respect of certain named crops. The cultivation of these crops can then be legitimately prohibited if the case made is accepted by the Commission. None of the bans referred to by the Deputy have received the approval of the Commission and are unlikely to receive such approval under the current legislation. The ban on certain GM varieties in Poland, accepted by the Commission, is based on scientific advice, relating to their unsuitability for production under Polish climatic conditions.

#### Grant Payments.

200. **Mr. N. O’Keeffe** asked the Minister for Agriculture and Food if her attention has been drawn to the fact that payment of extensification under the EU single payment scheme has not issued to a person (details supplied) in County Cork following confirmation that payment was due to issue in recent weeks. [40686/06]

**Minister for Agriculture and Food (Mary Coughlan):** As indicated in an earlier reply regarding payments due to the person named, the Single Payment Scheme has replaced the old livestock schemes, including the Extensification Premium Scheme. An application under the 2006 Single Payment Scheme was received from the person named on 5 May 2006. The 50% advance payment issued to the person named on 16 October 2006. The balancing payments are due to commence on 1 December 2006.

#### Avian Flu.

201. **Mr. Crawford** asked the Minister for Agriculture and Food the number of applications submitted under the EU avian flu package; when

these compensation payments will be made; her views on whether the poultry industry is under pressure and needs all the support it can get; and if she will make a statement on the matter. [40688/06]

**Minister for Agriculture and Food (Mary Coughlan):** A total of 110 applications were submitted to my Department by the 29 September deadline under the compensation measures introduced for poultry producers due to the fall-off in consumption arising from concerns in regard to avian influenza. My Department is processing the claims, including conducting on-site inspections, and will pay those that are eligible as soon as possible. The industry is experiencing certain pressures including competition from imported product along with the costs of complying with new environmental protection and welfare legislation. My Department is establishing a group of experts to examine the various factors impacting on the poultry industry here and to establish what actions can be taken to meet the challenges and realise its full potential. One issue which I have been pressing for at EU level is country of origin labelling for all poultry products.

*Question No. 202 answered with Question No. 33.*

#### Food Industry.

203. **Mr. Callely** asked the Minister for Agriculture and Food the potential for the development of local and regional food economies; and if she will make a statement on the matter. [40709/06]

**Minister for Agriculture and Food (Mary Coughlan):** I am firmly of the view that there is great potential for development of local and regional food economies, which is why I have established a regional food fora initiative involving my Department, Bord Bia and the other food development agencies. The first forum was held in Donegal in late 2005 on the theme of Market Focus for small food enterprises. Speakers shared experiences on regional food development, state agencies and service providers were on hand to assist producers and food enterprises interested in growing their business, food products from the region were showcased and a Food and Drink Trade Directory for the region was also launched.

Three further Regional Food Fora have been held in 2006 in the North-East (Carrickmacross, Co. Monaghan) in June, in the Midlands (Portlaoise) in September and in the South-East (Kilkenny) in November. In all, 18 counties have been covered by the initiative to date. The response from small food companies and producers to the events overall and the contribution of local food entrepreneurs willing to share their experience of success has been enthusiastic. At



[Mary Coughlan.]

the most recent Forum, in Kilkenny, there was a very positive response to a food safety workshop delivered jointly by my Department and the Food Safety Authority of Ireland. This regional initiative has offered small food entrepreneurs good opportunities to showcase products, build business linkages and obtain advice on what development agencies have to offer. By working closely with farmers, small food producers and local agencies we can successfully promote food enterprise and innovation to develop unique products reflecting the strengths of each region. Marketing those foods is important. The International Speciality Food Forum organised by Bord Bia in May, at the Royal Hospital, Kilmainham, Dublin focused on the theme of Regional and Local Foods — An Opportunity for Growth. Up to 80 Irish speciality and premium food and drink producers showcased their products to around 150 trade buyers attending from Ireland and the UK.

Bord Bia also undertook research this year into the opportunities for Irish speciality and local foods in Great Britain, in particular consumer motivation, to assist and orient small food companies interested in that market. Bord Bia's Guide to the Retail Speciality Sector to assist small and speciality producers was launched at the Regional Food Forum in Kilkenny. Varied routes to market are central to the development of small food businesses and the record growth of farmers markets is testament to this. Building on the success of the Farmleigh Food Market, Bord Bia and the Office of Public Works have this year held one-day seasonal food markets on OPW Heritage sites in Fota House & Gardens, Cork and JFK Arboretum, Wexford to enhance public awareness of heritage sites and foster closer ties with the local farming, business and community interests. The output of the Irish artisan and speciality food sectors grew 10% in 2005 to reach €475m. This strong performance demonstrates the opportunities that exist for the right products. There are further growth prospects for these sectors nationally and in the United Kingdom where the market is forecast to reach €7.5 billion over three years making initiatives to promote local and regional food economies very timely.

#### **Farm Waste Management.**

204. **Mr. Callely** asked the Minister for Agriculture and Food the incentives in place for farmers regarding farm waste and disposal of same; and if she will make a statement on the matter. [40710/06]

**Minister for Agriculture and Food (Mary Coughlan):** A revised Farm Waste Management Scheme was launched by my Department on 24

March 2006 as part of the arrangements to enable farmers meet the additional requirements of the Nitrates Directive. The principal changes to the Scheme include:

(a) an increase in the standard grant-rate from 40% to 60%, with 70% being available in the four Zone C counties;

(b) an extension of the Scheme for the first time to sectors such as horses, deer, goats, pigs and poultry, and mushroom compost;

(c) the removal of any minimum income requirements from farming from the Scheme so that all small farmers can participate in the Scheme; and

(d) an increase in the maximum eligible investment from €75,000 to €120,000 per holding.

In addition, a Pilot Waste Processing Facilities Scheme is also in place which supports the demonstration of new technologies for the treatment of livestock manures in order to assist sectors, such as pigs and poultry, meet the requirements of the Nitrates Directive. Both Schemes close for new applications at the end of 2006.

#### **Genetically Modified Organisms.**

205. **Mr. Callely** asked the Minister for Agriculture and Food the number of incidents where her Department investigated cases of illegally imported genetically modified organisms; the quantities of genetically modified maize found; the penalties imposed; and if she will make a statement on the matter. [40711/06]

**Minister for Agriculture and Food (Mary Coughlan):** The only incident where animal feed containing illegal genetically modified organisms was imported into this country was the 2,500 tonne consignment of maize gluten from the USA in May 2005 which contained the non authorised genetically modified maize line called Bt10. Having received prior notification of its importation from the importers officials of my Department were able to supervise its unloading and storage pending its destruction. None of the material was placed on the market. All of the illegal material was subsequently sent to Holland for incineration in December 2005 with all costs borne by the importer. No further penalties were imposed on the importer.

#### **Grant Payments.**

206. **Mr. Callely** asked the Minister for Agriculture and Food the grants available to farmers under the areas of agri-environment, non-food crops and agri-food; and if she will make a statement on the matter. [40712/06]

**Minister for Agriculture and Food (Mary Coughlan):** In the case of on-farm investments, grants are available to eligible farmers under my Department's Farm Waste Management Scheme, Dairy Hygiene Scheme, Alternative Enterprises Scheme, Pig Welfare Scheme and Pilot Waste Processing Facilities Scheme.

REPS 3 closed to new applications on 13 October 2006 to allow all applications on hand to be processed before the end of the year. It is proposed to introduce a REPS 4 scheme early in 2007.

Under the Forestry Grant and Premium Scheme, grants are available to cover 100% of planting costs, as well as a 20 year tax free premium for farmers (15 years for non farmers) of up to €500 per hectare, depending on the species planted. Supports are also available for grant aided forests in the form of grants for road construction, woodland improvement (pruning and shaping) and forest reconstitution.

Aid is provided for Energy Crops, at a rate of €45.00 per hectare, in respect of products considered as bio-fuels. The aid, which is payable in addition to the Single Payment, is granted in respect of areas where production is covered by a contract between the farmer and a processor, except in the case of processing undertaken by the farmer on his/her holding. Aid may also be provided for the use of set-aside land for the production of raw materials not intended primarily for human or animal consumption. Under the National Development Plan 2000-2006 the Scheme of Investment Aid for the Development of the Commercial Horticulture sector provides grant aid of 35% of eligible investment for non-food crops.

Under the National Development Programme 2000-2006 my Department operates a competitive 'near farm' capital investment scheme of aid for the marketing and processing of certain agricultural products. Following a series of general and targeted calls for applications all funding provided for the Scheme has been allocated.

Under the National Development Plan 2000-2006, the Scheme of Investment Aid for the Development of the Commercial Horticulture Sector provides grant aid of 35% for products in the agri-food area. The Scheme of Investment Aid for the Potato Sector (seed potatoes) provides grant assistance of 35% to seed potato producers towards the capital cost of equipment and facilities for the production and storage of seed potatoes. Growers of fruit and vegetables who form a Producer Organisation (PO) with the objective of improving product quality and concentrating supply can benefit from EU aid payable for operational programmes implemented by the PO.

There are grants available to certain poultry producers but only in respect of certain actions

they took to cut back on production in the period October 2005 to April 2006.

Full details of all schemes operated by my Department are contained in the Department's publication "Schemes and Services".

#### **Food Labelling.**

207. **Mr. Callely** asked the Minister for Agriculture and Food if she is satisfied with compliance for labelling and traceability requirements in the food area; if many cases have been brought to her attention where the requirements have not been satisfactorily met or such requirements have been abused; and if she will make a statement on the matter. [40713/06]

**Minister for Agriculture and Food (Mary Coughlan):** Stringent traceability systems are implemented by my Department in relation to animal products produced in Ireland. The enforcement of all food labelling regulations has been centralised in the Food Safety Authority of Ireland (FSAI) and any cases of non-compliance are brought to the attention of that Agency. The enforcement of these regulations is carried out through a number service contracts between the FSAI and other Government Department and Agencies including my own Department. These include the Health Service Executive, 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 is so far as my Department is concerned. In circumstances where my officials find or are advised of non-compliance with this legislation within any of the areas within the remit of my Department, immediate action is taken to remedy the situation.

#### **Infectious Diseases.**

208. **Mr. Callely** asked the Minister for Agriculture and Food the schemes in place by her Department or under the aegis of her Department to prevent, detect and combat the spread of infectious diseases; and if she will make a statement on the matter. [40714/06]

**Minister for Agriculture and Food (Mary Coughlan):** Maintaining Ireland's acknowledged high status in relation to animal health is of critical importance given the economic and social significance of agriculture to the country. In this connection my Department has a number of disease prevention, eradication and surveillance

[Mary Coughlan.]

schemes in place to ensure that this high health status is protected and maintained.

EU approved programmes for the prevention, control and eradication of certain animal diseases have been put in place by my Department for Tuberculosis, Brucellosis, BSE, Scrapie, Aujeszky's Disease and Salmonella. These programmes include measures such as genotyping of positive flocks, active and passive surveillance testing of animals to ensure early detection of disease and culling of susceptible or infected animals for which compensation at market value is paid to the herd or flock owner.

Apart from these EU approved programmes, national disease prevention measures are also in place in this country including the recent introduction of an intensive surveillance programme initiated by my Department following the outbreaks of EIA in Ireland in 2006. The restriction and testing of horses traced as having been in contact with earlier confirmed cases is a central element of my Department's approach to containing and eradicating this disease. Constant vigilance is also maintained against the introduction of diseases such as Newcastle Disease, Foot and Mouth Disease, Classical Swine Fever and African Swine Fever where the Department acts on suspicion of these disease symptoms reported by veterinary practitioners in the field. My Department also has contingency arrangements in place to deal with outbreaks of most of these diseases.

My Department also carries out surveillance testing in relation to a range of other diseases including Enzootic Bovine Leukosis, Infectious Bovine Rhinotracheitis, Johnes Disease, Avian Influenza and Bluetongue.

209. **Mr. Callely** asked the Minister for Agriculture and Food the countries that have been effected by the avian flu virus; the level of risk to Ireland; and if she will make a statement on the matter. [40715/06]

**Minister for Agriculture and Food (Mary Coughlan):** Since December 2003, highly pathogenic avian influenza H5N1 has been reported in 61 countries in Asia, Africa, Europe, the Pacific and the Near East. In the same period, human cases of avian influenza have been reported in Azerbaijan, Cambodia, China, Djibouti, Egypt, Indonesia, Iraq, Thailand, Turkey, Vietnam and, most recently, in South Korea (source OIE 27/11/06). The overall total of human cases of avian influenza for the affected countries stands at 258 with 153 fatalities.

The first case of the Asian lineage of highly pathogenic avian influenza H5N1 reported in an EU Member State was in over-wintering waterfowl in Greece in February 2006. Since then the number of EU Member States where H5N1 has

been detected in wild birds stands at 14 (Greece, Italy, Slovenia, Austria, Germany, Hungary, France, Slovakia, Sweden, Poland, Denmark, the Czech Republic, UK and Spain), with outbreaks in poultry recorded in 5 Member States in 2006 (France, Sweden, Germany, Denmark and Hungary). No further cases have been reported in the EU since a single infected bird was found in Spain in late June 2006.

In the absence of any reported disease in the EU since then and taking account of the autumn/winter migration, the risk of the introduction of the disease to Ireland is currently regarded as low. Notwithstanding this, I would like to assure the Deputy that my Department has developed comprehensive contingency arrangements to deal with any case/outbreak of avian influenza in wild birds or poultry and will further refine its preparedness along with other parties in the light of any development in the disease risk posed.

#### **Water Meters.**

210. **Mr. Naughten** asked the Minister for Agriculture and Food the discussions she has had with the Department of the Environment, Heritage and Local Government on the installation of water meters on farms; and if she will make a statement on the matter. [40746/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department has had no formal discussions with the Department for the Environment, Heritage and Local Government on the installation of water meters on farms. However, my Department has included the installation of water retention equipment on farms as an eligible investment under the proposed new Farm Improvement Scheme which will be introduced next year as part of the 2007-2013 Rural Development Programme.

#### **Grant Payments.**

211. **Mr. Penrose** asked the Minister for Agriculture and Food if she will take steps to ensure that a person (details supplied) in County Westmeath has their disadvantaged and single farm payment for 2006 paid to them without further delay; and if she will make a statement on the matter. [40780/06]

**Minister for Agriculture and Food (Mary Coughlan):** The person named is not the registered herdowner in this case. The registered herdowner applied in her own name for the 2006 Single Payment Scheme and Disadvantaged Areas Scheme in May 2006. However an application was submitted to my Department and processed on 11th October 2005 to transfer the herdnumber to the joint names of the existing herdowner and the person named. Subsequently a further application

was submitted and processed on 12th October 2006 to transfer the herdnumber back to the original herdowner only. The herdnumber is now registered in the sole name of the other person. The position is that no application was ever submitted to transfer the Single Payment entitlements to the person named or to the joint names.

The applications to transfer the herdnumber have resulted in inconsistencies between the records of registered herdowner and the registered owner of the Single Payment entitlements in this case which has resulted in a delay to the processing of the 2006 Single Payment and Disadvantaged Areas payments. The issue is currently being resolved and payment will issue to the registered herdowner shortly.

#### **Afforestation Programme.**

212. **Mr. G. Murphy** asked the Minister for Agriculture and Food the number of contracts awaiting approval by the forestry division to proceed with planting; and the number of these delays due to lack of direction by the Department of Environment, Heritage and Local Government with regard to Hen Harrier habitats. [40781/06]

213. **Mr. G. Murphy** asked the Minister for Agriculture and Food when the forestry division will issue permits to proceed with planting under contracts (details supplied). [40786/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 212 and 213 together.

There are currently 925 applications for afforestation grant aid being processed by the Forest Service of my Department. Of these, 109 applications — including the two specifically referred to by the Deputy — are in respect of areas proposed as Special Protection Areas for the Hen Harrier.

The Hen Harrier is a protected species and the Department of Environment, Heritage and Local Government has identified a number of areas around the country which are important for its survival. The European Commission have expressed the gravest concern at any further planting within these areas until it is possible to fully assess the impact of forestry on the species. In order to do that, it is necessary to work out what type of management regime needs to be put in place to accommodate both forestry and the hen-harrier in the areas being proposed as Special Protection Areas. To this end, the Department of the Environment, Heritage and Local Government has established a working group, on which the forestry and farming interests are represented, as well as my Department, to help with the development of such a management regime. The applications will be looked at again when an

appropriate regime for the hen harrier has been agreed.

#### **Single Payment Scheme.**

214. **Mr. Neville** asked the Minister for Agriculture and Food the position in relation to the application for entitlement under the national reserve for a person (details supplied) in County Limerick who has been processed under B1. [40790/06]

**Minister for Agriculture and Food (Mary Coughlan):** The person named was successful under the New Entrant measure of the Single Payment Scheme. The person named also made an application to transfer in entitlements under the Private Contract Clause measure (purchase) of the Single Payment Scheme. This application will be processed as soon as information, requested recently, is provided to my Department. As previously indicated to the Deputy the person named also 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 2000-02. Investments can include purchase or long term lease of land, purchase of suckler and/or ewe quota or other investments. The person named applied under Category B (i) in relation to purchased/leased land and B (ii) for purchase of sucker quota and has been deemed successful under both categories.

The Regulations governing the Single Payment Scheme provide that checks must be made to ensure that an allocation from the National Reserve, to an applicant who has already benefited under other measures associated with the Single Payment Scheme, does not result in double benefit. An applicant may only benefit from the measure that is most beneficial. The person named has already benefited from another measure (New Entrant during the reference period) and an allocation from the Reserve would result in double benefit.

The question of an allocation from the 2005 National Reserve cannot be considered until such time as the Private Contract Clause application has been fully processed. An allocation from the National Reserve will then be made if it is found to be more beneficial than the new entrant status already availed of. In that case the new entrant status will be rescinded. A formal letter of decision together with relevant payment due, if any, will then issue to the person named.

### Grant Payments.

215. **Mr. Deenihan** asked the Minister for Agriculture and Food when a single farm payment will be made available to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [40791/06]

**Minister for Agriculture and Food (Mary Coughlan):** An application for the Transfer of Entitlements to the person named under the Single Payment Scheme was submitted on the 12th of May 2006. This application has now been fully processed and payment in respect of 82.47 transferred entitlements will issue shortly.

216. **Mr. Crawford** asked the Minister for Agriculture and Food when persons (details supplied) in County Monaghan will be granted their single payment and arrears due; and if she will make a statement on the matter. [40799/06]

**Minister for Agriculture and Food (Mary Coughlan):** The second person named submitted an application under the Single Payment Scheme on 5th May 2005 and payment relating to that application issued on 01 December 2005. An application to transfer 18.2 additional entitlements by Private Contract clause was subsequently submitted. This is currently being processed and the balance of the 2005 payment will issue shortly.

An application for the transfer of entitlements under the 2006 Single Payment Scheme from the second person named to the joint names of the first and second persons named has also been received. Following completion of processing under the 2005 scheme, my Department will be in a position to complete the transfer of entitlements to joint names and process the 2006 entitlements for payment.

### Farm Inspections.

217. **Mr. Perry** asked the Minister for Agriculture and Food when the satellite inspection will be carried out on the farm of a person (details supplied) in County Sligo; and if she will make a statement on the matter. [40803/06]

**Minister for Agriculture and Food (Mary Coughlan):** The position is that an application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on the 26th April 2006.

As part of the control procedures, the application was randomly selected for a Satellite Inspection. The results of the Satellite Inspection appeared to indicate that the total area found was less than the area claimed by the person named. As a result of this discrepancy it was necessary to issue a request for a Ground Eligibility Inspection to be completed in this case. The ground eligi-

bility inspection will be undertaken as soon as possible and the results will be communicated to the applicant.

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 a review.

### Bovine Disease Controls.

218. **Mr. Ferris** asked the Minister for Agriculture and Food if, at any joint meeting with her counterpart in Northern Ireland, the movement of animals across the island was discussed; the items that were discussed; and if anything was agreed in relation to this matter. [40806/06]

219. **Mr. Ferris** asked the Minister for Agriculture and Food the reasons preventing the trade of cattle across the island of Ireland; and the action plan he has in place to remove any reasons preventing the movement of cattle across the island freely. [40807/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 218 and 219 together.

A number of meetings involving officials from my Department and the Department of Agriculture and Rural Development in Belfast have taken place to co-ordinate arrangements in relation to the import of cattle from Northern Ireland following the decision at EU level to lift the BSE ban on exports from the United Kingdom from 3 May 2006.

I can confirm that arrangements have been put in place between the two administrations to facilitate the trade of cattle from Northern Ireland for slaughter and for breeding and production based on EU trading requirements relating to such trade.

### Common Agricultural Policy.

220. **Mr. Durkan** asked the Minister for Agriculture and Food her plans for the development of agriculture in the future; if Ireland has been fairly treated in the course of the CAP reform, having particular regard to the prevailing situation in other long established EU States; and if she will make a statement on the matter. [40847/06]

221. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which she has examined the future prospects for agriculture here in the aftermath of the CAP reform and in anticipation of the WTO; if all of the agreements entered into to date are being honoured in the spirit and the letter; and if she will make a statement on the matter. [40848/06]

222. **Mr. Durkan** asked the Minister for Agriculture and Food if she is satisfied that in the aftermath of CAP reform, adequate provisions exist to ensure self sufficiency in regard to the food section within the European Union; and if she will make a statement on the matter. [40849/06]

223. **Mr. Durkan** asked the Minister for Agriculture and Food if in the aftermath of CAP reform and in anticipation of WTO agreement, she is satisfied regarding the future of the food producing sector here and throughout the EU; and if she will make a statement on the matter. [40850/06]

224. **Mr. Durkan** asked the Minister for Agriculture and Food if she is satisfied that all arrangements and agreements entered into in the context of the CAP reform and in anticipation of the WTO agreement are being observed in the letter and spirit; her views on proposals to address outstanding issues; and if she will make a statement on the matter. [40851/06]

229. **Mr. Durkan** asked the Minister for Agriculture and Food if she is satisfied regarding the future of the dairy, beef and cereal sectors in view of CAP reform and forthcoming WTO; and if she will make a statement on the matter. [40856/06]

232. **Mr. Durkan** asked the Minister for Agriculture and Food if she is satisfied regarding the future of the agricultural sector here with particular reference to competition in the export area from competing countries throughout the European Union and worldwide; and if she will make a statement on the matter. [40860/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 220 to 224, inclusive, 229 and 232 together.

Earlier this year I published the Agrivision 2015 Action Plan which sets out my vision for an agri-food sector that is competitive, consumer-focussed, which contributes to a vibrant rural economy, society and environment and which also exploits opportunities in non-food areas. The Action Plan sets out 167 actions required of all participants in the agriculture and food sector which will allow it to flourish through all stages of production and enable rural communities to achieve their full potential. The Action Plan takes account of the challenges and opportunities presented by CAP reform and the on-going WTO negotiations. Many of the action points are already translated into policy initiatives either within the Rural Development Programme 2007-2013 or as separate items such as investment in the beef, sheep and dairy processing sectors. I believe that, by adopting the approach I have set out and by achieving a balanced outcome to the

current WTO negotiations, the agri-food sector can face the future with confidence.

Recent CAP reforms have made European agriculture more competitive, better prepared for globalisation, more compliant with food safety requirements, more environmentally sustainable and more conscious of animal welfare requirements. Having taken the decision in Ireland to decouple our direct payments, we have gone further than most Member States in developing a consumer and market led agri-food sector. In addition, the emergence of rural development as the second pillar of the CAP represents a recognition of the need to develop the wider rural economy and to support rural communities by improving competitiveness, maintaining agriculture in disadvantaged areas and promoting diversification.

Council decisions on the CAP and Rural Development policy represent a consensus among 25 Member States based on compromise between competing interests and budgetary constraints. I believe that Ireland has a successful record in securing the best possible outcome in the negotiations for the Irish agri-food sector. I am also satisfied, in overall terms, that allowing for the degree of subsidiarity which applies in many cases, the CAP and Rural Development policy are being implemented in a uniform manner.

One of the core principles of the CAP is to ensure the availability of supply. The CAP also ensures the highest standards of hygiene and traceability throughout the food chain through a range of food safety, consumer protection, veterinary and environmental legislation and other requirements. These policies are, and will continue to be, supported by substantial funding for the CAP and rural development. Funding for the period to 2013 was agreed in the decision on the EU's Financial Perspective, 2007-2013, at the European Council in December 2005. In the Irish context, I recently announced a draft Rural Development Programme which will provide €6.8b in support and investment for the agri-food sector. There will also be substantial support in the form of EU funding for market support and direct payments.

Negotiations are continuing in the WTO on a new international trading framework and while I am committed to an ambitious and balanced outcome to the WTO negotiations, my position remains that agriculture must not be sacrificed for the sake of an overall agreement. Having carried out CAP reform in preparation for the WTO negotiations, my overriding concern is to ensure that a new agreement will not necessitate further reform of the CAP. In that respect, I am mindful of the particular strategic importance to Ireland of the beef and dairy sectors. My objectives are to ensure that direct payments are not cut, that all forms of export subsidy are treated equally

[Mary Coughlan.]

and that tariff cuts are minimised. I am also conscious that the high standards of production entailed in meeting consumers' demands within the European Model of Agriculture must not be undermined by the acceptance into the EU markets of product that is compromised in terms of quality, traceability or health standards simply because it is cheaper. I will seek to ensure that the higher costs incurred by EU producers are recognised in negotiations on non-trade concerns in the WTO.

### Food Labelling.

225. **Mr. Durkan** asked the Minister for Agriculture and Food if is satisfied that food labelling and traceability is being fully observed here and throughout the European Union; and if she will make a statement on the matter. [40852/06]

**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 proper controls are in place to ensure compliance with this legislation is so far as my Department is concerned.

Other Member States within the European Union must comply with the same European legislation governing food labelling and traceability, the enforcement of which is a matter for each Member State. The European Commissions Food and Veterinary Office audits Member States to verify that such legislation is properly enforced and their reports are published on their website.

*Question No. 226 answered with Question No. 72.*

*Question No. 227 answered with Question No. 33.*

### Sugar Beet Sector.

228. **Mr. Durkan** asked the Minister for Agriculture and Food if all EU countries have ceased sugar beet production; and if she will make a statement on the matter. [40855/06]

**Minister for Agriculture and Food (Mary Coughlan):** A key element in the sugar reform package, agreed by the Council of Ministers in November 2005, is a four-year restructuring scheme for the sugar industry. Under this scheme, sugar processors who are prepared to renounce sugar quota and dismantle the associated production facilities may apply for restructuring aid. The objective of the scheme is to take out up to 6 million tonnes of sugar quota in order to restore balance to the EU sugar market.

For the first year of the scheme, the closing date for restructuring aid applications was 31 July 2006. Nine applications from five Member States, including Ireland, have been approved in respect of a total of 1.19 million tonnes of sugar quota. The Irish quota was 199,260 tonnes, equivalent to 3.3% of the 6 million tonnes target.

The deadline for submission of applications in the second year of the scheme is 31 January 2007. The rate of aid available in the first two years is €730 per tonne of quota renounced but this rate will reduce in the third and fourth years. To date, Ireland is the only Member State in which sugar production has ceased completely under the restructuring scheme. A small number of Member States are not engaged in sugar production.

*Question No. 229 answered with Question No. 220.*

### Grant Payments.

230. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which payments in respect of various schemes run by her Department have been met in full to date; and if she will make a statement on the matter. [40858/06]

**Minister for Agriculture and Food (Mary Coughlan):** Following is the information requested by the Deputy.

#### *Single Farm Payments*

Advance payments under the Single Farm Payments commenced on the 16 October last. To date €568.58 million has been paid to 93% of applicants.

#### *Disadvantaged Areas Scheme*

Payments under the Disadvantaged Areas commenced on 21 September last. To date €246.6 million has been paid to 91% of applicants.

#### *On Farm Investment Schemes*

In the case of my Department's on-farm investment schemes (Farm Waste Management Scheme, Dairy Hygiene Scheme, Alternative Enterprises Scheme and Pig Welfare Scheme) and in the case of the Installation Aid Scheme, all payments have been made in accordance with

the deadlines set out in my Department's Charter of Rights for Farmers 2005/2007.

#### *Rural Environment Protection Scheme*

To date in 2006 my Department has received 22,711 new applications, 91.5% of which have been processed in accordance with the targets in the above Charter. In addition, some 33,100 annual applications for payment have been received, 87% of which have been processed in accordance with the Charter.

#### *Early Retirement Scheme*

Under ERS 2000/06 Scheme 256 applications went into payment in 2006, to date, of which 98% were processed in accordance with the Charter.

#### *Forestry*

In the year to date my Department has paid approximately €84.7 million in respect of the Afforestation Scheme, of which 71% claims of the first Afforestation Grant, 60% of the second Afforestation Scheme and 94% of the Premium have been paid.

#### *Horticulture*

Under the NDP Scheme of Investment Aid for the Commercial Horticulture Sector in 2006.

A grant package of €7.67m was approved and will fund projects to the investment value of €21.91m. A total of €1.6m has been paid to date. All satisfactorily completed payment claims will be paid by the end of the year. Some projects will not be completed until 2007.

Under the Producer Organisation Scheme, aid in respect of eligible expenditure in the claims which were lodged in January 2006 have all been paid.

#### *Eradication*

Compensation payments under the TB and Brucellosis eradication schemes arising as a result of disease breakdowns are paid as soon as possible, following receipt from farmers of all documentation and any clarification necessary to effect the payments. So far this year, payments under these schemes amount to €15.8m. There are no applications outstanding.

#### *Capital Investment*

Payments in respect of the scheme of aid for capital investment for marketing and processing projects are made following receipt of claim and inspection of the work and the supporting documents. As projects may be completed over a lengthy period the timing of payments is demand-led. All payments have been made within the payment period as specified under the Charter of Rights for Farmers.

#### *Poultry Producers*

There are compensatory payments available to poultry producers in respect of certain measures

taken to reduce the production of poultry during the period October 2005 and April 2006. A total of 110 applications were submitted to the Department by the end of September deadline. My Department is processing all the claims and will pay all those eligible as soon as possible.

#### *Capital Grant Scheme for Animal Carcass Disposal*

Under the Capital Grant Scheme for Animal Carcass Disposal the original number of applications was 26, of these 10 have been fully approved and paid, 8 are outstanding and the remaining 8 did not proceed with their applications.

The reason there are still outstanding projects is due to delays in the planning process and difficulties in procuring contractors.

#### *Development of the Horse Industry*

Other than 3 claims received in the last week my Department have paid all outstanding claims for equine measures under the NDP 2000 to 2006.

#### *Cattle Preservation Grant Scheme*

All Kerry Cattle Preservation Grant Scheme applications received to date in 2006 have been paid.

#### *Energy Crops Scheme*

My Department has received 248 applicants under the 2006 Energy Crops Scheme. Payments have not yet commenced. Applications have been processed and it is expected that approximately 68% of payments will issue over the coming weeks.

### **Poultry Industry.**

231. **Mr. Durkan** asked the Minister for Agriculture and Food if she is satisfied regarding the adequacy of supply of home produced turkeys for the Christmas market; and if she will make a statement on the matter. [40859/06]

**Minister for Agriculture and Food (Mary Coughlan):** Quality home-produced turkeys have been a significant feature of the Christmas trade for decades. There is a strong consumer preference for home-grown turkeys. Retailers recognize this and emphasise Irish origin in their promotional material. I expect there will be an adequate supply of home produced turkeys over the coming weeks for the Christmas market.

Imports are also a feature of the turkey business and these birds are produced to full EU veterinary standards.

*Question No. 232 answered with Question No. 220.*



### Schools Refurbishment.

233. **Mr. McHugh** asked the Minister for Education and Science if she will allocate a grant under the 2007 summer works scheme to a school (details supplied) in County Galway in order to allow essential improvements be carried out; and if she will make a statement on the matter. [40689/06]

**Minister for Education and Science (Ms Hanafin):** School Planning Section of my Department is in receipt of an application for the Summer Works Scheme 2007 from the management authority of the school to which the Deputy refers. Applications for the Summer Works Scheme are currently being assessed and the list of successful applicants will be published as soon as possible.

### School Staffing.

234. **Mr. Stanton** asked the Minister for Education and Science when the general allowance threshold for appointing learning support teachers was last reviewed; her plans to carry out a further review in the near future; and if she will make a statement on the matter. [40690/06]

**Minister for Education and Science (Ms Hanafin):** The Deputy will be aware that my Department implemented a general allocation system of learning support/resource teachers to schools with effect from September 2005. The system is intended to cater for children with learning support and high incidence special educational needs.

It is a matter for each school to determine the pupils with learning support and high-incidence special education needs that will receive supplementary teaching support. Each school will have enough resource teaching hours to provide its pupils with a level of support appropriate to their needs. The school can use its professional judgement to decide how these hours are divided between different children in the school, to ensure that all their needs are met.

It is intended that a review of the general allocation model will be undertaken after three years of operation.

### School Transport.

235. **Mr. Stanton** asked the Minister for Education and Science the criteria for establishing free school transport in the CLÁR areas; her plans to reduce the number of pupils required as part of the criteria; and if she will make a statement on the matter. [40691/06]

**Minister of State at the Department of Education and Science (Miss de Valera):** The terms of the school transport schemes are uniformly applied throughout the country. In general, a

minimum of seven pupils, eligible for school transport, must be residing in a distinct area before a school transport service may be established. However, there is a provision in the Primary School Transport Scheme whereby a service can be established for a lesser number of eligible pupils.

### Special Educational Needs.

236. **Mr. Allen** asked the Minister for Education and Science the number of part-time special needs assistants in schools here. [40727/06]

237. **Mr. Allen** asked the Minister for Education and Science the number of full-time permanent special needs assistants in schools here. [40728/06]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 236 and 237 together.

The number of part time Special Need Assistants currently employed in Primary, Voluntary Secondary and Community and Comprehensive schools and paid on my Department's centralised payroll system is 1,850.

The number of full time Special Need Assistants currently employed in Primary, Voluntary Secondary and Community and Comprehensive schools and paid on my Department's centralised payroll system is 6,623.

Special need assistants allocated to Vocational Education Committees are employed and paid by the individual committees. There are 511 whole time equivalent special need assistant posts currently allocated to Vocational Education Committees.

### Tax Code.

238. **Ms O'Sullivan** asked the Minister for Education and Science if her Department has a mechanism of informing teachers who go on maternity benefit that they are entitled to claim back tax on the tax-free portion of their benefit if they have signed up to having their benefit paid to her Department; if she will ensure that teachers are informed of this right; and if she will make a statement on the matter. [40729/06]

**Minister for Education and Science (Ms Hanafin):** My Department has recently introduced new arrangements for the payment of casual and non casual teachers employed in Secondary and Community/ comprehensive schools. It is proposed to introduce similar arrangements for the payment of casual and non casual teachers in primary schools during 2007.

The establishment of a mechanism to advise teachers regarding the matter referred to by the Deputy, is being considered at present. It is being

examined in the context of a review of procedures arising from the recent introduction of the new arrangements for the payment of casual and non casual teachers.

#### **Schools Building Projects.**

239. **Mr. P. Breen** asked the Minister for Education and Science the status of an application for a school (details supplied) in County Clare regarding the small schools scheme 2007; and if she will make a statement on the matter. [40742/06]

**Minister for Education and Science (Ms Hanafin):** School Planning Section of my Department is in receipt of an application for the Small Schools Scheme 2007 from the school referred to by the Deputy. The application will be assessed by my officials and publication of the list of successful applicants for the scheme will be published as soon as possible.

#### **Physical Education Facilities.**

240. **Mr. F. McGrath** asked the Minister for Education and Science if she will advise a school (details supplied) in Dublin 5 on the best way in obtaining funding for floodlights for their grass pitch; and if she will work with the necessary Departments on this matter. [40747/06]

**Minister for Education and Science (Ms Hanafin):** The scope of the works referred to by the Deputy is appropriate for consideration under the Summer Works Scheme. While an application was received from the school in question under the Summer Works Scheme for 2007, it did not refer to an upgrade in the facilities of the school's sports ground. All applications under the Summer Works Scheme 2007 are currently being assessed in accordance with the published prioritisation criteria and it is intended to publish a list of successful applicants before Christmas.

If an upgrade in the sports grounds facilities are necessary, it will be open to the management authorities to apply for this under the next Summer Works Scheme, details of which will be announced in the coming year.

#### **School Transport.**

241. **Mr. McGuinness** asked the Minister for Education and Science the reason the school bus servicing a school in County Kilkenny does not collect children (details supplied); if she will expedite a response; and if she will make a statement on the matter. [40748/06]

**Minister of State at the Department of Education and Science (Miss de Valera):** Bus Éireann have advised that concessionary fare paying transport has been offered to the pupils referred to by the Deputy in the details supplied.

#### **School Accommodation.**

242. **Mr. McGuinness** asked the Minister for Education and Science the status of two applications for funding under the permanent accommodation scheme 2007 and grant aid for major works for a school (details supplied) in County Carlow; the time frame for the decision in each case; and if she will expedite a response. [40749/06]

**Minister for Education and Science (Ms Hanafin):** I can confirm that the Department is in receipt of two applications for capital funding from the management authority of the school to which the Deputy refers, one under the Permanent Accommodation Scheme 2007 and one under the Small Schools Scheme 2007.

The closing date for receipt of applications for both of these devolved funding schemes was the 27th October 2006. The Department is now in the process of assessing the applications of the all schools that applied under these schemes according to the published prioritisation criteria.

A list of successful schools will be published when the assessment process has been completed.

#### **Institutes of Technology.**

243. **Mr. O'Shea** asked the Minister for Education and Science if, under Part II Section 9 (1) of the Universities Act 1997, the recommendation of an tÚdarás has been sought in regard to the appointment of a body including international experts and national experts by the Government to advise an tÚdarás whether Waterford Institute of Technology should be established as the University of the South East; and if she will make a statement on the matter. [40750/06]

**Minister for Education and Science (Ms Hanafin):** In February 2006 the Governing Body of Waterford Institute of Technology wrote to my Department seeking a review of its status under Section 9 of the Universities Act 1997. Since this submission was made, the Government has passed significant new legislation in the form of the Institutes of Technology Act 2006. This will now bring our institutes of technology and universities together under a single strategic ambit. It also provides substantial new managerial and academic freedoms for our leading institutes of technology to develop their roles in line with regional needs and strategic ambition.

The new legislation will transform the Irish higher education landscape and needs to inform our consideration of the case being made for university status for Waterford. In order to achieve the best outcome, as a first step, I am commissioning a preliminary independent examination of the submission that the Governing Body has made.

[Ms Hanafin.]

This preliminary independent examination involves the appointment of an eminent international expert on higher education. The expert will comprehensively analyse the Waterford IT submission, taking account of the wider changing policy context. Once completed, the independent expert report will be used to guide the Government's decision on whether a formal statutory review process should be initiated to consider the application, as required under the Universities Act.

On 24 November, 2006 I confirmed the appointment of Dr Jim Port to conduct this preliminary assessment of the submission made by the Governing Body of Waterford Institute of Technology. Dr Port is a UK based independent consultant on higher education issues. He has previously provided advice on higher education issues to a number of international agencies including the OECD, European Universities Authority, Higher Education Funding Council for England (HEFCE), the Scottish Funding Council and our Higher Education Authority.

#### School Placement.

244. **Mr. F. McGrath** asked the Minister for Education and Science if she will assist a person (details supplied) in County Dublin in obtaining a suitable school placement as a matter of urgency. [40751/06]

**Minister for Education and Science (Ms Hanafin):** The Deputy will be 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.

My officials have been advised by the NCSE that no application for placement in the school referred to in the details supplied was made to the SENO attached to the school. It is open to the parent to contact the SENO regarding any special educational needs that the pupil may have. I have arranged for the local SENO to contact the parent of the pupil in question to discuss these needs.

#### Medical Education.

245. **Mr. P. Power** asked the Minister for Education and Science her views on plans by the University of Limerick to develop a graduate school of medicine; and if she will make a statement on the matter. [40784/06]

246. **Mr. P. Power** asked the Minister for Education and Science when the Higher Education Authority will be issuing a call for proposals for the new graduate entry stream to medical train-

ing; and if she will make a statement on the matter. [40785/06]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 245 and 246 together.

On the 1 February 2006 the Minister for Health and Children and I published the report of the Fottrell Working Group on Undergraduate Medical Education and Training. As part of these reforms I am increasing the annual number of undergraduate places for Irish and EU students from 305 to 485. I am also introducing a separate graduate entry stream which will provide 240 additional places per annum. These increases, which will be phased in over a five year period, will increase the annual number of medical places from 305 to 725.

The Higher Education Authority has recently issued a competitive call for proposals to provide the new graduate entry programme, with a view to additional places being provided on this programme from 2007. It will be open to the University of Limerick to submit a proposal in relation to the development of a graduate school of medicine under this competitive process. Proposals, which are to be submitted by the end of January 2007, will be assessed by an international panel of experts. It is anticipated that the results will be available by March 2007.

#### Pupil-Teacher Ratio.

247. **Ms Enright** asked the Minister for Education and Science if there are figures available regarding the class sizes in primary schools in Counties Clare, Laois and Offaly; and if she will make a statement on the matter. [40792/06]

**Minister for Education and Science (Ms Hanafin):** Information in relation to class sizes is provided in the annual census of primary schools. The reference date for the provision by schools of this information is the 30th September of the school year in question and the date for return by the schools is 31 October. Consequently, the details for the current school year (2006/2007) are not yet available.

As the Deputy will be aware, there are now no less than 4,000 extra teachers in our primary schools, compared with 2002. Furthermore, there are nearly 7,000 more primary teachers than there were in 1997. This represents the largest increase in teacher numbers since the expansion of free education.

The average class size in our primary schools is 24 and there is now one teacher for 17 pupils at primary level, including resource teachers etc.

I am sure the Deputy will be pleased to know that the number of children in large classes has decreased dramatically under this Government. In the school year in which we came into office

there were 52,190 children in classes of 35 and over — five times the number that there are now. 1,901 of these children were in classes of 40 and over — compared to just over 200 last year.

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. Furthermore, the Government is committed to providing even more primary teachers next year to reduce class sizes.

As you know all primary schools are staffed on a general rule of at least one classroom teacher for every 28 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 28 children in the school. Next year (2007/2008 school year) this is being reduced to 27 children per classroom teacher.

A further initiative that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 280 such posts were sanctioned in the 2006/07 school year compared to 170 in 2005/06.

The improvements we have made in school staffing in recent years are absolutely unparalleled. But we are determined to go even further, and so the 2007 Estimates include provision for another 800 primary teachers. About 500 of these will be classroom teachers, which includes our commitment to reduce class sizes.

I assure the Deputy that we will continue to prioritise further improvements in school staffing going forward. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure that increased resources lead to better outcomes for our children.

#### **School Management.**

248. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to the situation of a school (details supplied) in County Offaly where there is no board of management; the action she will take on the situation on foot of this; her views on the future of the situation; and if she will make a statement on the matter. [40793/06]

**Minister for Education and Science (Ms Hanafin):** According to information recently

received by my Department, there is currently a fully functioning board of management in existence at the school referred to by the Deputy.

With regard to the future of the school, current enrolment at the school stands at three pupils. In March 2005, the patron, chairperson and principal were notified by my Department that recognition would be withdrawn from the school from the end of August 2007. I understand that the school community have been made aware of the impending closure by the Board of Management of the school.

#### **Psychological Service.**

249. **Ms Enright** asked the Minister for Education and Science if the revised list of schools, itemised on a county basis that have access to the National Educational Psychological Service is available as indicated in the reply to Parliamentary Question No. 295 of 19 October 2006; and if she will make a statement on the matter. [40794/06]

**Minister for Education and Science (Ms Hanafin):** I understand that the data requested has now been prepared within my Department and will issue to the Deputy in the next few days.

#### **Special Educational Needs.**

250. **Mr. Carey** asked the Minister for Education and Science if she will reconsider her decision not to grant permanent recognition to a school (details supplied) in Dublin 9, in view of the fact that it is on one of only six schools in Dublin City which has a special class for pupils with autism; and if she will make a statement on the matter. [40800/06]

251. **Mr. Gregory** asked the Minister for Education and Science if a school (details supplied) in Dublin 9 which has not yet received permanent recognition may on a once off basis apply for the minor works grant and summer works scheme in view of its special needs including a special class for autism which requires an occupational therapy room; and if she will make a statement on the matter. [40867/06]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 250 and 251 together.

New schools operate with provisional recognition from the Department. During the period of provisional recognition, it is the responsibility of the school patron to provide interim accommodation. This accommodation must be capable of fully meeting the needs of the developing school until permanent recognition has been secured and the Department is in a position to provide permanent accommodation for the school.

[Ms Hanafin.]

The school to which the Deputy refers commenced operation with provisional recognition in September 2002. At the time provisional recognition was granted, the Patron Body was notified, in writing, of the terms and conditions underpinning the grant of recognition. In this regard, it was specifically stated that, the Patron has sole responsibility for the critically important matter of accommodation. It was also made clear that the accommodation sourced by the Patron would be required to meet the needs of the school as it developed and that in the event of permanent recognition being granted, interim accommodation would remain the Patron's responsibility until the Department was in a position to provide permanent accommodation.

This remains the position and the Department is completely satisfied that there can be no misunderstanding on the Patrons behalf in relation to this matter.

In relation to the granting of permanent recognition to the school in question, an assessment is being carried out by the Department which will strategically examine the extent of multi-denominational provision in the Dublin 9 area and will determine long term requirements and how these should best be addressed. The issue of permanent recognition will be revisited once this assessment has been completed.

While schools with temporary recognition do not qualify for capital funding, the Department does provide grant aid for the rental of interim accommodation. It is open to a school to seek an increase in this rental as its needs develop. This includes the rental of extra accommodation for special or other needs. The school in question should apply to the Department for extra rental assistance if it now has a particular requirement in this regard.

#### School Insurance.

252. **Mr. F. McGrath** asked the Minister for Education and Science the way she is assisting second level schools with high insurance costs; and if she will make a statement on the matter. [40892/06]

**Minister for Education and Science (Ms Hanafin):** Significant improvements in the levels of direct funding to second level schools have been made in recent years. The funding arrangements made by my Department for second level schools reflect the sectoral division of our second level system. At the core of all arrangements is a reliance upon capitation as the principle determinant of funding. There are however significant differences in the approaches to insurance cover. In my view it is important to consider these issues in the wider context of the equalisation of funding arrangements across the second level system.

My Department provides funding to secondary schools by way of *per capita* grants, which affords schools considerable flexibility in the use of these resources to cater for the needs of their pupils. There have been significant improvements in recent years in the level of funding for voluntary secondary schools. In addition to the €12 per pupil increase in 2006 in the standard *per capita* grant that now stands at €298 per pupil, voluntary secondary schools have benefited additionally by the increase of €14 per pupil in 2006 in the support services grant bringing the overall grant to €159 per pupil.

I wish to draw the attention of the Deputy to my announcement of further significant increases in the context of the 2007 estimates. From 1 January next the standard per capita grant will be increased by a further €18 to €316 per pupil. In addition, the support services grant will be increased by a further €30 for voluntary secondary schools, which includes a further equalisation measure, to €189 per pupil. For such schools this cumulative increase of €48 per pupil will bring the aggregate grant to over €500 per pupil from 1 January next. These grants are in addition to the *per capita* funding of up to €40,000 per school that is also provided by my Department to secondary schools towards secretarial and caretaking services. For example in the case of a secondary school with 500 pupils, this will bring annual grants towards general expenses and support service to over €290,000.

Budget allocations for schools in the VEC and C&C sectors are increased on a pro rata basis with increases in the *per capita* grant. The provision that I have made, in the context of the 2007 estimates, for these significant increases in the funding of voluntary secondary schools is a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

#### School Staffing.

253. **Mr. Penrose** asked the Minister for Education and Science if the principal of a four mainstream class teacher school (details supplied) in County Westmeath which has a specialist autism unit attached thereto will be appointed on an administrative basis; the level of resources including additional teachers that will be so allocated as per her announcement of 12 November 2006; and if she will make a statement on the matter. [40893/06]

**Minister for Education and Science (Ms Hanafin):** My recent announcement referred to by the Deputy introduced a range of new measures to improve the capacity of schools to cater for the educational needs of all their pupils and will assist their principals in their work. Some principals have particularly heavy workloads aris-

ing from the size of their school. Others carry additional duties arising from the fact that in addition to their mainstream classes they have a significant number of special classes containing children with complex special needs. I am responding to these needs by the introduction of these new measures.

The new measures include: the allocation of additional teachers to allow all deputy principals in schools with 24 or more mainstream class teachers operate as administrative deputy principals; the allocation of additional teachers to allow deputy principals in mainstream schools that, in addition to their ordinary mainstream class teachers, also have five or more special classes for children with the more complex, low incidence, special needs, to operate as administrative deputy principals; where a school has a principal and four or five mainstream class teachers also has a specialist autism unit established under approval of the National Council for Special Education, the principal will be appointed on an administrative basis.

An autism unit comprises two or more special classes for children with autism. In this context, the school in question does not have sufficient special classes to meet the criteria for additional support.

#### **School Accommodation.**

254. **Mr. F. McGrath** asked the Minister for Education and Science the action she will take regarding the accommodation and site issue at a school (details supplied) in Dublin 22. [40894/06]

**Minister for Education and Science (Ms Hanafin):** The Department is acutely aware of the situation in the school referred to by the Deputy and the need for a permanent solution to its long term accommodation needs. It is in discussion with the Local Authority regarding issues on access to a proposed site. When these issues have been resolved, I will be in a position to provide details on the proposed site.

#### **Special Educational Needs.**

255. **Ms C. Murphy** asked the Minister for Education and Science the provision she is making to ensure that the students of a special unit for autism at a school (details supplied) in County Kildare are provided with school based, educational provision during the month of June 2007; her views on the fact that for such children the provision of home tuition is not a suitable solution; and if she will make a statement on the matter. [40899/06]

**Minister for Education and Science (Ms Hanafin):** My Department's support package for 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. The Department also provides for a July Programme for pupils with a severe/profound general learning disability. The package includes special nationally agreed rates of remuneration for teachers and special needs assistants involved in the July Programme. Participating schools also receive a special rate of capitation funding in respect of pupils participating in the programme. Funding is also available to facilitate the provision of school transport and escort services for the children.

All relevant schools are encouraged to participate in this initiative in the interest of the children in question. If schools are not participating in the July Education Programme, home tuition is offered as an alternative for the pupils who would normally attend such schools.

My Department is currently considering proposals to extend the July Programme service to post primary schools catering for pupils with autism. In this regard, the development of appropriate support measures to facilitate post primary schools in participating in this programme is being examined. My Department is evaluating existing arrangements with a view to formalising a programme in consultation with all concerned.

#### **Water and Sewerage Schemes.**

256. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government if he has received the revised preliminary report and additional information as requested for a project (details supplied) in County Galway; if he will give approval to the project to proceed; and if he will make a statement on the matter. [40938/06]

267. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government the present position with the Kinvara sewerage scheme, Kinvara, County Galway; and if he will make a statement on the matter. [40862/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 256 and 267 together.

The Kinvara Sewerage Scheme is included in my Department's Water Services Investment Programme 2005-2007 as a scheme to start construction in 2007. My Department's examination of Galway County Council's Preliminary Report for the scheme is being finalised in the light of the additional information received from the Council last month.

#### **Farm Waste Management.**

257. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the funding made available to respective local authorities to enable plastic recovery services to be put in place; and if he will make a statement on the matter. [40692/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** To address the issue of accumulated backlogs of farm plastic, designated facilities are being provided on a temporary, once-off basis by local authorities where farmers may deposit stockpiled farm film plastic and silage wrap. This service is free to the farmer and funding to assist the local authorities is being made available from my Department through the Environment Fund. This arrangement operated on a pilot basis in the first instance in counties Galway, Clare, Mayo, Offaly and Waterford during June and July of this year. The collections were well supported by farmers in the counties participating in the pilot phase leading to large quantities of plastic being deposited at designated sites. A significant finding from the pilot scheme is that it is not possible to operate collections in a large number of counties at the same time due to capacity constraints on the part of recovery operators. Accordingly, it is necessary to roll out the scheme to other areas on a staggered basis. Arising from a comprehensive examination of the information available, I have recently announced that collections of waste silage / bale wrap will now be put in place by Leitrim, Roscommon, Carlow, Longford, North Tipperary and Wicklow County Councils. Announcements regarding further extensions of collections to other areas will follow completion of collections in those counties taking part in the second phase of the scheme and a review of this second phase of the scheme.

#### **Social and Affordable Housing.**

258. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of social and affordable houses completed under Part V of the Planning and Development Act 2000 and awaiting allocation in Kildare County Council at present; when the allocation of same will take place; and if he will make a statement on the matter. [40717/06]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Information on the number of social and affordable houses under Part V in Kildare County and which are awaiting allocation at present, and on when these allocations will take place, is not available in my Department. However, I would expect the Council to ensure that Part V homes are occupied immediately following transfer by developers.

259. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government if he will allow tenants to purchase a dwelling from a voluntary housing association; and if he will make a statement on the matter. [40718/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** There is no provision at present in the voluntary housing

schemes for the purchase of individual houses by tenants. However, it was agreed under Housing Policy Framework — Building Sustainable Communities that consideration would be given in consultation with the voluntary and co-operative sector, to pilot a tenant purchase scheme for some new voluntary homes under the scheme. The timing and modalities of such a scheme, including any legislative element, will be developed in the coming months.

#### **National Development Plan.**

260. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the steps he will take to ensure that all targets for his Department contained in the National Development Plan for the Border Midland Western region are reached; and if he will make a statement on the matter. [40731/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The National Development Plan, and relevant Operational Programmes for Economic and Social Infrastructure and for the Border, Midlands and Western Region, which derive from it, set out specific expenditure and output targets across a range of areas for which my Department is responsible : housing, water services, non-national roads, rural water supply, waste management, urban and village renewal, habitats conservation and protection, and heritage conservation.

Primary responsibility for the achievement of these outputs rests with the local authorities in the BMW Region who are the Implementing Agencies defined under the Operational Programmes (OPs). My Department will continue to work closely with these local authorities to ensure that funds are allocated to them for the achievement of the outputs, that the necessary expenditure associated with the outputs is incurred and that this expenditure is certified in accordance with prescribed procedures.

#### **Housing Schemes.**

261. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the number of units of accommodation built by cooperative housing associations, as distinct from voluntary housing associations, under the capital funding schemes from 2000 to 2005 in Galway County and City; the locations of same; and if he will make a statement on the matter. [40754/06]

262. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the number of units of accommodation built by cooperative housing associations, as distinct from voluntary housing associations, under the capital funding schemes from 2000 to 2005; the location of such schemes; and if he will make a statement on the matter. [40755/06]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 261 and 262 together.

In the period 2000-2005 funding was allocated under the capital funding schemes to co-operative

housing bodies in respect of 419 units of accommodation. The details are set out in the following table.

Year	Name of Co-operative Housing Association	Location	No. of Units.
2000	Galway Co-op	Corrach Buí, Bishop O'Donnell Road, Galway	12
2001	National Association of Building Co-operatives (NABCo)	Phase 2, New St., Dublin 8.	15
2001	NABCo	Bremore, Balbriggan, Dublin	45
2002	NABCo	Poppintree, Ballymun, Dublin.	81
2002	NABCo	Newtown Court, Malahide Road, Dublin 17.	193
2003	NABCo	Riversdale, Sandyford Road, Dundrum, Dublin.	23
2004	Galway Co-op	Fána Búrca, Knocknacarra, Galway.	17
2006	NABCo	Kilcronan Court, Clondalkin, Dublin 22.	31
2005	Belcarra Community Co-operative Society Ltd.,	Cuillare, Belcarra, Castlebar, Co. Mayo.	2

#### Local Authority Boundaries.

263. **Mr. Noonan** asked the Minister for the Environment, Heritage and Local Government the position of the application by Limerick City Council to extend the borough boundary; and if he will make a statement on the matter. [40771/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** In light of the desirability of achieving the maximum consensus locally, an exploratory process has been initiated at my request between the Managers of Limerick City and Limerick and Clare County Councils, with the assistance of officials of my Department, to consider the range of options open to the three Councils in the context of Limerick City Council's application for a boundary alteration. This process is ongoing.

#### EU Directives.

264. **Mr. G. Murphy** asked the Minister for the Environment, Heritage and Local Government the reason for the long delay by his Department in issuing guidelines to the forestry sector, in the Department of Agriculture and Food, on guidelines on the preservation of Hen Harrier Habitat; and his view on the fact that this lack of direction by his Department is holding up the plantation of thousands of acres of trees. [40782/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Under the EU Birds Directive, Ireland, like other Member States, is required to maintain the population of bird species, and to designate Special Protection Areas for species which are identified in Annex 1 of the Directive, including the Hen Harrier. In 2002, based on the then available information, a

range of possible Special Protection Areas (SPAs) were identified for Hen Harriers in the State. Since then, my Department has thoroughly reviewed the research and information on the Hen Harrier, including the results of a second national survey in 2005. Based on this work, a significant consolidation in relation to the number and extent of Hen Harrier SPA's is now envisaged.

My Department has established a Working Group representing farming and forestry interests, and the Forest Service of the Department of Agriculture and Food to develop a practical management regime for possible further forestry in areas being considered for designation. Following completion of these discussions and final decisions on the designations, the proposed SPAs for the Hen Harrier will be notified to individual landowners. The statutory appeal process will apply.

With regard to current applications to the Forest Service for new forestry in these areas, my Department understands that decisions on some of these may be made shortly on the basis of a special scientific examination which was recently carried out.

#### Register of Electors.

265. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government the procedures he had put in place for people who were illiterate and could not read notification regarding the deletion of their names from the register of electors; and if he will make a statement on the matter. [40789/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** In law, the preparation of the Register of Electors is a matter for each local registration authority. It is their duty



[Mr. Roche.]

to ensure, as far as possible and with the cooperation of the public, the accuracy and comprehensiveness of the Register; house to house or other sufficient enquiries must be made for this purpose.

In April 2006, I announced a package of measures to assist local authorities in their work on preparing the 2007/8 Register, which included the use of Census enumerators or other temporary personnel to support local authorities in preparing the Register; over 1,500 personnel were engaged in this work.

My Department worked with a group of local authority managers and senior officials to put in place the enhanced programme for improving the next Register. Detailed procedures for the carrying out of registration fieldwork were finalised and issued to local authorities in early July. The procedures included provision for ensuring that each household was visited at least twice and provided with forms and information, if necessary. This provision for extensive house to house

enquiries would have been of particular assistance to persons with literacy difficulties.

**Building Energy Ratings.**

266. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government if, with regard to the introduction of the certificate for energy rating on houses personnel from his Department will be appointed to carry out the assessments; the training that will be given; and if he will make a statement on the matter.  
[40804/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Building Energy Rating will be carried out by assessors registered with Sustainable Energy Ireland, who have successfully completed training meeting the requirements of the Training Specification published on 6 October 2006, a copy of which is available in the Oireachtas Library. Assessors will be generally building professionals (architects, engineers etc.) in private practice.

*Question No. 267 answered with Question No. 256.*